Exhibit A

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**

ALCON'S CLAIM CHART

Defendants, Alcon Inc., Alcon Laboratories, Inc. and Alcon Research, Ltd. (collectively, "Alcon") submit their claim chart herewith. For ease of comparison and review, Alcon has utilized the claim limitations set forth in plaintiffs' claim chart.

The '337 Patent

Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
1. A therapeutically effective ophthalmic composition comprising:	The claim requires a therapeutically effective ophthalmic composition.	To the extent that Allergan is using the term "therapeutically effective" in its ordinary sense, Alcon does not disagree with Allergan's proposed construction.	Although the specification and prosecution history of the '337 patent use the term "therapeutically effective," they provide no teaching or guidance as to any specific meaning of this term or the characteristics of compositions exhibiting such property, nor do they limit the broad scope of the term in any way.
an alpha-2-adrenergic agonist component in an amount effective to provide a therapeutic benefit to a patient in whom the composition is administered; and	The claimed composition contains an alpha-2-adrenergic agonist component, and that component must be present in an amount that is effective to provide a therapeutic benefit to a patient.	To the extent that Allergan is using the term "an amount that is effective to provide therapeutic benefit" in its ordinary sense, Alcon agrees with Allergan's proposed construction that the claimed composition must contain an alpha-2-adrenergic agonist component (which is a component that acts on or binds to alpha-2-adrenergic receptors) in an amount that is effective to provide a therapeutic benefit to a patient.	Although the specification and prosecution history of the '337 patent refer to the use of "alpha-2-adrenergic agonist components" (see '337 patent specification at Col. 1, lns. 20-23) as "therapeutic agents," they provide no teaching or guidance that identifies what amount constitutes "an amount effective to provide a therapeutic benefit . . ." nor do they identify the characteristics of compositions exhibiting such property, nor do they limit the broad scope of the term in any way.
a solubility enhancing component other than a cyclodextrin in an amount effective to increase the solubility of the alpha-2-adrenergic agonist component in the composition relative to the	The claimed composition contains a solubility enhancing component, which is a component that enhances the solubility of the alpha-2-adrenergic agonist component, and any solubility enhancing	The claimed composition must contain an anionic component, other than a cyclodextrin, in an amount effective to increase the solubility of the alpha-2-adrenergic agonist component in the composition relative to the solubility of the alpha-2-	Application No. 09/904,018 (parent application of the application which issued as the '337 patent): Interview Summary, mailed 3/3/03; Reply to Office Action, received by the PTO March 17, 2003 including Declaration of Orest Olejnik; '337 patent, Reply to Office Action, dated June 16, 2003.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
solubility of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.	component other than a cylclodextrin is covered by the claim. The solubility enhancing component must be present in such an amount that the solubility of the alpha-2-adrenergic agonist component in the composition is increased relative to its solubility in a similar composition without the solubility enhancing component.	adrenergic agonist component in an otherwise identical composition without the anionic component. In addition, the "solubility enhancing component" cannot be polyvinyl alcohol, povidone (polyvinylpyrrolidone), hydroxypropylcellulose, poloxamers or hydroxymethylcellulose.	
Claim 2			
2. The composition of claim 1 wherein the alpha-2- adrenergic component is selected from the group consisting of imino-imidazolines, imidazolines, imidazoles, azepines, thiazines, oxazolines, guanidines, catecholamines, derivatives thereof, and mixtures thereof.	Claim 2 contains all the limitations of claim 1, with the additional requirement that the alpha-2-adrenergic agonist component is one of the following: an imino-imidazoline, imidazoline, imidazole, azepine, thiazine, oxazoline, guanidine, catecholamine, derivative thereof, or mixture thereof.	Claim 2 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the additional requirement that the alpha-2-adrenergic agonist component must be: an imino-imidazoline, imidazoline, imidazole, azepine, thiazine, oxazoline, guanidine, catecholamine, a derivative of one of the foregoing, or a mixture of two or more of the foregoing.	As relevant to the construction of claim 2, Alcon incorporates its comments to claim 1.
Claim 3			
3. The composition of claim 1 wherein the therapeutically active	Claim 3 includes all the limitations of claim 1, with the further requirement that	Claim 3 contains all the limitations of claim 1 as construed above by Alcon and	As relevant to the construction of claim 3, Alcon incorporates its comments to claim 1.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
component includes a quinoxaline component.	the composition contain a quinoxaline component.	incorporated herein, with the further requirement that the composition must contain a quinoxaline component.	
Claim 4			
4. The composition of claim 3 wherein the quinoxaline component is selected from the group consisting of quinoxaline, derivatives thereof, and mixtures thereof.	Claim 4 contains all the limitations of claim 3, with the further requirement that the quinoxaline component must be quinoxaline, derivatives of quinoxaline, or mixtures of quinoxaline.	Claim 4 contains all the limitations of claims 1 and 3 as construed above by Alcon and incorporated herein, with the further requirement that the quinoxaline component must be a quinoxaline, a derivative of quinoxaline, or a mixture of two or more of the foregoing.	As relevant to the construction of claim 4, Alcon incorporates its comments to claims 1 and 3.
Claim 6			
6. The composition of claim 1 wherein the solubility enhancing component is effective to increase the solubility in a biological environment of the alpha-2- adrenergic agonist component relative to the solubility in a biological environment of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.	Claim 6 includes all the limitations of claim 1, with the further requirement that the solubility enhancing component is effective to increase the solubility in a biological environment of the alpha-2-adrenergic agonist component relative to its solubility in a composition without the solubility enhancing component.	Claim 6 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the further requirement that the "solubility enhancing component" must be effective to increase the solubility in a biological environment of the alpha-2-adrenergic agonist component relative to the solubility in an identical biological environment of the alpha-2-adrenergic agonist component in an otherwise identical composition without the "solubility enhancing	As relevant to the construction of claim 6, Alcon incorporates its comments to claim 1. In addition, the specification and prosecution history of the '337 patent provide no teaching or guidance regarding the meaning of "biological environment" or the testing of solubility "in a biological environment" with or without a "solubility enhancing component" or the characteristics of those compositions exhibiting the properties specified in claim 6, nor do they limit the broad scope of these terms in any way.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
		component."	
Claim 9			
9. The composition of claim 1 which further comprises an effective amount of a preservative.	Claim 9 includes all the limitations of claim 1 with the further requirement that the composition must contain a component that assists in the preservation of the composition.	Claim 9 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein. Alcon does not otherwise disagree with Allergan's construction of the additional limitation of claim 9.	As relevant to the construction of claim 9, Alcon incorporates its comments to claim 1.
Claim 10			
10. The composition of claim 6 which further comprises an effective amount of a preservative.	Claim 10 includes all the limitations of claim 6 with the further requirement that the composition must contain an effective amount of a component that assists in the preservation of the composition.	Claim 10 contains all the limitations of claim 6 as construed above by Alcon and incorporated herein. Alcon does not otherwise disagree with Allergan's construction of the additional limitation of claim 10.	As relevant to the construction of claim 10, Alcon incorporates its comments to claims 1 and 6.

