

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

Before The Honorable Clark S. Cheney  
Administrative Law Judge

In the Matter of

**CERTAIN PRE-FILLED SYRINGES  
FOR INTRAVITREAL INJECTION AND  
COMPONENTS THEREOF**

Investigation No. 337-TA-1207

**JOINT DISCLOSURE OF PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to Ground Rule 7.1 and the Procedural Schedule (Order No. 8), Complainants Novartis Pharma AG, Novartis Pharmaceuticals Corporation, and Novartis Technology LLC (“Complainants”), Respondent Regeneron Pharmaceuticals, Inc. (“Respondent”), and the Commission Investigative Staff (“the Staff”) (collectively, “the Parties”) attach hereto: (1) a joint list of two disputed terms of the asserted claims of U.S. Patent No. 9,220,631 (“the ’631 patent”) and the proposed constructions thereof, and (2) a joint list of three claim terms whose meanings are not disputed.

**I. Identification of ten terms for construction pursuant to Ground Rule 7.1:**

<u>No.</u>	<u>Claim Term</u>	<u>Proposed By</u>	<u>Claim</u>	<u>Novartis's Proposed Construction</u>	<u>Regeneron's Proposed Construction</u>	<u>OUII Staff's Proposed Construction</u>
1.	<p>“about 1 µg to 100 ug silicone oil” (claim 1)</p> <p>“about 3 µg to about 100 ug silicone oil” (claim 3)</p> <p>“about 1-50 µg silicone oil” (claim 22)</p>	Resp.	1, 3, 22	Plain meaning.	Indefinite.	Plain and ordinary meaning.
2.	<p>“less than about 11N” (claim 1, 16)</p> <p>“less than about 5N” (claim 14)</p>	Resp.	1, 14, 16	Plain meaning.	Indefinite.	Plain and ordinary meaning.

## **II. Proposed constructions for terms on which the parties agree:**

Further, the following claim constructions for terms and phrases of the asserted claims of the asserted patent are agreed amongst the Parties:

<u>Claim</u>	<u>Term for Construction</u>	<u>Agreed-to Construction</u>
4	“the silicone oil is DC365 emulsion”	“The silicone oil is applied as a component of DC365 emulsion.”
1	“VEGF-antagonist”	“A substance capable of blocking or inhibiting the biological action of vascular endothelial growth factor.”
11	“non-antibody VEGF antagonist”	“A VEGF-antagonist that is not an antibody.”

Dated: October 9, 2020

Respectfully Submitted,

/s/ Elizabeth J. Holland

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Dated: October 9, 2020

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