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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN, INC., and ALLERGAN SALES, LLC., Plaintiffs, v. ALCON INC., ALCON LABORATORIES, INC., and ALCON RESEARCH, LTD., Defendants.	**Civil Action No: 04-968-GMS** **CONFIDENTIAL—FILED UNDER SEAL**

TAB 1

JOINT STATEMENT OF UNCONTESTED FACTS

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Dated: January 17, 2006

The parties admit the following:

1. Plaintiff Allergan, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 2525 Dupont Drive, Irvine, California 92612. (Allergan Complaint ¶ 2.)

2. Plaintiff Allergan Sales, LLC is a limited liability company organized and existing under the laws of the State of Delaware and is a wholly-owned subsidiary of Allergan, Inc. Its principal place of business is at 2525 Dupont Drive, Irvine, California 92612. (Allergan Complaint ¶ 3.)

3. Defendant Alcon Laboratories, Inc. is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business at 6201 South Freeway, Forth Worth, Texas. (Alcon Answer and Counterclaims ¶ 31.)

4. Defendant Alcon Research, Ltd. is a limited partnership organized and existing under the laws of the State of Texas and has its principal place of business at 6201 South Freeway, Fort Worth, Texas. (Alcon Answer and Counterclaims ¶ 32.)

5. Defendant Alcon, Inc. is a corporation organized and existing under the laws of Switzerland and has a principal place of business in Hunenberg, Switzerland, and is related to Alcon Laboratories, Inc. and Alcon Research, Inc. (Alcon Answer and Counterclaims ¶ 33.)

6. United States Patent No. 5,215,991 ("the '991 patent"), entitled "Combination of selective alpha-adrenergic agonists and Na+/H+ exchange inhibitors useful in lowering intraocular pressure," naming James A. Burke as inventor, was issued on June 1, 1993.

7. Allergan owns the entire right, title and interest in the '991 patent.

8. Allergan was, on September 6, 1996, the first pharmaceutical company to receive approval from the FDA to market brimonidine tartrate, a 0.2% brimonidine tartrate formulation (under the tradename Alphagan®), as indicated for patients with open-angle glaucoma or ocular hypertension; Allergan began to sell Alphagan® shortly thereafter.

9. Alcon markets a generic version of Alphagan®.

10. On June 29, 2000 Allergan submitted a new drug application ("NDA") for a 0.15% brimonidine tartrate ophthalmic solution. (AGN0000016). The FDA approved Allergan's NDA (No. 21-262) and, on that basis, Allergan began marketing Alphagan® P.

11. Since 2001, Allergan has marketed Alphagan® P (0.15% brimonidine tartrate), which is indicated for the lowering of intraocular pressure in patients with open-angle glaucoma or ocular hypertension.

12. The FDA awarded a three-year marketing exclusivity period for Alphagan® P on the basis of the additional clinical studies carried out to prove the safety and efficacy of the product. Allergan's three years of market exclusivity and additional six months of pediatric exclusivity for Alphagan® P expired on September 16, 2004.

13. United States Patent No. 6,627,210 ("the '210 patent"), entitled "Compositions containing alpha-2-adrenergic agonist components," naming Orest Olejnik and Edward D. S. Kerslake as inventors, was issued on September 30, 2003.

14. United States Patent No. 6,641,834 ("the '834 patent"), entitled "Compositions containing alpha-2-adrenergic agonist components," naming Orest Olejnik and Edward D. S. Kerslake as inventors, was issued on November 4, 2003.

15. United States Patent No. 6,673,337 ("the '337 patent"), entitled "Compositions containing alpha-2-adrenergic agonist components," naming Orest Olejnik and Edward D. S. Kerslake as inventors, was issued on January 6, 2004.

16. Allergan owns the entire right, title and interest in the '210 patent, the '834 patent, and the '337 patent. (Allergan Complaint ¶¶ 8 and 10.)

17. Both the '834 patent and the '337 patent claim priority to United States Patent Application No. 09/904,018 (the "Parent Application"), filed July 10, 2001, which claims priority to provisional application 60/218,200, filed on July 14, 2000. Application No. 09/904,018 issued as the '210 patent.

18. The '210, '337, and '834 patents share a common specification[1] (hereafter, the "common specification").

19. The FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" list (more commonly referred-to as "the Orange Book") indicates that the expiration date of the '834 patent, including the six month pediatric exclusivity extension awarded by the FDA, is January 28, 2022.

[1] The statutory language on patent specifications states that "The specification shall conclude with one or more claims...." 35 U.S.C. § 112. Here, the term "specification" is used to denote the written description of the invention but not the claims.

20. The FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" list indicates that the expiration date of the '337 patent, including the six month pediatric exclusivity extension awarded by the FDA, is January 26, 2022.

21. Open angle glaucoma is an incurable disease of the eye that causes gradual vision loss and can lead to blindness. Almost 70 million people worldwide suffer from glaucoma, which is the second leading cause of blindness worldwide. Scientists and physicians believe that the elevated intraocular pressure found in glaucoma patients contributes to the gradual retinal deterioration and loss of vision that are characteristics of this disease.

22. On July 12, 2004 Allergan received a letter, dated July 6, 2004, stating that Alcon had filed a New Drug Application ("NDA") (No. 21-764) with the FDA under section 505(b)(2) of the Federal Food, Drug and Cosmetic Act ("FDCA") seeking to obtain approval to engage in the commercial manufacture, use or sale of a Brimonidine Tartrate Ophthalmic Solution 0.15% product ("Alcon's brimonidine product") prior to the expiration of the '834 and '337 patents. (Allergan Complaint ¶ 14; Letter from Alcon, Inc. to Allergan, Inc. and Allergan Sales, Inc., dated July 6, 2004.)

23. Alcon notified Allergan in the July 6, 2004, letter that it had filed a certification with the FDA under 21 C.F.R. § 314.50(i)(1)(A)(4) ("Paragraph IV certification") regarding several of Allergan's patents, alleging that those patents were invalid or not infringed. (Allergan Complaint ¶ 15; Letter from Alcon, Inc. to Allergan, Inc. and Allergan Sales, Inc., dated July 6, 2004.)

24. Alphagan® P is encompassed within the scope of at least one claim of the '834 patent and at least one claim of the '337 patent. (Alcon Answer and Counterclaims, ¶ 12.)

25. Brimonidine tartrate (5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline tartrate) is an alpha-2-adrenergic agonist.

26. Allergan brought this action alleging infringement of the '834 and the '337 patents under 35 U.S.C. § 271(e)(2) on August 24, 2004, within 45 days of receipt of Alcon's notification of its Paragraph IV certification.

27. Jurisdiction and venue are proper in this court.

1.1

TAB 1.1

ALLERGAN'S OBJECTIONS TO ALCON'S STATEMENT OF UNCONTESTED FACTS

Allergan objects to Alcon's Statement of Uncontested Facts. Alcon's Statement includes facts that are very much contested. Allergan objects to Alcon's statement under Federal Rules of Evidence 402 and 403. Allergan also objects on the basis of Federal Rule of Evidence 106, given Alcon's selective recitation of evidence but refusal to include other portions of the relevant materials that in fairness ought to be considered contemporaneously. Moreover, Allergan did not have final confirmation of Alcon's intention to file an additional proposed statement of facts until after 4 pm (EST) on January 17, 2005, the due date for the pretrial order under the Court's scheduling orders. Allergan also objects based on the Court's Order of January 17, 2006, denying Alcon's motion to amend its pleadings.

1.2

TAB 1.1

ALCON'S STATEMENT OF UNCONTESTED FACTS

Alcon alleges that the following statements of fact cannot in good faith be contested as inaccurate. Allergan would not agree to include these statements in the parties' Joint Statement of Uncontested Facts, apparently based on assertions of incompleteness or irrelevance:

1. No United States Patent currently in effect claims the compound brimonidine.

2. Allergan does not hold any patent claiming the use of brimonidine tartrate to treat elevated intraocular pressure ("IOP").

REDACTED

4. Prior to marketing Alphagan®, Allergan conducted a one month study comparing the safety and efficacy of brimonidine tartrate 0.08%, 0.2%, and 0.5% ophthalmic solutions. The results of that study appeared in R.J. Derrick, et al., Brimonidine Tartrate: A One-Month Dose Response Study, 104 Ophthalmology 131 (1997). Maximum mean IOP decreases from baseline of 20.8%, 27.2%, and 30.1% were observed for the 0.08%, 0.2% and 0.5% treatment groups respectively.

5. The Burke '991 patent discloses therapeutic compositions containing alpha-2-adrenergic agonists in combination with polymers identified as solubility enhancing components in the patents-in-suit and disclosed in Burke as "various preferred vehicles." The patent further discloses that "[t]hese vehicles include, but are not limited to, polyvinyl alcohol, povidone, hydroxypropyl methyl cellulose, poloxamers, carboxymethyl cellulose, hydroxyethyl cellulose, and purified water. " (col. 5, ll. 29-34).