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The '834 Patent

Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
Claim 1			
1. A therapeutically effective aqueous ophthalmic composition comprising:	The claim requires a therapeutically effective aqueous ophthalmic composition.	To the extent that Allergan is using the term "therapeutically effective" in its ordinary sense, Alcon does not disagree with Allergan's proposed construction.	Although the specification and prosecution history of the '834 patent use the term "therapeutically effective," they provide no teaching or guidance as to any specific meaning of this term or the characteristics of compositions exhibiting such property, nor do they limit the broad scope of the term in any way.
up to about 0.15% (w/v) of 5-bromo-6-(2-imidozolin-2- ylamino) quinoxaline tartrate,	The claimed composition contains up to approximately 0.15% brimondine tartrate.	The claimed composition must contain up to 0.1501% (w/v) (the upper limit of 0.15 ± 0.0001% (w/v)) of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline tartrate.	The specification (including the claims as originally filed) and prosecution history of the '834 patent provide no teaching or guidance supporting the terms "up to about 0.15% (w/v)," "up to 0.15% (w/v)," or "about 0.15% (w/v)" nor do they disclose that such compositions are within the scope of the alleged invention. However, Table IV shows that the % concentration (w/v) can be measured within 0.0001%.
the composition having a pH of about 7.0 or greater,	The claimed composition has a pH of approximately 7.0 or greater.	The composition must have a pH of 7.0 ± 0.01 or greater.	The specification of the '834 patent at Figure 1 and Tables II and IV. Application No. 10/236,566: Preliminary amendment September 6, 2002; Summary of Interview on February 25, 2003; Reply to Office Action received by the PTO March 28, 2003; Undated Declaration of Amy Batoosingh, received by the PTO March 24, 2003 and accompanying article Katz et al., J.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
			Glaucoma, 11(2); 119 (2002).
and the 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline tartrate being soluble in the composition at about 21° C.	The brimonidine tartrate must be soluble in the composition at approximately 21° C.	The 5-bromo-6-(2- imidozolin-2-ylamino) quinoxaline tartrate must be soluble in the composition at 21 ±1° C by virtue of a "solubility enhancing component" present in an amount effective to enhance the solubility of the quinoxaline component.	'834 patent: Abstract; col. 1, lns. 15-19; 57-64; col. 2, ln. 9-col. 3, ln. 17; col. 4, lns. 11 – 65; col. 5, lns. 59-64; col.6, ln.18- col. 9., ln. 22; col. 13, ln. 49; Table IV; Example 1; and Example 2.
Claim 2			
2. The composition of claim 1 which includes up to 0.15% (w/v) of 5-bromo-6- (2-imidozolin-2-ylamino) quinoxaline tartrate.	Claim 2 includes all the limitations of claim 1, with the additional requirement that the composition must include up to 0.15% brimonidine tartrate.	Claim 2 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include up to 0.15 % (w/v) 5-bromo-6- (2-imidozolin-2-ylamino) quinoxaline tartrate.	As relevant to the construction of claim 2, Alcon incorporates its comments to claim 1.
Claim 3			
3. The composition of claim 1 which includes about 0.15% (w/v) of 5-bromo-6- (2-imidozolin-2-ylamino) quinoxaline tartrate.	Claim 3 includes all the limitations of claim 1, with the additional requirement that the composition must include approximately 0.15% brimonidine tartrate.	Claim 3 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include 0.15% ± 0.0001% (w/v) 5-bromo-6- (2-imidozolin-2-ylamino) quinoxaline tartrate.	As relevant to the construction of claim 3, Alcon incorporates its comments to claim 1.
Claim 4			

