

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

AMARIN PHARMA, INC., AMARIN  
PHARMACEUTICALS IRELAND  
LIMITED, MOCHIDA  
PHARMACEUTICAL CO., LTD.,

Plaintiffs,

v.

HIKMA PHARMACEUTICALS USA INC.,  
HIKMA PHARMACEUTICALS PLC, AND  
HEALTH NET, LLC,

Defendants.

C.A. No. 20-1630-RGA- JLH

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to Paragraph 10 of the Scheduling Order (D.I. 50), Plaintiffs Amarin Pharma, Inc., Amarin Pharmaceuticals Ireland Limited, and Mochida Pharmaceutical Co., Ltd., (collectively, “Amarin” or “Plaintiffs”) and Defendants Hikma Pharmaceuticals USA Inc., Hikma Pharmaceuticals PLC (“Hikma”) and Health Net, LLC (“Health Net”) (collectively, “Defendants”) hereby submit this Joint Claim Construction Chart identifying for the Court the claim terms of U.S. Patent No. 10,568,861 (“the ’861 patent”), U.S. Patent No. 8,642,077 (“the ’077 patent”), and U.S. Patent No. 9,700,537 (“the ’537 patent”) for which the parties have a dispute, together with the parties’ proposed constructions of the disputed claim language and citations to the supporting intrinsic evidence. Plaintiffs reserve the right to rely on intrinsic evidence identified by Defendants, and Defendants reserve the right to rely on intrinsic evidence identified by Plaintiffs.

Claim Term	Joint Proposed Construction
A 3-hydroxy-3-methylglutaryl coenzyme A reductase inhibitor ('537 patent, claims 1 and 90)	A statin
Ethyl icosapentate ('537 patent, claims 1 and 9; '861 patent, claim 1)	The term ethyl icosapentate includes all various naming conventions for the ethyl ester of eicosapentaenoic acid ("EPA"), including icosapent ethyl, ethyl eicosapentaenoate, eicosapentaenoic acid ethyl ester, ethyl-EPA, E-EPA, and EPA-E.
Ethyl eicosapentaenoate ('077 patent, claim 1)	The term ethyl eicosapentaenoate includes all various naming conventions for the ethyl ester of eicosapentaenoic acid ("EPA"), including icosapent ethyl, ethyl icosapentate eicosapentaenoic acid ethyl ester, ethyl-EPA, E-EPA, and EPA-E.

The parties further agree that the following preamble language is limiting:

- "A method of reducing triglycerides in a subject with mixed dyslipidemia on statin therapy" ('077 patent, claim 1)
- "A method of reducing occurrence of a cardiovascular event in a hypercholesterolemia patient consisting of" ('537 patent, claims 1 and 9)
- "A method of reducing risk of cardiovascular death in a subject with established cardiovascular disease" ('861 patent, claim 1)

No.	Claim Term	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Defendants' Proposed Construction
1	<p>“A method of reducing triglycerides in a subject with mixed dyslipidemia on statin therapy”</p> <p>(’077 patent, claim 1)</p>	<p>Plain and ordinary meaning, which is “[a] method of reducing triglycerides in a subject with mixed dyslipidemia on a statin therapy,” wherein “mixed dyslipidemia” means “abnormal levels of more than one lipid”</p>	<p>’077 patent at 1:57–59, 15:16–55, 16:4–21, 16:48–54, 16:62–17:21, 17:27–18:29, 18:46–54, 19:4–13, 21:9–23, 21:40–44, 21:65–22:2; ’077 patent file history, Reply to Office Action of May 24, 2013 (Aug. 26, 2013); ’077 patent file history, Notice of Allowance (Sept. 30, 2013)</p>	<p>“A method of treating a cardiovascular-related disease by reducing triglycerides in a subject on statin therapy with triglycerides of at least 150 mg/dL and LDL-C of at least 100 mg/dL”</p> <p>Otherwise, indefinite</p>	<p>’077 patent at 1–14, 16:1–16:10</p> <p>’077 patent at 1:57–59, 15:16–44</p> <p>App. No. 2019-01-000000-000000 Supplemental Response to Office Action (Jan. 11, 2021)</p>
2	<p>“a period effective to reduce risk of cardiovascular death in the subject”</p> <p>(’861 patent, claim 1)</p>	<p>Plain and ordinary meaning, which encompasses a period as short as six months</p>	<p>’861 patent at 9:25–29, 11:14–20, 11:28–56, 12:50–13:63, 12:34–52, 14:34–15:11, 24:15–16, 24:40–41, 25:55–26:10, 32:59–63, 39:39–43, 44:48–67 (Table 1)</p>	<p>Indefinite</p>	<p>’861 patent at 1, 5</p> <p>’861 patent at 11:13–20, 17:28–30, 29:21–22, Table 1</p>

Dated: November 15, 2021

FISH & RICHARDSON P.C.

By: /s/ Jeremy D. Anderson

Jeremy D. Anderson (No. 4515)  
222 Delaware Ave, 17<sup>th</sup> Floor  
Wilmington, DE 19801  
302-652-5070  
janderson@fr.com

Elizabeth M. Flanagan (No. 5891)

Michael Kane

Deanna J. Reichel

FISH & RICHARDSON P.C.

60 South Sixth Street, #3200

Minneapolis, MN 55402

(612) 335-5070

Emails: eflanagan@fr.com, kane@fr.com

reichel@fr.com

Jonathan E. Singer

FISH & RICHARDSON P.C.

12860 El Camino Real, Suite 400

San Diego, CA 92130

(858) 678-5070

singer@fr.com

*COUNSEL FOR PLAINTIFFS  
AMARIN PHARMA, INC., AMARIN  
PHARMACEUTICALS IRELAND LIMITED,  
AND MOCHIDA PHARMACEUTICAL CO.,  
LTD.*

PHILLIPS, MCLAUGHLIN & HALL, P.A.

By: /s/ David A. Bilson

John C. Phillips, Jr. (No. 110)

David A. Bilson (No. 4986)

1200 N. Broom St.

Wilmington, DE 19806

302-655-4200

jcp@pmhdelaw.com

dab@pmhdelaw.com

Don J. Mizerk

HUSCH BLACKWELL LLP

120 South Riverside Plaza, Suite 2200

Chicago, IL 60606

(312) 655-1500

Dustin L. Taylor

HUSCH BLACKWELL LLP

1801 Wewatta Street, Suite 1000

Denver, CO 80202

(303) 749-7200

*COUNSEL FOR DEFENDANT  
HEALTH NET, LLC*

HEYMAN ENERIO GATTUSO & HIRZEL LLP

By: /s/ Dominick T. Gattuso

Dominick T. Gattuso (No. 3630)  
300 Delaware Avenue, Suite 200  
Wilmington, DE 19801  
302-472-7300  
dgattuso@hegh.law

Charles B. Klein  
Claire A. Fundakowski  
WINSTON & STRAWN LLP  
1901 L Street, N.W.  
Washington, DC 20036  
202-282-5000

Eimeric Reig-Plessis  
WINSTON & STRAWN LLP  
101 California Street  
San Francisco, CA 94111  
415-591-6808

Alison M. King  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601  
312-558-5600

*COUNSEL FOR DEFENDANTS  
HIKMA PHARMACEUTICALS USA INC. AND  
HIKMA PHARMACEUTICALS PLC*