6. Allergan began marketing its 0.2% Alphagan product in 1996. Its marketing exclusivity for Alphagan expired on September 7, 2001. (AGN0063188).

REDACTED

10. The FDA awarded a three-year marketing exclusivity period for Alphagan® P on the basis of the additional clinical studies carried out to prove the safety and efficacy of the product. Allergan's three years of market exclusivity and additional six months of pediatric exclusivity for Alphagan® P expired on September 16, 2004.

11. On October 25, 2002, Allergan submitted a citizen petition to the FDA to request that the FDA "refuse to approve or suspend approval of any abbreviated new drug applications (ANDAs) that refer to Alphagan® 0.2% (brimonidine tartrate ophthalmic solution) as the reference listed drug (RLD)." (Letter from F.D.A. to Terry G. Mahn, Esq., dated May 21, 2003, at 1).

12. By a letter dated May 21, 2003, the FDA denied Allergan's citizen petition, concluding that (1) "based on the clinical studies performed for the two products, we find that Alphagan 0.2% and Alphagan P 0.15% are comparably safe and effective for their labeled indications" (Letter from F.D.A. to Terry G. Mahn, Esq., dated May 21, 2003, at 9); and (2) "Alphagan 0.2% was not withdrawn for safety or effectiveness reasons." (Id. at 4).

13. Allergan continues to market Alphagan® (0.2%) outside the U.S.

REDACTED

REDACTED

15. None of the originally filed claims of the application that ultimately matured into the '834 patent contained any of the following limitations:

(i) "therapeutically effective aqueous ophthalmic" composition. (That limitation is included in issued claims 1 and 10). (AGN0221643).

(ii) a "preservative selected from the group consisting of" an oxy-chloro component "and a quaternary ammonium compound." (That limitation is included in issued claim 6). (AGN0221643).

(iii) any specifically named concentration of brimonidine tartrate. (That limitation is included in issued claims 1 and 10 ("up to about 0.15% (w/v)"); issued claims 2 and 11 ("up to 0.15% (w/v)"); issued claims 3 and 12 ("about 0.15% (w/v)"); and issued claims 4 and 13 ("0.15% (w/v)"). (AGN0221851 to AGN0221857).

(iv) any specific pH. (That limitation is included in issued claims 1 and 10 ("composition having a pH of about 7.0 or greater"); and issued claims 5 and 14 ("having a pH of 7.0 or greater")). (AGN0221851 to AGN0221857).

16. Neither the narrative, the tables, nor the chart in the common specification contains any reference to "0.15% (w/v)" brimonidine tartrate.

REDACTED

19. For a solution with density about the same as water (most aqueous solutions have a density close to water, *i.e.*, 1) the following is an example of the different concentration measures that apply when 12 milligrams (mg) of a substance are dissolved in a 1 milliliter (mL) solution

12 mg/mL = 12,000 parts per million (ppm) = 1.2% (w/v)

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TAB 2

AGREED STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

Allergan and Alcon agree to the following statement of contested issues.

Infringement under 35 U.S.C. § 271

Whether Allergan has shown by a preponderance of the evidence that Alcon's submission of NDA 21-764 seeking approval to market Alcon's proposed brimonidine product prior to the expiration of the '337 patent was an act of infringement of claims 1-4, 6 and 9-10 under 35 U.S.C. § 271(e)(2).

Whether Allergan has shown by a preponderance of the evidence that Alcon's submission of NDA 21-764 seeking approval to market Alcon's proposed brimonidine product prior to the expiration of the '834 patent was an act of infringement of claims 1-6, 8-14, 17-18, and 20 under 35 U.S.C. § 271(e)(2).

Anticipation under 35 U.S.C. § 102

Whether Alcon has shown by clear and convincing evidence that the asserted claims of the '337 patent are invalid as anticipated under 35 U.S.C. § 102.

Obviousness under 35 U.S.C. § 103

Whether Alcon has shown by clear and convincing evidence that the asserted claims of the '834 patent are invalid as obvious under 35 U.S.C. § 103.

Whether Alcon has shown by clear and convincing evidence that the asserted claims of the '337 patent are invalid as obvious under 35 U.S.C. § 103.

Written Description under 35 U.S.C. § 112

Whether Alcon has shown by clear and convincing evidence that the asserted claims of the '834 patent are invalid for failing to meet the written description requirement under 35 U.S.C. § 112.

Attorneys' Fees

Whether either Allergan or Alcon is entitled to attorneys' fees and costs under 35 U.S.C. § 285.

2.1

TAB 2.1

ALLERGAN'S OBJECTIONS TO ALCON'S STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

Alcon asserts that the issues of inequitable conduct/unclean hands and inventorship under 35 U.S.C. § 102(f) are contested issues of fact and law in this case. Allergan objects to the inclusion of these issues as contested issues. Neither of these issues were pled in this case. On July 25, 2005, Alcon filed a motion to amend its answer to add additional claims for unenforceability due to inequitable conduct and invalidity for misjoinder of an inventor. The Court denied that motion on January 17, 2006. Therefore, the issues of inequitable conduct/unclean hands and inventorship are not part of this case and all evidence on the subjects is excluded under Federal Rules of Evidence 402 and 403.

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TAB 3

ALCON'S STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

Alcon provides the following statement of contested issues not agreed to:

Inventorship Under 35 U.S.C. § 102(f)

Whether the named inventors invented the claimed subject matter of the '834 patent.

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TAB 4

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Per the parties' agreement, Allergan will identify its demonstrative exhibits at a later date.[1]

Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No. or Other Reference	Objection	Identified	Admitted
PTX 1		Certified copy of file history for US Patent No. 6,627,210 with cited references			Joint		
PTX 2		Certified copy of file history for US Patent No. 6,641,834 with cited references			Joint		
PTX 3		Certified copy of file history for US Patent No. 6,673,337 with cited references			Joint		
PTX 4		Certified copy of file history for U.S. Application 60/218,200			Joint		
PTX 5		Allergan's First Notice of 30(b)(6)		Allen 1 Bonakdar 1 Pfleger 1 Robertson 1			
PTX 6		Series of e-mails re Brimonidine PQ NDA Filing	ALC59238–ALC59242	Allen 2			
PTX 7		Chart with GSFs Issues for Brimonidine NDA 21-764	ALC59283–ALC59285	Allen 3			
PTX 8		Series of e-mails re Unlock B PQ 120 Day Safety Update document	ALC59264–ALC59276	Allen 4			
PTX 9		E-mail from Burkey to Schafer re New PICs-Brimonidine PQ	ALC59277	Allen 5			
PTX 10		Series of E-mails re Brimonidine NDA	ALC59243–ALC59244	Allen 6			
PTX 11		Meeting Minutes for 2002 six-month Pharmaceutical review on 07/23/02 – Brimonidine PQ 505(B)2	ALC59435–ALC59456	Allen 7			
PTX 12		Presentation: Falcon's Generic Drugs	ALC59457–ALC59470	Allen 8; Bhagat 5			
PTX 13		Search results from lab notebook search: Brimonidine 11141	ALC59250–ALC59256	Allen 9			

[1] Because of delays in the production of exhibit lists, Alcon reserves the rights to withdraw or modify objections, as it conducts a more thorough review of Allergan's proposed list. Alcon further objects to Allergan reserving the right to rely on any exhibit identified by either party.

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TAB 4

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No. or Other Reference	Objection	Identified	Admitted
PTX 14		Series of e-mails re CRFs needed for CSR	ALC59234–ALC59237	Allen 10			
PTX 15		Alphagan® and Alphagan® P Executive Summary	ALC59297–ALC59301	Allen 11; Herrick 4			
PTX 16		ANDA team meeting minutes July 16, 2001	ALC59351–ALC59352	Allen 12; Pfleger 3			
PTX 17		2005 Strat Plan Glaucoma Market Assumptions	ALC59286–ALC59295	Allen 13; Herrick 3			
PTX 18		2002 R&D Pharmaceutical Products Operational Development Plans – Brimonidine PQ [505(b)2]	ALC59302–ALC59305	Allen 14; Herrick 6			
PTX 19		Comparison Slide Brimonidine PQ and Alphagan P	ALC53617 – ALC53618	Allen 15A &B			
PTX 20		Brimonidine PQ Activities dated 05/21/2001	ALC53755–ALC53765	Allen 16; Bonakdar 19			
PTX 21		Series of E-mails re Brimonidine PQ [505(b)2] plans book	ALC49266–ALC49268	Allen 17			
PTX 22		Technical Report: Development Pharmaceutics Report for Brimonidine-Purite Ophthalmic Solution dated 06/12/2000	AGN0219201–AGN0219294	Ambrus 2			
PTX 23		Draft Technical Report: Development Pharmaceutics Report for Brimonidine-Purite Ophthalmic Solution	AGN0061866–AGN0061956	Ambrus 3; Graham 8			
PTX 24		Technology Report: Technology Tranfer Report for Commercial Manufacture of Bimonidine-Purite 0.15% and 0.2% Solutions dated 08/10/1999	AGN0062667–AGN0062691	Ambrus 4; Graham 3			
PTX 25		Brimonidine-Purite Ophthalmic Solution Phase II Topline Analysis Go/No Go Recommendation	AGN0066450-AGN0066493	Ambrus 5; Batoosingh 12; Olejnik 39			

