IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED,	)	
Plaintiff,	)	
v.	)	C.A. No. 06-438-GMS
ABRAXIS BIOSCIENCE, INC.,	)	
Defendant.	)	

AMENDED JOINT CLAIM CHART

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UPDATED CLAIM CHART

Elan Pharma International Limited vs. Abraxis BioScience, Inc.

Cause No. 06-438-GMS

In the District Court; District of Delaware

Post-Markman Hearing Joint Construction Chart

Claim Term	Elan Pharma's Proposed Definition	Abraxis Bioscience's Proposed Definition
particles consisting essentially of	**Original** "**consisting essentially of**" means that the claimed particles, which include a "crystalline medicament useful for treating cancer" and "a surface modifier," are essentially free of solvent contamination. **Final** "**particles consisting essentially of**" means that the particles contain crystalline medicament and surface modifier, and may also include other ingredients that do not affect their basic and novel properties, but are essentially free of solvent and other contaminants.	**Original** "**consisting essentially of**" means the claimed particles are composed only of "crystalline medicament," "surface modifier," and at most trace amounts of solvent or other contaminants. **Final** "**particles consisting essentially of**" means particles composed only of "crystalline medicament," "surface modifier," and at most trace amounts of solvent or other contaminants.
crystalline medicament useful in treating cancer	**Original** **"crystalline medicament useful in treating cancer"** means an anticancer drug as recited in the Markush group of the claim in a nanoparticulate phase different from an amorphous phase. **Final** **"crystalline medicament useful in treating cancer"** means a medicament in which a portion of the atoms are regularly arranged in a space lattice.	**Original** "**crystalline**" means having a regular arrangement of atoms in a space lattice, as distinguished from amorphous. **"medicament useful in treating cancer**" means a medicine suitable for treating cancer. **Final** **"crystalline medicament useful in treating cancer"** means a medicament suitable for treating cancer that has a regular arrangement of atoms or molecules in a space lattice, as distinguished from amorphous medicament.

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Claim Term	Elan Pharma's Proposed Definition	Abraxis Bioscience's Proposed Definition
non-crosslinked	**Original** **"non-crosslinked"** means that the surface modifier does not chemically react with the anticancer agent or itself. **Final** "**non-crosslinked**" means that the surface modifier molecules do not have covalent bonds interconnecting essentially all of the surface modifier molecules on the surface.	**Original** "**non-crosslinked"** means that the surface modifier molecules are individually adsorbed on the surface of the crystalline medicament and are essentially free of intermolecular crosslinkages between surface modifier molecules. **Final** "**non-crosslinked"** means that the surface modifier molecules are (1) individually adsorbed on the surface of the crystalline medicament and (2) essentially free of intermolecular crosslinkages formed by chemical reaction.
surface modifier	**Original** "**surface modifier**" means a stabilizing agent capable of hindering the aggregation, flocculation and/or agglomeration of the particles. **Final** "**surface modifier** adsorbed on the surface" means a molecule [retained at the surface of the medicament] that serves to stabilize particle size.[1]	**Original** "**surface modifier**" means a substance that physically adheres to the surface of the crystalline medicament but does not chemically bond to it, and which modifies the surface properties of the crystalline medicament. **Final** Same

[1] Elan initially construed "surface modifier adsorbed on the surface" as a single phrase. Pursuant to the Court's instructions, Elan has revised its construction to break the phrase into two terms, "surface modifier" and "adsorbed on the surface." Elan has placed in brackets words that are not essential to the construction of the individual terms, but which demonstrate the connection between the two terms.

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adsorbed on the surface	**Original** "**adsorbed on the surface**" means that the surface modifier physically contacts the surface of the "crystalline medicament useful for treating cancer" and does not chemically react with such medicament. **Final** "surface modifier **adsorbed on the surface**" means a molecule retained at the surface of the medicament [that serves to stabilize particle size].	**Original** "**adsorbed on the surface**" means that the surface modifier physically adheres to the surface of the crystalline medicament and does not form a chemical bond with the crystalline medicament. **Final** "**adsorbed on the surface**" means that the surface modifier physically adheres to the surface of the crystalline medicament and does not form a chemical bond with it.
surfactant	**Original** A "**surfactant**" is a stabilizing agent that reduces interfacial tension between or among immiscible substances. **Final** "**surfactant**" is a stabilizing agent that reduces interfacial tension between oil and water.	**Original** "**surfactant**" means a molecule that consists of two basic parts: a hydrophobic part (a non-polar hydrocarbon chain) and a hydrophilic part (a polar functional group). **Final** Same

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without eliciting adverse hemodynamic effects	**Original** **"without eliciting adverse hemodynamic effects**" means that the claimed method of intravenous administration reduces, eliminates, or does not elicit cardiovascular dysfunction, such as a reduction in arterial blood pressure and cardiac function, including heart rate cardiac output and ventricular contractility in species of mammals that are sensitive to hemodynamic effects. **Final** "**without eliciting adverse hemodynamic effects"** means that the claimed method of intravenous administration reduces, eliminates, or does not elicit cardiovascular dysfunction, such as a reduction in arterial blood pressure and cardiac function, including heart rate cardiac output and ventricular contractility, in species of mammals that are sensitive to hemodynamic effects associated with administration of nanoparticles;	**Original** **"without eliciting adverse hemodynamic effects**" means that the claimed compositions do not elicit undesired effects on the physical aspects of blood circulation (such as reduction in arterial blood pressure and cardiac function) in substantially all of the mammals to whom the claimed compositions are administered. **Final** Same

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colloidal polymeric material	**Original** **"colloidal polymeric material"** is a polymeric carrier or vehicle for the organic drug substance capable of forming a suspension or dispersion. **Final** **"colloidal polymeric material"** means a polymer capable of forming a suspension of the organic drug substance.	**Original** "**colloidal**" means a stable suspension of microscopic particles, size range one nanometer to one micron, dispersed in a continuous medium. "**polymeric**" means of, relating to, or consisting of a polymer. "**material**" means of, relating to, or consisting of matter. **Final** **"colloidal polymeric material"** means polymeric material in the form of a stable suspension of particles, size range one nanometer to one micron, dispersed in a continuous medium.