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
4. The composition of claim 1 which includes 0.15% (w/v) of 5-bromo-6-(2- imidozolin-2-ylamino) quinoxaline tartrate.	Claim 4 includes all the limitations of claim 1, with the additional requirement that the composition must include 0.15% brimonidine tartrate.	Claim 4 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include 0.15% (w/v) 5-bromo-6-(2- imidozolin-2-ylamino) quinoxaline tartrate.	As relevant to the construction of claim 4, Alcon incorporates its comments to claim 1.
Claim 5			
5. The composition of claim 1 having a pH of 7.0 or greater.	Claim 5 includes all the limitations of claim 1, with the additional requirement that the pH of the composition must be 7.0 or greater.	Claim 5 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, with the additional requirement that the pH of the composition must be 7.0 or greater.	As relevant to the construction of claim 5, Alcon incorporates its comments to claim 1.
Claim 6			
6. The composition of claim 1 which further comprises a preservative selected from the group consisting of an oxy-chloro component and a quaternary ammonium compound in an amount effective to at least assist in preserving the composition.	Claim 6 includes all the limitations of claim 1 and further requires that the composition contain either an oxy-chloro or quaternary ammonium preservative in an amount effective to assist in preserving the composition.	Claim 6 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein, and further requires that the composition must contain either an oxy-chloro or quaternary ammonium preservative in an amount effective to assist in preserving the composition.	As relevant to the construction of claim 6, Alcon incorporates its comments to claim 1.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
Claim 8			
8. The composition of claim 1 which is substantially free of anionic cellulosic derivatives.	Claim 8 includes all the limitations of claim 1 and further requires that the composition is substantially free of anionic cellulosic derivatives.	Claim 8 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein and further requires that the composition is substantially free of anionic cellulosic derivatives.	As relevant to the construction of claim 8, Alcon incorporates its comments to claim 1.
Claim 9			
9. The composition of claim 1 which is substantially free of carboxymethyl cellulose.	Claim 8 [*sic*: 9] includes all the limitations of claim 1 and further requires that the composition is substantially free of carboxymethyl cellulose.	Claim 9 contains all the limitations of claim 1 as construed above by Alcon and incorporated herein and further requires that the composition is substantially free of carboxymethyl cellulose.	As relevant to the construction of claim 9, Alcon incorporates its comments to claim 1.
Claim 10			
10. A therapeutically effective aqueous ophthalmic composition comprising:	The claim requires a therapeutically effective aqueous ophthalmic composition.	To the extent that Allergan is using the term "therapeutically effective" in its ordinary sense, Alcon does not disagree with Allergan's proposed construction.	Although the specification and prosecution history of the '834 patent use the term "therapeutically effective," they provide no teaching or guidance as to any specific meaning of this term or the characteristics of compositions exhibiting such property, nor do they limit the broad scope of the term in any way.
up to about 0.15% (w/v) of a component selected from the group consisting of 5-bromo-6-(2-imidozolin-2-	The claimed composition contains up to approximately 0.15% brimonidine, salts of	The claimed composition must contain up to 0.1501% (w/v) (the upper limit of 0.15 ± 0.0001% (w/v)) of 5- bromo-6-(2-	The specification (including the claims as originally filed) and prosecution history of the '834 patent provide no teaching or guidance supporting the terms "up to about 0.15%