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PTX 26		E-mail from Firestone to Ambrus, et al re Brimo-Purite Feedback from Pre-NDA meeting dated 01/24/2000	AGN0061329	Ambrus 6; Garber 9; Graham 7; Olejnik 43	Object to use by Allergan Only, 802		
PTX 27		Charts: Theoretical Solubility of BT in Alphagan-P Vehicle v. pH and Theoretical Aqueous Solubility of Brimonidine Tartrate v. pH	AGN0219174-AGN0219175	Ambrus 10; Olejnik 25	Object to use by Allergan Only, 802		
PTX 28		Memo from Ambrus to Hughes re Performulation Technical Report (Solubility Brimonidine-Tartrate in Formulation 9115X Placebo), dated 08/12/2004	AGN0219182-AGN0219197	Ambrus 12; Graham 9; Olejnik 14; Olejnik 18; Olejnik 19			
PTX 29		Draft Technical Report: Solubility of Brimonidine Tartrate in Formulation 9115X Placebo	AGN0220015-AGN0220025	Ambrus 14; Olejnik 12; Olejnik 21			
PTX 30		Excerpts from laboratory notebook no. L-1998-5384	AGN0062894-AGN0063003	Ambrus 15; Olejnik 23; Olejnik 24; Padilla 8			
PTX 31		Memo from Olejnik to Garst, et al. re Brimonidine-Purite Phase III Go/No Go Pre-Meeting Document, dated 05/27/1998	AGN0063322-AGN0063326	Aswad 2			
PTX 32		Handwritten Notes re Brimonidine X Meeting, dated 05/13/1998	AGN0063141	Aswad 9; Batoosingh 11	Object to use by Allergan Only, 802		
PTX 33		Brimonidine X Team Meeting Minutes, dated 06/26/1998	AGN0220220-AGN0220222	Aswad 10; Batoosingh 14; Olejnik 41; Small 6			
PTX 34		Brim X Tech Transfer/CMC Team Minutes, dated 06/18/1998	AGN0220756-AGN0220758	Aswad 11	Object to use by Allergan Only, 802		

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PTX 35		Memo from Kerslake and Olejnik to Pfleger re Alphagan reformulation, dated 06/09/1998	AGN0199976-AGN0199977	Aswad 12; Batoosingh 13; Kerslake 13; Mundorf 8; Olejnik 38; Stella 8 Wilson 8			
PTX 36		Handwritten Notes: Brimonidine X, dated 06/18/1997	AGN0063273-AGN0063274	Batoosingh 4; Olejnik 32	Object to use by Allergan Only, 802		
PTX 37		Handwritten Notes: Brimonidine X, dated 08/27/1997	AGN0063305-AGN006307	Batoosingh 5; Olejnik 33	Object to use by Allergan Only, 802		
PTX 38		Brimonidine X Team Meeting Minutes, dated 10/20/1997	AGN0063334-AGN0063335	Batoosingh 8	Object to use by Allergan Only, 802		
PTX 39		Brimonidine-Purite Minutes of the End-of-Phase 2 Meeting July 08, 1998	AGN0063159-AGN0063161	Batoosingh 15; Garber 14	Object to use by Allergan Only, 802		
PTX 40		Brimonidine X Team Meeting Minutes, dated 10/15/1998	AGN0220225-AGN0220229	Batoosingh 16; Graham 1	Object to use by Allergan Only, 802		
PTX 41		Presentation: Alphagan P	AGN0070667-AGN0070699	Batoosingh 25	Object to use by Allergan Only, 802		
PTX 42		E-mail from Espino to Griffin re Brimonidine PQ Development Report, dated 09/08/2004	ALC50094-ALC50108	Bhagat 2; Bonakdar 12; Espino 7	Object to use by Allergan Only, 402		
PTX 43		R&D Program/Project Request for Brimonidine PQ 505(b)2, dated 01/23/2002	ALC59296-ALC59305	Bhagat 3; Bonakdar 3; Herrick 5; Robertson 5	Object to use by Allergan Only, 402-403		
PTX 44		Memo from Dave, et al to Archives re RND Minutes 08/02/2001-ANDA	ALC59149	Bhagat 4	Object to use by Allergan Only, 802		
PTX 45		E-mail from Bhagat to Bonakdar, et al re ANDA Meeting 04/01/2002	ALC59383-ALC59384	Bhagat 6			
PTX 46		Proposed Formulation for Alcon's Brimonidine PQ Ophthalmic Solution, 0.15%	ALC53579-ALC53580	Bhagat 7			

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PTX 47		Alcon's Proposed Formulation for Brimonidine PQ Ophthalmic Solution	ALC53986-ALC53988	Bhagat 8			
PTX 48		Brimonidine PQ Ophthalmic Solution 0.15%	ALC19956-ALC19962	Bhagat 9; Bonakdar 5			
PTX 49		E-mail from Ryan to Bhagat, et al re Brimonidine PQ and Alcon testing	ALC58379-ALC58383	Bhagat 10; Espino 13; Espino 15; Ryan 3; Ryan 12	Object to use by Allergan Only 802		
PTX 50		E-mail from Bonakdar to Landry, et al re Recent Publication of Interest, dated 04/28/2003	ALC52433	Bhagat 14	Object to use by Allergan Only 802,		
PTX 51		Allergan's Second 30(b)(6) Notice		Bonakdar 2 Herrick 1 Robertson 2			
PTX 52		E-mail from Boston to Espino re Alphagan Deformulation Results, dated 04/23/2002	ALC50016-ALC50017	Bonakdar 4; Espino 3			
PTX 53		E-mail from Boston to Bonakdar re Alphagan PQ Deformulation, dated 07/24/2002	ALC49373	Bonakdar 6			
PTX 54		Report on Brimonidine PQ activities and accomplishments, dated 11/00/2003	ALC53996-ALC54015	Bonakdar 7; Espino 11			
PTX 55		E-mail from Espino to McClendon re Brimonidine Tartrate, dated 09/20/2004	ALC58384-ALC58385	Bonakdar 8; Espino 17; Ryan 13; Underwood 8	Object to use by Allergan Only, 802		

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PTX 56		Team Caption's Reports on Brimonidie Tartrate	ALC52451-ALC52453; ALC50114-ALC50115; ALC50091-ALC50092; ALC52443-ALC52444; ALC50117-ALC50118; ALC52462-ALC52465; ALC49115-ALC49116; ALC52589-ALC52590; ALC49109-ALC59112	Bonakdar 9			
PTX 57		E-mail from Bonakdar to Wang re Brimonidine PQ 3rd Quarterly Report 2003	ALC50090-ALC50092	Bonakdar 10; Espino 4; Ryan 2			
PTX 58		ANDA Team Meeting Minutes 06/18/2001	ALC59348-ALC59349	Bonakdar 11			
PTX 59		E-mail from Espino to Handley re Brimonidine PQ Slides, dated 09/05/2003	ALC50124-ALC50177	Bonakdar 13; Espino 2			
PTX 60		Letter from Ryan to Allergan re U.S. Patent Nos. 5,424,078; 6,562,873; 6,627,310; 6,641,834; 6,673,337, dated 07/06/2004		Bonakdar 16; Espino 8; Ryan 10	Object to use by Allergan Only, 402, 802		
PTX 61		E-mail from Griffin to Schafer re Brimonidine Tartrate Ophthalmic Solution 0.15% IND, dated 11/01/2005	ALC49523	Bonakdar 17			

