IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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| ALLERGAN, INC., and ALLERGAN SALES, LLC, | ) | |
| Plaintiffs, | ) | |
| v. | ) | |
| | ) | Civil Action No. 04-968 (GMS) |
| ALCON INC., ALCON LABORATORIES, INC., and ALCON RESEARCH, LTD., | ) | |
| Defendants. | ) | |

**ORDER CONSTRUING THE TERMS OF U.S. Patent Nos. 6,673,337 and 6,641,834**

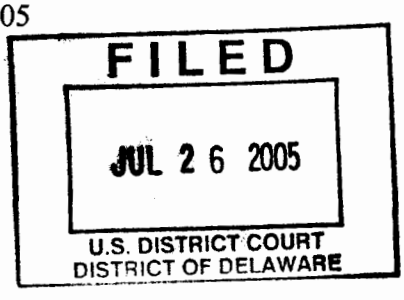
After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that, as used in the asserted claims of U.S. Patent No. 6,673,337 (the "'637 patent") and U.S. Patent No. 6,641,834 (the "'834 patent"),

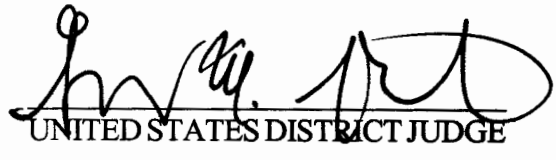
1. The term "solubility enhancing component other than a cyclodextrin" in clam 1 of the '337 patent is construed as "a component that enhances the solubility of the alpha-2-adrenergic agonist component other than a cyclodextrin."

2. The term "similar composition" in claims 1 and 6 of the '337 patent is construed to have its plain and ordinary meaning.

3. The term "about" in claims 1, 3, 10 and 12 of the '834 patent is construed as "approximately."

Dated: July 26, 2005



UNITED STATES DISTRICT JUDGE