IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY, LTD., and TAP PHARMACEUTICAL PRODUCTS INC.,	)	
Plaintiffs and Counterclaim-Defendants,	)	
v.	)	C.A. No. 06-033 (SLR)
TEVA PHARMACEUTICALS USA, INC., and TEVA PHARMACEUTICAL INDUSTRIES LTD.,	)	
Defendants and Counterclaim-Plaintiffs.	)	

JOINT CLAIM CONSTRUCTION CHART FOR THE DISPUTED CLAIM TERMS OF U.S. PATENTS NO. 5,045,321 AND 4,628,098

Pursuant to the Court's March 21, 2006 Scheduling Order and D. Del. LR 16.3, Plaintiffs and Counterclaim-Defendants Takeda Pharmaceutical Company, Ltd. and TAP Pharmaceutical Products, Inc. and Defendants and Counterclaim-Plaintiffs Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. submit this joint claim construction chart setting forth the parties' respective proposed constructions for disputed claim terms in U.S. Patents No. 5,045,321 and 4,628,098.

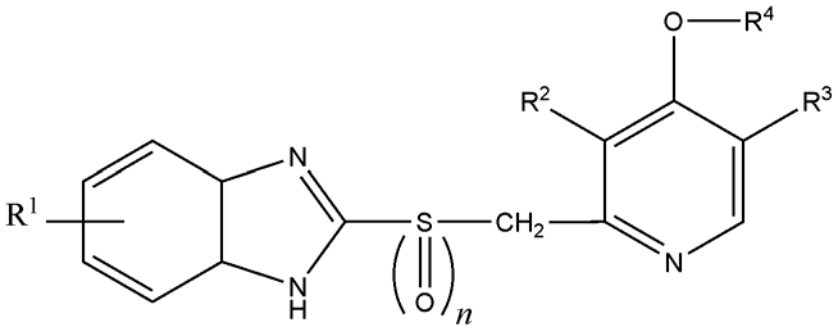
I. U.S. Patent No. 5,045,321

Claim Language	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
1. A pharmaceutical composition,	a medicinal drug product in a state suitable for administration to a patient	the mixture of lansoprazole with a basic inorganic salt of magnesium and/or calcium, which may contain any necessary additives that are used to make the tablet or granules but does not include any excipients used for coating the pharmaceutical composition

Claim Language	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
wherein the composition is made up into tablets or granules	term "granule" refers to small pellets that are typically combined with other granules into a tablet or capsule	term "granule" means either an irregularly shaped or a spheroid shaped mass of particles made up of a pharmaceutical composition, which also may contain additives
and then coated by a coating agent,	"coated by a coating agent" refers to covering a tablet or granule with a pharmaceutically acceptable coating	"coated by a coating agent" means the tablets or granules containing the pharmaceutical composition are coated with a material that masks the taste or provides enteric or sustained release properties
which comprises an effective amount of the anti-ulcer compound 2-[[3-methyl-4-(2,2,2-trifluoroethoxy-2-pyridyl]methylsulfinyl] benzimidazole,	Ordinary meaning	Ordinary meaning
and at least one of the basic inorganic salts of magnesium and calcium selected from heavy magnesium carbonate, magnesium carbonate, magnesium oxide, magnesium hydroxide, magnesium metasilicate aluminate, magnesium silicate aluminate, magnesium silicate, magnesium aluminate, synthetic hydrotalcite, aluminum magnesium hydroxide, precipitated calcium carbonate and calcium hydroxide;	Ordinary meaning	Ordinary meaning
the amount of the basic inorganic salt relative to parts by weight of the benzimidazole compound	phrase "the amount of the basic inorganic salt relative to parts by weight of the benzimidazole compound	phrase "the amount of the basic inorganic salt relative to parts by weight of the benzimidazole compound

Claim Language	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
being about 0.3-20 parts by weight;	being about 0.3-20 parts by weight" means that the ratio of magnesium carbonate to lansoprazole by weight in the pharmaceutical composition is between 0.3 and 20	being about 0.3-20 parts by weight" means the weight of the basic inorganic salt that is in even contact with the benzimidazole falls between about 0.3 to 20 parts by weight
the benzimidazole compound being in contact with the basic inorganic salt evenly.	"the benzimidazole compound being in contact with the basic inorganic salt evenly" means a mixture of the benzimidazole compound in contact with the basic (*i.e.*, alkaline) inorganic salt in a uniformly basic environment	"the benzimidazole compound being in contact with the basic inorganic salt evenly" means the benzimidazole compound and the inorganic salt are mixed homogenously together
2. A pharmaceutical composition as claimed in claim 1, wherein the basic inorganic salt of magnesium is magnesium carbonate.	Ordinary meaning	Ordinary meaning

II. U.S. Patent No. 4,628,098

Claim Language	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
1. A compound of the formula  wherein R^1 is hydrogen, methoxy or trifluoromethyl, R^2 and R^3 are independently hydrogen or methyl, R^4 is a C_{2-5} fluorinated	Ordinary meaning	Ordinary meaning

Claim Language	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
alkyl and n denotes 0 or 1, and a pharmacologically acceptable salt thereof.		
10. A compound according to claim 1, wherein the compound is 2-[3-methyl-4-(2,2,2-trifluoroethoxy)-pyrid-2yl]methylsulfinylbenzimidazole.	Ordinary meaning	Ordinary meaning

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr. (#4292)

Jack B. Blumenfeld (#1014)
Mary B. Graham (#2256)
Rodger D. Smith II (#3778)
James W. Parrett, Jr. (#4292)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200

Attorneys for Plaintiffs

OF COUNSEL:

Eric J. Lobenfeld
Tedd W. Van Buskirk
Arlene L. Chow
Dillon Kim
HOGAN & HARTSON LLP
875 Third Avenue
New York, NY 10022
(212) 918-3000

Philippe Y. Riesen
HOGAN & HARTSON LLP
Shinjuku Center Building, 46th Floor
25-1 Nishi-Shinjuku 1-chome
Shinjuku, Tokyo 163-0646
Japan
(81) 3-5908-4070

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale (#2903)

Josy W. Ingersoll (#1088)
Karen L. Pascale (#2903)
Karen E. Keller (#4489)
The Brandywine Building
1000 West St., 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
(302) 571-6600

Attorneys for Defendants

OF COUNSEL:

John L. North
Jeffrey J. Toney
Jeffrey D. Blake
SUTHERLAND, ASBILL & BRENNAN LLP
999 Peachtree Street
Atlanta, GA 30309-3996
(404) 853-8000

Attorneys for Defendants, Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.

Richard de Bodo
HOGAN & HARTSON LLP
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
(310) 785-4600

Attorneys for Plaintiff Takeda Pharmaceutical Company Limited

William F. Cavanaugh
Stuart E. Pollack
Chad J. Peterman
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2000

Attorneys for Plaintiff TAP Pharmaceutical Products Inc.

Dated: October 8, 2007
1256627