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PTX 62		Technical Report: Analytical Chemistry Development Report for Brimonidine Tartrate Opthalmic Solution (Generic), dated 11/05/2001	ALC49030-ALC49064	Bonakdar 18	Object to use by Allergan Only, 402, 802		
PTX 63		Brimonidine Reformulation Subteam Meeting 12/16/1996	AGN220181-AGN0220183	Burke 12			
PTX 64		Brmonidine Team Meeting June, 1997	AGN0220190-AGN0220193	Burke 13	Object to use by Allergan Only, 802		
PTX 65		Brimonidine-X Team Meeting 08/27/1997	AGN0063302-AGN0063304	Burke 14; Garber 8; Kerslake 10; Olejnik 31	Object to use by Allergan Only, 802		
PTX 66		Formulation Development Technology Transfer – Brimonidine PQ, dated 09/10/2002	ALC31941-ALC31949	Espino 5	Object to use by Allergan Only, 802		
PTX 67		FID Change Request for Formulation Change, dated 06/06/2002	ALC20429-ALC20433	Espino 6	Object to use by Allergan Only, 802		
PTX 68		U.S. Patent No. 5,290,781		Espino 9	402, , 802		
PTX 69		E-mail attaching Results of solubility study of formulations of Brimonidine Tartrate	ALC58386-ALC58388	Espino 14; Ryan 5			
PTX 70		Statistical Evaluation	ALC58430-ALC58432	Espino 18; Ryan 15			
PTX 71		Concentration of Brimonidine Tartrate at various pH levels	ALC58415	Espino 19; Ryan 14			
PTX 72		Excerpts from laboratory notebook project no 225568	ALC58300-ALC58331	Espino 20; Pereira 4			
PTX 73		Excerpts from laboratory notebook project no 225568	ALC58249-ALC58255	Espino 21; Pereira 5			
PTX 74		Memo from Firestone re Technology Transfer Report II for Phase 3 Manufacture of Brimonidine-Purite 0.1% and 0.2% Solutions, dated 04/29/1998	AGN0070183-AGN070214	Garber 7			

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PTX 75		Comparison of Ocular and Systemic Bioavailability of three 0.10% Brimonidine Purite Formulations to that of 0.15% Alphagan P in Albino Rabbits, dated 11/25/2002	AGN0219870 AGN0219904	Garber 21			
PTX 76		Relative Ocular Bioavailability of 0.2% Alphagan and 0.15% Brimonidine-BAK to that of 0.15% Alphagan P in Female Albino Rabbits, 09/12/2002	AGN0219784-AGN0219809	Garber 22	Object to use by Allergan Only, 402, 802		
PTX 77		E-mail from Graham to Chang and Olejnik re Alphagan P Topline Data, dated 10/15/2002	AGN0221086-AGN0221089	Graham 14	Object to use by Allergan Only, 802		
PTX 78		Presentation: "The Development of a 505(b)(2) Generic Product (Brimonidine PQ) by Ramon Espino	ALC50178-ALC50225	Espino 1; Herrick 2	Object to use by Allergan Only, 402-403, 802		
PTX 79		Brimonidine X Team Meeting Minutes, dated 09/11/1998	AGN0220230-AGN0220231	Kerslake 14	Object to use by Allergan Only, 802		
PTX 80		Laboratory Notebook No. R-1997-4284	AGN0066777-AGN0066918; AGN0200181-AGN0200183	Kerslake 17; Olejnik 22; Padilla 6			
PTX 81		Technical Report: pH solubility profile of AGN 190342-LF in the vehicle for 0.5% AGN 190342-LF ophthalmic solution, dated 04/12/1994	AGN0220006-AGN0220014	Olejnik 10			
PTX 82		Technical Report: Solubility of Brimonidine Tartrate Formulation 9115X Placebo	AGN0066241-AGN0066252	Olejnik 13			
PTX 83		Excerpts from Laboratory Notebook No R-1990-2031	AGN0223149-AGN0223157	Olejnik 16			
PTX 84		Laboratory Notebook No L-1998-5586	AGN0062998-AGN0063003		Object to use by Allergan Only, 402, 802		
PTX 85		Brimonidine X subteam meeting: Review clinical development plan, dated 10/14/1997	AGN0063332-AGN0063333	Olejnik 35	Object to use by Allergan Only, 802		

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PTX 86		Memorandum from Cheetham to Gibson and Kaplan re 190342-007 (Phase 3 Topline), dated 22/11/1999	AGN0223144-AGN0223146	Olejnik 44	Object to use by Allergan Only, 802		
PTX 87		Email from Gryziewicz to Hollnagel re Alphagan P	AGN0064094-AGN0064116	Olejnik 45	Object to use by Allergan Only, 802		
PTX 88		Laboratory Notebook No. R-1997-4319	AGN0066591-AGN0066729	Padilla 5			
PTX 89		Laboratory Notebook No. L-1997-5028	AGN0062841-AGN0062889	Padilla 7			
PTX 90		Laboratory Notebook L-1998-5384	AGN0062894-AGN0062997	Padilla 8 Olejnik 23			
PTX 91		Excerpts from laboratory notebook project no 225568 pH calibration	ALC58337-ALC58354	Periera 1			
PTX 92		Excerpts from laboratory notebook project no 225568 pH calibration	ALC58256-ALC58275	Bonakdar 14; Pereira 2; Underwood 3			
PTX 93		Excerpts from laboratory notebook project no 225568 Brimonidine PQ	ALC58332-ALC58336	Pereira 3			
PTX 94		Excerpts from laboratory notebook project no 225568 Brimonidine PQ 0.5%	ALC58277-ALC58290	Pereira 6 Wilson 6			
PTX 95		Laboratory Notebook Brimonidine PQ vehicle w/o PVP	ALC58291-ALC58299	Pereira 7			
PTX 96		Pre-IND/EOP2 Meeting Minutes – 01/19/2003	ALC59341-ALC59346	Pfleger 2			
PTX 97		E-mail from Griffin to Espino and Handley re Formulation for 80% Study, dated 01/04/2004	ALC50505	Pfleger 6			
PTX 98		Presentation: New Perspectives in Glaucoma Therapy	ALC59824-ALC59826	Robertson 3	Object to use by Allergan Only, 802		
PTX 99		Robertson Notice of Deposition		Robertson 4	Object to use by Allergan Only, 402		
PTX 100		Presentation: Pharmaceutical Products R&D 2002 Year End Review	ALC59799-ALC59805	Robertson 6	Object to use by Allergan Only, 802		

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PTX 101		Glaucoma Strategic Plan	ALC59820-ALC59823	Robertson 7	Object to use by Allergan Only, 402, 802		
PTX 102		R&D 2003 Annual Report Pharmaceutical Products	ALC59736-ALC59743	Robertson 8	Object to use by Allergan Only, 402, 802		
PTX 103		Presentation: 2003 Mid-Year Review	ALC59833-ALC59836	Robertson 9	Object to use by Allergan Only, 402, 802		
PTX 104		Working Contingency Project Plan Ophthalmic Pharmaceutical Products 03/28/2004	ALC59837-ALC59839	Robertson 10	Object to use by Allergan Only, 402, 802		
PTX 105		Pharmaceutical Products Research & Development 2003-2006 Strategic Plans	ALC59787-ALC59790	Robertson 11	Object to use by Allergan Only, 402, 802		
PTX 106		Excerpts from laboratory notebook project no 225568 Brimonidine PQ	ALC58273-ALC58274	Ryan 6			
PTX 107		Results of Solubility Study of Formulations of Brimonidine Tartrate	ALC59338	Ryan 8			
PTX 108		Paragraph IV Certification, dated 04/15/2004	ALC59339	Ryan 9	Object to use by Allergan Only, 402, 802		
PTX 109		Paragraph IV Certification, dated 04/22/2004	ALC59340	Ryan 11	Object to use by Allergan Only, 402, 802		
PTX 110		Brimonidine X Team List	AGN0063112	Small 1			
PTX 111		Pharmacokinetics and Drug Metabolism Departmental Research Report, dated 03/17/1998	AGN0064117-AGN0065128	Small 4			
PTX 112		Excerpts from laboratory notebook project no 226242 Brimonidine Tartrate 0.15%	ALC23448-ALC23450	Underwood 1			
PTX 113		Excerpts from laboratory notebook project no 226242 Brimonidine Tartrate PQ	ALC23506-ALC23562	Underwood 2			
PTX 114		Stability Data Generated for Brimonidine 0.15%	ALC058401-ALC058404	Underwood 4			
PTX 115		Excerpts from laboratory notebook project no 225568 Brimonidine Tartrate PQ	ALC23983-ALC23988	Underwood 5			
PTX 116		Excerpts from laboratory notebook project no 225568 Brimonidine Tartrate PQ	ALC58363-ALC58365	Underwood 6			

