IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VANDERBILT UNIVERSITY,	)	
	)	
Plaintiff,	)	Case No. 1:05-cv-00506-SLR
vs.	)	
	)	
ICOS CORPORATION,	)	
	)	
Defendant.	)	

ORDER

This ___ day of _____, 2006, in consideration of the Joint Claims Construction Statement filed by the parties, the Court hereby ORDERS as follows:

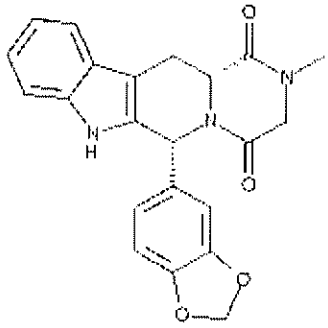
1 For the purposes of this action, claims 1-4, 6-8, 10, 12 and 13 of U.S Patent No. 5,859,006 are construed to encompass at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-, (6R-12aR)-;

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl] pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione: and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione;

and has the following structural formula:



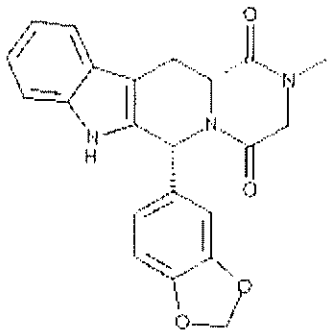
2 For the purposes of this action, claims 1-3, 5-12, and 15-21 of U.S. Patent No. 6,140,329 are construed to encompass compositions and methods of treating erectile dysfunction in a male animal involving the administration of at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-, (6R-12aR)-;

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl] pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione; and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione;

and has the following structural formula:



3 The dates for the filing of opening and response claim construction briefs, and the date for a hearing on claim construction, set out in ¶ 6 of the Scheduling Order entered December 7, 2005 are hereby vacated.

IT IS SO ORDERED

Sue L. Robinson
Chief Judge United States District Court