IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA AB, AKTIEBOLAGET HÄSSLE, KBI-E INC., KBI INC., and ASTRAZENECA LP, *Plaintiffs,* v. DEXCEL, LTD., DEXXON, LTD., DEXCEL PHARMA TECHNOLOGIES, LTD., and CIPLA, LTD. *Defendants.*	Civil Action No. 06-358 (JJF)

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiffs and Defendants submit the following list of disputed claim terms in U.S. Patent No. 6,150,380.

Claim	Term	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
1-5	omeprazole form A	Omeprazole containing less than 10% of any other forms of omeprazole other than form A.	Omeprazole form A includes the terms, "omeprazole" and "form A," both of which needs construction as presented below.
1-5	omeprazole	The word "omeprazole" should be construed as part of "omeprazole form A". In any construction, it means any form of the compound known by the generic name omeprazole, including forms containing either or both of the 5-methoxy and 6-methoxy isomers.	The compound 5-methoxy-2-[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole, as set forth in the '380 patent at col. 1, lines 4-6.

1-5	form A	The phrase “form A” should be construed as part of “omeprazole form A”. This term is definite and understandable to those of ordinary skill and does not require any construction.	This claim term requires construction, but is indefinite and insolubly ambiguous because those of skill in the art would not understand what this term means as of November 10, 1998 (or now). Neither the claim itself nor the specification of the '380 patent provides an adequate context, definition or construction of this term to provide a definite construction. Without waiving the foregoing, omeprazole form A, however else defined, must be a "novel" crystalline form of 5-methoxy-2-[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl] sulfinyl]- 1 H-benzimidazole that can be completely distinguished from prior crystalline forms available as of Nov. 10, 1998.
1	substantially the following d-values	This term is definite and understandable to those of ordinary skill and does not require any construction.	This claim term requires construction, but is indefinite and insolubly ambiguous because those of skill in the art would not understand what this term means as of November 10, 1998 (or now). Neither the claim itself nor the specification of the '380 patent provides an adequate context, definition or construction of this term to provide a definite construction.

1	relative intensity, vs, s, m, and w	This term is definite and understandable to those of ordinary skill and does not require any construction.	The claim terms set forth in the table of claim 1 require construction, but are indefinite and insolubly ambiguous because those of skill in the art would not understand what these terms mean as of November 10, 1998 (or now). Neither the claim itself nor the specification of the '380 patent provides an adequate context, definition or construction of these terms to provide a definite construction.
5	omeprazole of any form	This term is definite and understandable to those of ordinary skill and does not require any construction.	Any form of 5-methoxy-2-[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl] sulfinyl]-1H-benzimidazole other than omeprazole form A.
5	the solution	Solvent containing omeprazole that has been dissolved or suspended.	Solvent containing omeprazole that has been dissolved.
5	isolating the omeprazole form A thus obtained	This term is definite and understandable to those of ordinary skill and does not require any construction. To the extent the Court believes construction is necessary, it requires only that the omeprazole form A be isolated from the solvent.	This claim phrase requires that "form A" (prepared according to the other steps of claim 5) must be separated from other forms of 5-methoxy-2-[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole and the solvent after being crystallized from the solution.
5	suitable solvent	This term is definite and understandable to those of ordinary skill and does not require any construction. To the extent the Court believes construction is necessary, it requires only that the solvent be suitable for dissolving or suspending omeprazole.	The solvent is an alkyl alcohol, acetone, ethyl acetate, methyl tert-butyl ether, toluene, or any mixture thereof suitable for dissolving omeprazole.

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