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PTX 117		Excerpts from laboratory notebook project no 225568 Brimonidine Tartrate Opthalmic Solution	ALC58366-ALC58378	Underwood 7			
Object to use by Allergan Only, 402		Clinical Study Report for study 190342-007, dated 04/02/2001	AGN0154762-AGN0154777	Whitcup 5	Object to use by Allergan Only, 402-403; 802		
Object to use by Allergan Only, 402		Clinical Study Reportfor study 190342-008, dated 04/02/2001	AGN0172310-AGN0172325	Whitcup 6	Object to use by Allergan Only, 402-403; 802		
PTX 118		Mundorf, et al, A 3-Month Comparison of Efficacy and Safety of Brimonidine-Purite 0.15% and Brimonidine 0.2% in Patients with Glaucoma or Ocular Hypertension	AGN0220126-AGN0220133	Mundorf 4 Whitcup 12	Object to use by Allergan Only, 402		
PTX 119		Dong et al, Effects of Preservative Purite on the Bioavailability of Brimonidine in the Aqueous Humor of Rabbits	AGN0219486-AGN0219493	Whitcup 13	Object to use by Allergan Only, 402		
PTX 120		Allergan's NDA 21-262	AGN0000001-AGN0059260				
PTX 121		Alcon's NDA 21-764	ALC00001-ALC18522				
PTX 122		Derrick, et al., 1997, Brimonidine Tartrate A One-Month Dose Response Study",	ALC60581-ALC60586	Robin 5	For identification purposes only		
PTX 123		Exhibit A to Expert Report of Thomas Mundorf -- Thomas Mindorf C.V.			For identification purposes only		
PTX 124		Exhibit B to Expert Report of Thomas Mundorf – Materials Reviewed			For identification purposes only		
PTX 125		Exhibit A to Expert Report of Valentina Stella – Valentina Stella C.V.			For identification purposes only		
PTX 126		Exhibit B to Expert Report of Valentina Stella – U.S. Patent No. 6,641,834 B2	AGN068164-AGN068174		For identification purposes only		
PTX 127		Exhibit C to Expert Report of Valentina Stella – U.S. Patent No. 6,673,337 B2	AGN067966-AGN067976		For identification purposes only		

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PTX 128		Exhibit D to Expert Report of Valentina Stella – Materials Reviewed			For identification purposes only		
PTX 129		Exhibit E to Expert Report of Valentina Stella – Infringement Claim Chart for '834 Patent			For identification purposes only		
PTX 130		Exhibit F to Expert Report of Valentina Stella – Infringement Claim Chart for '337 Patent			For identification purposes only		
PTX 131		Exhibit G to Expert Report of Valentina Stella – Remington's Pharmaceutical Sciences 18th Edition			For identification purposes only		
PTX 132		Exhibit H to Expert Report of Valentina Stella – PF-2004-009 Preformulation Technical Report (The Solubility of Brimonidine Tartrate in Formulation 9115X Placebo)	AGN219182-AGN219197		For identification purposes only		
PTX 133		Exhibit I to Expert Report of Valentina Stella – Alphagan P Description	AGN066969-AGN066971		For identification purposes only		
PTX 134		Exhibit J to Expert Report of Valentina Stella – Draft Carton Labels	ALC00101-ALC00110		For identification purposes only		
PTX 135		Exhibit K to Expert Report of Valentina Stella – Alcon's Responses to Allergan's First Set of Interrogatories (Nos. 1-7)			For identification purposes only		
PTX 136		Exhibit L to Expert Report of Valentina Stella – Expert Report of Clive Wilson (with exhibits)			For identification purposes only		
PTX 137		Exhibit 9 to Expert Report of Valentina Stella – U.S. Patent No. 5,215,991			For identification purposes only		
PTX 138		Exhibit A to Expert Report of Clive Wilson – Clive Wilson C.V.			For identification purposes only		
PTX 139		Exhibit B to Expert Report of Clive Wilson – Materials Reviewed			For identification purposes only		

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PTX 140		Exhibit C to Expert Report of Clive Wilson – Statistical Analysis of Brimonidine Solubility Study			For identification purposes only		
PTX 141		Exhibit D to Expert Report of Clive Wilson – Determination of Brimonidine in Supernatant by HPLC			For identification purposes only		
PTX 142		Exhibit A to Expert Report of Gordon Amidon – Materials Considered			For identification purposes only		
PTX 143		Exhibit B to Expert Report of Gordon Amidon – Acids and Bases			For identification purposes only		
PTX 144		Exhibit 1 to Expert Report of Gordon Amidon – Gordon Amidon C.V.			For identification purposes only		
PTX 145		Exhibit 1 to Expert Report of Alan Robin – Alan Robin C.V.			For identification purposes only		
PTX 146		Exhibit 2 to Expert Report of Alan Robin – Materials Considered			For identification purposes only		
PTX 147		U.S. Patent 5,021,410			For identification purposes only		
PTX 148		Small, et al, Influence of pH and buffer concentration on the ocular bioavailability of ophthalmic AGN 191103 formulations in albino rabbits	ALC60755-ALC60761	Robin 6 Small 2	For identification purposes only		
PTX 149		Pharmacokinetics and Drug Metabolism Departmental Research Report, dated 03/17/1998	AGN0064117-AGN0065128	Small 4	For identification purposes only		
PTX 150		U.S. Patent No. 5,215,991	ALC59919-ALC59930; AGN221188-AGN221199	Burke 11; Fisher 8; Graham 18; Olejnik 27	For identification purposes only		
PTX 151		BASF – Kollidon: Polyvinylpyrrolidone for the pharmaceutical industry brochure, May 1996	ALC60356-ALC60501		For identification purposes only		
PTX 152		J.L. Greaves et al, 1992, Polymers and the precorneal tear film	ALC60587-ALC60607		For identification purposes only		

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PTX 153		Handbook of Pharmaceutical Excipients, 1994, 2nd edition (A. Wade & P. Weller, eds), The Pharmaceutical Press			For identification purposes only		
PTX 154		Excerpt from Technical Report PD-2000-20, dated 01/13/2000	AGN0060142-AGN0060144		For identification purposes only		
PTX 155		Summary of Alphagan Formulations	AGN0061393		For identification purposes only		
PTX 156		Derrick, et al, 1993, Brimonidine Tartrate: A one month dose response study			For identification purposes only		
PTX 157		Development and use of brimonidine in treating acute and chronic elevations of intraocular pressure: A review of safety, efficacy, dose reponse, and dosing studies", Walters (1996)	ALC60795-ALC60804		For identification purposes only		
PTX 158		Walters, Development and use of brimonidine in treating acute and chronic elevations of intraocular pressure: A review of safety, efficacy, dose response, and dosing studies			For identification purposes only		
PTX 159		Small et al, Increasing pH of ophthalmic AGN 191103 formulation increases ocular but not systemic bioavailability in albino rabbits		Mundorf 13 Small 3	For identification purposes only		
PTX 160		Product Literature from website www.falconpharma.com		Ex. A to Allergan Summary Judgment Opposition	Object to use by Allergan Only, 802		
PTX 161		Product information from website www.alconlabs.com			Object to use by Allergan Only, 802		
PTX 162		Approved Labeling for Alphagan®		Ex. E to Allergan Markman Brief			

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PTX 163		Approved Labeling for Alphagan® P		Ex. F to Allergan Markman Brief			
PTX 164	03/93	Robin, *Pitfalls in Comparing the Costs of Various 9-Adrenoreceptor Antagonists*			For identification purposes only		
PTX 165	1992	Robin, et al, *I_2-Agonists in the Therapy of Glaucoma*			For identification purposes only		
PTX 166	04/97	Robin, *The Role of I-agonists in Glaucoma Therapy*			For identification purposes only		
PTX 167	09/97	Juzych, et al., *Update on Adrenergic Agents in Glaucoma Therapy*			For identification purposes only		
PTX 168	1997	Juzych, et al., *Alpha-2 Agonists in Glaucoma Therapy*			For identification purposes only		
PTX 169		Gieser, et al., *Clinical Pharmacology of Adrenergic Drugs,*			For identification purposes only		
PTX 170	08/02	Robin, *Initial Medical Therapy for Primary Open-AngleGlaucoma*			For identification purposes only		
PTX 171	01/95	Nordlund, et al., *The Cardiovascular, Pulmonary, and Ocular Hypotensive Effects of 0.2% Brimonidine*			For identification purposes only		
PTX 172	09/96	Crison, et al., *Drug Dissolution in to Micellar Solutions: Development of a Convective Diffusion Model and Comparison to the Film Equilibrium Model with Application to Surfactant-Facilitated Dissolution of Carbamazepine*			For identification purposes only		
PTX 173	1999	Savage, et al., *Adrenergic Agents,*			For identification purposes only		
PTX 174	1993	Lin, et al., *Viscoelasticity of Anionic Polymers and Their Mucociliary Transport on the Frog Palate*			For identification purposes only		
PTX 175	03/07/88	Hu, et al., *Membrane Permeability Parameters for Some Amino Acids and 9-Lactam Antibiotics: Application of the Boundary Layer Approach*			For identification purposes only		

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PTX 176	10/76	Yalkowsky, et al *Solubility of Nonelectrolytes in Polar Solvents IV: Nonpolar Drugs in Mixed Solvents*			For identification purposes only		
PTX 177	06/72	Yalkowsky, et al., *Solubility of Nonelectrolytes in Polar Solvents*			For identification purposes only		
PTX 178	05/05	Robin, et al., *Does Adjunctive Glaucoma Therapy Affect Adherence to the Initial Primary Therapy?*,			For identification purposes only		
PTX 179	04/05	Jampel, et al., *Preferences for Eye Drop Characteristics Among Glaucoma Specialists a Willingness-to-Pay Analysis*			For identification purposes only		
PTX 180	04/03	Jampel, et al., *Patient Preferences for Eye Drop Characteristics A Willingness-to-Pay Analysis*			For identification purposes only		
PTX 181	11/96	Serle, et al., *A Comparison of the Safety and Efficacy of Twice Daily Brimonidine 0.2% Versus Betaxolol 0.25% in Subjects with Elevated Intraocular Pressure*			For identification purposes only		
PTX 182		Johns Hopkins Bloomberg School of Public Health Faculty Directory			For identification purposes only		
PTX 183	1999	Savage, et al., *Adrenergic Agents*			For identification purposes only		
PTX 184	05/01/05	*The American Academy of Ophthalmology Journal Study Suggests Many Glaucoma Patients Don't Take Medication Properly*, American Academy of Ophthalmology News Release, 05/01/2005			For identification purposes only		
PTX 185	11/96	*Clinical Experience with Brimonidine 0.2% and Timolol 0.5% in Glaucoma and Ocular Hypertension*, Schuman, Survey of Ophthalmology International Review Journal, Vol. 41, Supp. 1 (11/1996)			For identification purposes only		
PTX 186		Alcon Biostatistics Efficacy Analysis Plan, dated 12/20/2002	ALC18528-ALC18547				
PTX 187		Brimonidine PQ Opthalmic Solution 0.2%	ALC19599				

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PTX 188		Shelf-life Specifications for Brimonidine PQ Opthalmic Solution 0.2%	ALC19600				
PTX 189		Brimonidine PQ Opthalmic Solution 0.15%	ALC19588				
PTX 190		Shelf-life Specifications for Brimonidine PQ Opthalmic Solution 0.15%	ALC19589				
PTX 191		Brimonidine PQ Opthalmic Solution Vehicle	ALC19609				
PTX 192		Shelf-life Specifications for the Brimonidine PQ Vehicle	ALC19610				
PTX 193		Excerpts from Alcon Laboratory Notebook No 9243, Project No 22-6242	ALC19651–ALC19662				
PTX 194		Memo from Veltman to Espino re One-Day Exaggerated Ocular/Comfort Evaluation Screen (Brimonidine Tartrate PQ), dated 04/327/2001	ALC19703		Object to use by Allergan Only, 402, 802		
PTX 195		Excerpts from laboratory notebook no 8797, project no 22-6242	ALC19680-ALC19685				
PTX 196		Excerpts from laboratory notebook no 9510, project no 22-5568	ALC19880-ALC19885				
PTX 197		Excerpts from laboratory notebook no9639, project no 22-5568	ALC19936-ALC19939				
PTX 198		Alcon's FID Formulation Reports	ALC20405-ALC20424				
PTX 199		Excerpts from laboratory notebook no 9437, project no 22-4246	ALC23426-ALC23433				

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PTX 200		Literature: Alphagan P	AGN0070649-AGN70651; AGN0220134-AGN0220142; AGN0220146-AGN0220151; AGN0220157-AGN0220158; AGN0220163-AGN0220165	Mundorf 6 Mundorf 7	Object to use by Allergan Only, 402-403, 802		
PTX 201		Brimonidine stability data	ALC58399-ALC58400		For identification purposes only		
PTX 202		Brimonidine solubility data	ALC58405-ALC58420		For identification purposes only		
PTX 203		Brimonidine solubility data	ALC58424-ALC58432		For identification purposes only		
PTX 204		Acheampong, Formulation effects on ocular absorption of brimonidine in rabbit eyes	AGN0219473-AGN219485		For identification purposes only		
PTX 205		Chien, et al, 1990, Corneal and conjunctive/scleral penetration of P-aminoclonidine, AGN 190342, and clonidine in rabbit eyes	ALC60548-ALC60559		For identification purposes only		
PTX 206		Derrick, et al, 1993, Brimonidine Tartrate: A one month dose response study			For identification purposes only		
PTX 207		W.O. Foye et al, 1995, Principles in Medicinal Chemistry, 4th e. 16-21			For identification purposes only		
PTX 208		Goodman and Gilman's The Pharmacological Basics of Therapeutics, 1990			For identification purposes only		
PTX 209		M.C. Leske et al, 2003, Factors for glaucoma progression and the effects of treatment			For identification purposes only		

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No. or Other Reference	Objection	Identified	Admitted
PTX 210		Mundorf et al, 2004, Erratum: A 3-Month Comparison of Efficacy and Safety of Brimonidine-Purite 0.15% and Brimonidine 0.2% in Patients with Glaucoma or Ocular Hypertension			For identification purposes only		
PTX 211		P. Suhonen et al, 1991, Permeability of pilocarpic acid diesters across albino rabbit cornea in vitro			For identification purposes only		
PTX 212		K.C. Swan and N.G. White, 1942, Corneal permeability: Factors affecting penetration of drugs into the cornea			For identification purposes only		
PTX 213		M.J. Vocci et al, 1992, Reformulation and drop size of apraclonidine hydrochloride			For identification purposes only		
PTX 214		Development and use of brimonidine in treating acute and chronic elevations of intraocular pressure: A review of safety, efficacy, dose reponse, and dosing studies", Walters (1996)	ALC60795-ALC60804		For identification purposes only		
PTX 215		U.S. Patent No 5,834,470			For identification purposes only		
PTX 216		U.S. Patent No 5,091,528			For identification purposes only		
PTX 217		U.S. Patent No 5,776,445			For identification purposes only		
PTX 218		U.S. Patent No 5,663,205			For identification purposes only		
PTX 219		U.S. Patent No 5,212,196			For identification purposes only		
PTX 220		U.S. Patent No 5,556,848			For identification purposes only		
PTX 221		A. Acheampong et al, 2002, Distribution of brimonidine into anterior and posterior tissues of monkey, rabbit and rat eyes			For identification purposes only		
PTX 222		G.L. Amidon, Drug derivatization as a means of solubilization: Physiochemical and biochemical strategies			For identification purposes only		
PTX 223		N.K. Gangrade et al, 1996, Topical Opthalmic Formulations: Basic considerations			For identification purposes only		

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No. or Other Reference	Objection	Identified	Admitted
PTX 224		J.L. Greaves et al, 1992, Polymers and the precorneal tear film	ALC60587-ALC60607		For identification purposes only		
PTX 225		Handbook of Pharmaceutical Excipients, 1994, 2nd edition (A. Wade & P. Weller, eds), The Pharmaceutical Press			For identification purposes only		
PTX 226		G. Hopkins & R. Pearson, 1998, O'Connor Davies' Opthalmic Drugs: Diagnostic and Therapeutic Uses, Butterworth-Heinemann			For identification purposes only		
PTX 227		The Merck Index (S. Budavari, ed.), 1996, Merck Research Laboratories, 12th edition			For identification purposes only		
PTX 228		Opthalmic Drug Facts, 1998 (J.D. Bartlett, et al, eds) Facts and Comparisons			For identification purposes only		
PTX 229		E.M. Slovin and J.R. Robinson, 1993, Bioadhesives in Ocular Drug Delivery			For identification purposes only		
PTX 230		H. Suzuki & H. Sunada, 1998, Influence of Water-Soluble Polymers on the Dissolution of Nifedipine Solid Dispersions with Combined Carriers	AGN0219710-AGN0219716		For identification purposes only		
PTX 231		T. Loftsson, et al, 1994, The Effect of Water-Soluble Polymers on Drug-Cyclodextrin Complexation	AGN0219699-AGN0219709		For identification purposes only		
PTX 232		T. Loftsson, et al, 1996, Note, The Effect of Water-Soluble Polymers on Aqueous Solubility of Drugs	AGN0219695-AGN0219698		For identification purposes only		
PTX 233		U.S. Patent No 4,685,918			For identification purposes only		
PTX 234		U.S. Patent No 4,976,949			For identification purposes only		
PTX 235		U.S. Patent No 5,221,698			For identification purposes only		
PTX 236		U.S. Patent No 5,229,131			For identification purposes only		
PTX 237		U.S. Patent No 5,387,421			For identification purposes only		
PTX 238		U.S. Patent No 5,455,286			For identification purposes only		
PTX 239		U.S. Patent No 5,569,452			For identification purposes only		
PTX 240		U.S. Patent No 5,674,530			For identification purposes only		
PTX 241		U.S. Patent No 5,686,133			For identification purposes only		

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PTX 242		U.S. Patent No 5,834,022			For identification purposes only		
PTX 243		U.S. Patent No 5,851,275			For identification purposes only		
PTX 244		U.S. Patent No 5,976,571			For identification purposes only		
PTX 245		U.S. Patent No 5,993,858			For identification purposes only		
PTX 246		U.S. Patent No 6,048,551			For identification purposes only		
PTX 247		U.S. Patent No 6,153,592			For identification purposes only		
PTX 248		U.S. Patent No 6,207,191			For identification purposes only		
PTX 249		U.S. Patent No 6,541,454			For identification purposes only		
PTX 250		U.S. Patent No 6,669,954			For identification purposes only		
PTX 251		Excerpts from Laboratory Notebook No. 11308	ALC58369A – ALC58374A				
PTX 252		Alcon 2002 R&D Pharmaceutical Products Operational Development Plans – Brimonindine PQ	ALC59130 – ALC59148				
PTX 253		Brimonidine Tartrate Opthalmic Solution 0.15% Briefing Packet, dated 01/29/2003	ALC59490 – ALC59559				
PTX 254		Laboratory Notebook No. R-1997-4303	AGN0062446-AGN0062462; AGN0062599-AGN0062615; AGN0062806-AGN0062840; AGN0066254-AGN0066287		Object to use by Allergan Only, 402-403, 802		
PTX 255		Laboratory Notebook No. R-1998-4742	AGN0062492-AGN0062585		Object to use by Allergan Only, 402		
PTX 256		Laboratory Notebook No. R-1998-4527	AGN0062498-AGN0062499; AGN0062999-AGN0063001; AGN0066442-AGN0066447		Object to use by Allergan Only, 402		
PTX 257		Alphagan P 0.1% and 0.15% Approved Labeling	AGN0225250-AGN0225254		Object to use by Allergan Only, 402		

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PTX 258		Web page from www.accessdata.fda.com Alphagan P 0.1%	AGN0225255		Object to use by Allergan Only, 402		
PTX 259		Letter from Soreth to Gryziewicz re NDA 21-770, dated 08/19/2005	AGN0225256-AGN0225258		Object to use by Allergan Only, 402		
PTX 260		Press Release: New Formulation of Allergan's Alphagan P Receives U.S. FDA Approval, dated 08/19/2005	AGN0225249		Object to use by Allergan Only, 402		
PTX 261		Brimonidine Purite ophthalmic solution 0.1% (pH 7.7) NDA 21-770 excerpt	AGN0225259-AGN0225270		Object to use by Allergan Only, 402		
PTX 262		HPLC Calculation Tables - Brimonidine	ALC58433 – ALC58582				
PTX 263		HPLC Calculation Tables - Brimonidine	ALC58584 – ALC58644				
PTX 264		HPLC Results	ALC58645 – ALC58744				
PTX 265		Brimonidine Tartrate Special Studies	ALC58847 – ALC58848				
PTX 266		3% Brimonidine Tartrate PQ Solubility Study	ALC58849				
PTX 267		Brimonidine Tartrate Sample Composition for Solubility Studies	ALC59393 – ALC59417				
PTX 268		Presentation: Brimonidine Tartrate Opthalmic Solution 0.15%, dated 05/05/2004	ALC60892 – ALC60906				
PTX 269		Solubility Profiles in PVA Vehicles	ALC61175-ALC61177	Chandrasekhanran 2	For identification purposes only		
PTX 270		Regression Analysis	ALC61178-ALC61213	Amidon 3	For identification purposes only		
PTX 271		Excerpts from Laboratory Notebook	ALC61214-ALC61244	Chandrasekhanran 1	For identification purposes only		
PTX 272		Excerpts from Laboratory Notebook	ALC61287-ALC61300	Chandrasekhanran 3	For identification purposes only		

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PTX 273		First Report of Alan L. Robin, M.D., dated 10/06/2005 and references with handwritten notes		Robin 3a	For identification purposes only		
PTX 274		Excerpts from books, journals and abstracts with handwritten notes		Robin 3b	For identification purposes only		
PTX 275		Excerpt from Chandrasekharan Laboratory Notebook	ALC61245	Amidon 5	For identification purposes only		
PTX 276		Brimonidine Tartrate HPLC	ALC61246	Amidon 6	For identification purposes only		
PTX 277		Base Solubility in various PVA vehicles	ALC61247-ALC61263	Amidon 7	For identification purposes only		
PTX 278		Summary results from analysis of Wilson data	ALC61264-ALC61286	Amidon 8	For identification purposes only		
PTX 279		Alphagan P Deformulation Results	ALC49374				
PTX 280		Allergan sales data	AGN0210762 – AGN0210779		Object to use by Allergan Only, 402-403, 802		
PTX 281		U.S. Patent No. 6,365,636			For identification purposes only		
PTX 282		Prescription data	AGN0225279-AGN0225283		Object to use by Allergan Only, 402-403, 802		
PTX 283		Series of e-mails re Brimonidine PQ – Boric Acid dated 12/09/03	ALC059564 – ALC059565				
PTX 284		U.S. Patent 4,888,327			For identification purposes only		
PTX 285		U.S. Patent 4,939,135			For identification purposes only		
PTX 286		U.S. Patent 4,945,089			For identification purposes only		
PTX 287		U.S. Patent 4,966,773			For identification purposes only		
PTX 288		U.S. Patent 5,013,751			For identification purposes only		
PTX 289		U.S. Patent 5,124,392			For identification purposes only		
PTX 290		U.S. Patent 5,149,693			For identification purposes only		
PTX 291		U.S. Patent 5,149,694			For identification purposes only		
PTX 292		U.S. Patent 5,153,192			For identification purposes only		
PTX 293		U.S. Patent 5,271,939			For identification purposes only		
PTX 294		U.S. Patent 5,356,932			For identification purposes only		
PTX 295		U.S. Patent 5,502,052			For identification purposes only		
PTX 296		U.S. Patent 5,583,150			For identification purposes only		

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PTX 297		U.S. Patent 5,635,172			For identification purposes only		
PTX 298		U.S. Patent 5,653,972			For identification purposes only		
PTX 299		U.S. Patent 5,677,335			For identification purposes only		
PTX 300		U.S. Patent 5,691,360			For identification purposes only		
PTX 301		U.S. Patent 5,698,733			For identification purposes only		
PTX 302		U.S. Patent 6,395,746			For identification purposes only		
PTX 303		U.S. Patent 6,500,831			For identification purposes only		
PTX 304		U.S. Patent 6,531,480			For identification purposes only		
PTX 305		U.S. Patent 6,638,976			For identification purposes only		
PTX 306		Letter from Thomasch to Singer dated 09/06/2005			Object to use by Allergan Only, 402-403		
PTX 307		USP 23 NF18, 1995 definition of solubility			Object to use by Allergan Only, 402		
PTX 308		Chart: Theoretical Aqueous Solubility of Brimonidine Tartrate (AGN342) vs pH	AGN0219167-AGN0219168		Object to use by Allergan Only, 402		
PTX 309		Memo from Fernandez to Graham dated 06/07/2002	AGN0219309				
PTX 310		Preformulation Summary Report Brimonidine Tartrate dated 06/24/1998	AGN0062696-AGN0062697				
PTX 311		Relative Ocular Bioavailability of 0.2% Alphagan and 0.15% brimonidine-BAK to that of 0.15% Alphagan P in Female Albino Rabbits	AGN0219447-AGN0219472		Object to use by Allergan Only, 403, 802 (Ojection to Email Only, Not Report)		
PTX 312		Comparison of Five Ophthalmic Brimonidine Tartrate Reformulations to Alphagan in Albino Rabbits	AGN0069857-AGN0069878				
PTX 313		E-mail from Gryziewicz to Hollnagel dated 05/31/2002 attaching Relative Ocular Bioavailability of 0.2% Brimonidine-Purite and 0.2% Alphagan PF to that of 0.2% Alphagan in Albino Rabbits	AGN0064095-AGN0064116				

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No. or Other Reference	Objection	Identified	Admitted
PTX 314		Relative Ocular Bioavailability of 0.2% Brimonidine-Purite and 0.2% Alphagan PF to that of 0.2% Alphagan in Albino Rabbits	AGN0219415-AGN0219446				
PTX 315		Web page from www.ispcorp.com Plasdone K Povidone	AGN0225248		Object to use by Allergan Only, 802		
PTX 316		Letter to Pfleger from Chambers re NDA 21-764	ALC61307-ALC61315				
PTX 317		Letter from Evall to Kane, dated 01/06/2006, with attachments	ALC61288 – ALC61291 (Attachment B to letter)		For identification purposes only		
PTX 318		Glaucoma Market Share – Acquisition Dollars	**AGN0225271-AGN0225274**		Object to use by Allergan Only, 402		
PTX 319		Glaucoma Market - TRxs	**AGN0225275-AGN0225278**		Object to use by Allergan Only, 402		
PTX 320		Formulation Development Report for Brimonidine Tartrate Ophthalmic Solution, 0.15%	ALC53684-ALC53747				
PTX 321		2003 August Monthly Report	ALC59778-ALC59779				
PTX 322		2nd Quarter (June), 2004 Report	ALC59766-ALC59772				
PTX 323		2003 1st Quarter Report	ALC59713-ALC59719				
PTX 324		2003 and Market Approval Targets June and 2nd Quarter Year to Date Status	ALC59720-ALC59727				
PTX 325		2003 and Market Approval Targets June and 3rd Quarter Year to Date Status	ALC59728-ALC59735				
PTX 326		R&D Projects 2003 Annual Report	ALC59736-ALC59743				
PTX 327		R&D Projects 2003 Annual Report	ALC59744-ALC59751				
PTX 328		R&D Projects 2003 Annual Report	ALC59752-ALC59759				

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PTX 329		1st Quarter (March), 2004 Projects	ALC59760-ALC59765				
PTX 330		Presentation: Pharmaceutical Products R&D 2002 Year End Review	ALC59799-ALC59805				
PTX 331		Presentation: Pharmaceutical Products R&D 2003-2006 Strategic Plan	ALC59793-ALC59798				
PTX 332		Presentation: Pharmaceutical Products R&D 2002-2005 Strategic Plan Summary	ALC59773-ALC59774				
PTX 333		Presentation: 2004 Planning and Budget Review	ALC59775-ALC59777				
PTX 334		Presentation: Pharmaceutical Products R&D 2003 Mid-Year Review	ALC59806-ALC59812				
PTX 335		Presentation: Pharmaceutical Products R&D and Marketing Six Month Review	ALC59849-ALC59852				
PTX 336		Presentation: Pharmaceutical Products R&D 2003 Six Month Review	ALC59853-ALC59857				
PTX 337		Presentation: Pharmaceutical Products 2003 Mid-Year Review	ALC59833-ALC59836				
PTX 338		Presentation: Pharmaceutical Products R&D 2002 Year End Highlights 2003 Targets	ALC59830-ALC59832				
PTX 339		Presentation: Ophthalmology Pharmaceutical 2002 Year End Highlights 2003 Targets	ALC59827-ALC598829				
PTX 340		New Perspectives In Glaucoma Therapy An Evolving Paradigm	ALC59824-ALC59826				
PTX 341		Presentation: Pharmaceutical Products R&D 2003 Review	ALC59813-ALC59819				
PTX 342		Glaucoma Strategic Plan	ALC59820-ALC59823				
PTX 343		Pharmaceutical Products Research and Development Ophthalmology 2003 – 2006 Stategic Plans	ALC59787-ALC59792				

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PTX 344		Working Contingency Project Plan Ophthalmic Pharmaceutical Products, March 28, 2004	ALC59837-ALC59839				
PTX 345		Validation of Technical Procedure 97.800028 fo rthe HPLC Assay of Brimonidone, 0.15% Ophthalmic Formulation Containing PolyQuad	ALC31247-ALC31260				
PTX 346		Validation of Technical Procedure 97.800028 fo rthe HPLC Assay of Brimonidone, 0.15% Ophthalmic Formulation No. 104110	ALC31262-ALC31277				
PTX 347		Formulation identification report	ALC 19667				
PTX 348		Formulation identification report	ALC 19833				
PTX 349		Formulation identification report	ALC 23668				
PTX 350		Regulations for 505(b)(2) applications					
PTX 351		Alcon's Responses to Allergan's First Set of Interrogatories, Nos. 1 -7, dated 12/27/04					
PTX 352		Alcon's Responses to Allergan's First Set of Requests for Production of Documents and Things, dated 12/27/2004					
PTX 353		Alcon's Responses to Allergan's Second Set of Interrogatories, No. 8, dated 3/31/04					
PTX 354		Alcon's Responses to Allergan's First Set of Requests for Admissions, Nos. 1-12, dated 3/31/04					
PTX 355		Alcon's Responses to Allergan's Second Set of Requests for Production of Documents and Things, dated 8/01/05					
PTX 356		Alcon's Supplemental Response to Allergan Interrogatory No. 1, dated 8/15/05					
PTX 357		Demonstrative Exhibits					

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TAB 4.1

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No.	Allergan Ojection	Alcon Objection	Identified	Admitted
JTX 1		U.S. Patent 6,627,210						
JTX 2		U.S. Patent 6,641,834						
JTX 3		U.S. Patent 6,673,337						
JTX 4		Certified copy of file history for US Patent No. 6,627,210 with cited references						
JTX 5		Certified copy of file history for US Patent No. 6,641,834 with cited references						
JTX 6		Certified copy of file history for US Patent No. 6,673,337 with cited references						
JTX 7		Certified copy of file history for U.S. Application 60/218,200						
JTX 8	10/06/05	Expert Report of Valentino Stella with Exhibits A-L;		Stella 3	For identification purposes only	For identification purposes only		
JTX 9	11/01/05	Errata to Expert Report of Valentino Stella			For identification purposes only	For identification purposes only		
JTX 10	11/04/05	Rebuttal Expert Report of Valentino Stella		Stella 4	For identification purposes only	For identification purposes only		
JTX 11		Exhibit A to Expert Report of Valentina Stella – Valentino Stella C.V.				For identification purposes only		
JTX 12		Exhibit B to Expert Report of Valentino Stella – U.S. Patent No. 6,641,834 B2	AGN068164-AGN068174			For identification purposes only		
JTX 13		Exhibit C to Expert Report of Valentino Stella – U.S. Patent No. 6,673,337 B2	AGN067966-AGN067976			For identification purposes only		
JTX 14		Exhibit D to Expert Report of Valentino Stella – Materials Reviewed				For identification purposes only		
JTX 15		Exhibit E to Expert Report of Valentino Stella – Infringement Claim Chart for '834 Patent				For identification purposes only		
JTX 16		Exhibit F to Expert Report of Valentino Stella – Infringement Claim Chart for '337 Patent				For identification purposes only		
JTX 17		Exhibit G to Expert Report of Valentino Stella – Remington's Pharmaceutical Sciences 18th Edition				For identification purposes only		

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No.	Allergan Ojection	Alcon Objection	Identified	Admitted
JTX 18		Exhibit H to Expert Report of Valentino Stella – PF-2004-009 Preformulation Technical Report (The Solubility of Brimonidine Tartrate in Formulation 9115X Placebo)	AGN219182-AGN219197			For identification purposes only		
JTX 19		Exhibit I to Expert Report of Valentino Stella – Alphagan P Description	AGN066969-AGN066971			For identification purposes only		
JTX 20		Exhibit J to Expert Report of Valentino Stella – Draft Carton Labels	ALC00101-ALC00110			For identification purposes only		
JTX 21		Exhibit K to Expert Report of Valentino Stella – Alcon's Responses to Allergan's First Set of Interrogatories (Nos. 1-7)				For identification purposes only		
JTX 22		Exhibit L to Expert Report of Valentino Stella – Expert Report of Clive Wilson (with exhibits)				For identification purposes only		
JTX 23	10/06/05	Expert Report of Clive G. Wilson with Exhibits A-D		Stella 5	For identification purposes only	For identification purposes only		
JTX 24		Exhibit A to Expert Report of Clive Wilson – Clive Wilson C.V.				For identification purposes only		
JTX 25		Exhibit B to Expert Report of Clive Wilson – Materials Reviewed				For identification purposes only		
JTX 26		Exhibit C to Expert Report of Clive Wilson – Statistical Analysis of Brimonidine Solubility Study				For identification purposes only		
JTX 27		Exhibit D to Expert Report of Clive Wilson – Determination of Brimonidine in Supernatant by HPLC				For identification purposes only		
JTX 28	11/04/05	Expert Report of Thomas K. Mundorf, M.D. with Exhibits A-B			For identification purposes only	For identification purposes only		
JTX 29		Exhibit A to Expert Report of Thomas Mundorf -- Thomas Mindorf C.V.				For identification purposes only		
JTX 30		Exhibit B to Expert Report of Thomas Mundorf – Materials Reviewed				For identification purposes only		
JTX 31	10/06/05	First Expert Report of Alan L. Robin, M.D. with Exhibits 1-2		Robin 2	For identification purposes only	For identification purposes only		

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Plaintiff Exh. No.	Date of Document	Title or Description	Bates Numbers	Deposition. Exh. No.	Allergan Ojection	Alcon Objection	Identified	Admitted
JTX 32		Exhibit 1 to Expert Report of Alan Robin – Alan Robin C.V.			For identification purposes only			
JTX 33		Exhibit 2 to Expert Report of Alan Robin – Materials Considered			For identification purposes only			
JTX 34	10/06/05	First Expert Report of Gordon L. Amidon, Ph.D. with Appendix A-B and Exhibit 1		Amidon 1	For identification purposes only	For identification purposes only		
JTX 35	10/24/05	Errata to the First Expert Report of Gordon L. Amidon, Ph.D.			For identification purposes only	For identification purposes only		
JTX 36	11/04/05	Second Expert Report of Gordon L. Amidon		Amidon 2	For identification purposes only	For identification purposes only		
JTX 37		Exhibit A to Expert Report of Gordon Amidon – Materials Considered			For identification purposes only			
JTX 38		Exhibit B to Expert Report of Gordon Amidon – Acids and Bases			For identification purposes only			
JTX 39		Exhibit 1 to Expert Report of Gordon Amidon – Gordon Amidon C.V.			For identification purposes only			

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