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
ylamino) quinoxaline, salts of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, esters of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline and mixtures thereof,	brimonidine, esters of brimonidine, or mixtures of the foregoing.	imidozolin-2- ylamino) quinoxaline, a salt of 5- bromo-6-(2-imidozolin-2- ylamino) quinoxaline, an ester of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, or a mixture of two or more of the foregoing.	(w/v)," "up to 0.15% (w/v)," or "about 0.15% (w/v)" nor do they disclose that such compositions are within the scope of the alleged invention. However, Table IV shows that the % concentration (w/v) can be measured within 0.0001%.
the composition having a pH of about 7.0 or greater,	The claimed composition has a pH of approximately 7.0 or greater.	The composition must have a pH of 7.0 ± 0.01 or greater.	The specification of the '834 patent at Figure 1 and Tables II and IV. Application No. 10/236,566: Preliminary amendment September 6, 2002; Summary of Interview on February 25, 2003; Reply to Office Action received by the PTO March 28, 2003; Undated Declaration of Amy Batoosingh, received by the PTO March 24, 2003 and accompanying article Katz et al., J. Glaucoma, 11(2); 119 (2002).
and the component being soluble in the composition at about 21° C.	The brimonidine component must be soluble in the composition at approximately 21° C.	The component must be soluble in the composition at 21 ±1° C by virtue of a "solubility enhancing component" present in an amount effective to enhance the solubility of the component.	'834 patent: Abstract; col. 1, lns. 15-19; 57-64; col. 2, ln. 9-col. 3, ln. 17; col. 4, lns. 11 – 65; col. 5, lns. 59-64; col.6, ln.18- col. 9., ln. 22; col. 13, ln. 49; Table IV;Example 1; and Example 2.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
Claim 11			
11. The composition of claim 10 which includes up to 0.15% (w/v) of the component.	Claim 11 includes all the limitations of claim 10, with the additional requirement that the composition must include up to 0.15% of the brimonidine component.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include up to 0.15% (w/v) of the component listed in claim 10.	As relevant to the construction of claim 11, Alcon incorporates its comments to claim 10.
Claim 12			
12. The composition of claim 10 which includes about 0.15% (w/v) of the component.	Claim 12 includes all the limitations of claim 10, with the additional requirement that the composition must include approximately 0.15% of the brimonidine component.	The claimed composition must include all the limitations of claim 10 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include 0.15 ± 0.0001% (w/v) of the component listed in claim 10.	As relevant to the construction of claim 12, Alcon incorporates its comments to claim 10.
Claim 13			
13. The composition of claim 10 which includes 0.15% (w/v) of the component.	Claim 13 includes all the limitations of claim 10, with the additional requirement that the composition must include 0.15% of the brimonidine component.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and incorporated herein, with the additional requirement that the composition must include 0.15% (w/v) of the component listed in claim 10.	As relevant to the construction of claim 13, Alcon incorporates its comments to claim 10.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
Claim 14			
14. The composition of claim 10 having a pH of 7.0 or greater.	Claim 14 includes all the limitations of claim 10, with the additional requirement that the pH of the composition must be 7.0 or greater.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and incorporated herein, with the additional requirement that the pH of the composition must be 7.0 or greater.	As relevant to the construction of claim 14, Alcon incorporates its comments to claim 10.
Claim 17			
17. The composition of claim 10 which is substantially free of anionic cellulosic derivatives.	Claim 17 includes all the limitations of claim 10 and further requires that the composition is substantially free of anionic cellulosic derivatives.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and further requires that the composition must be substantially free of anionic cellulosic derivatives.	As relevant to the construction of claim 17, Alcon incorporates its comments to claim 10.

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Asserted Claim	Allergan's Construction	Alcon's Construction	Alcon's Evidence Relevant To Claim Construction
Claim 18			
18. The composition of claim 10 which is substantially free of carboxymethyl cellulose.	Claim 18 includes all the limitations of claim 10 and further requires that the composition is substantially free of carboxymethyl cellulose.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and further requires that the composition must be substantially free of carboxymethyl cellulose.	As relevant to the construction of claim 18, Alcon incorporates its comments to claim 10.
Claim 20			
20. The composition of claim 10 which further comprises a preservative selected from the group consisting of an oxy-chloro component and a quaternary ammonium compound in an amount effective to at least assist in preserving the composition.	Claim 20 includes all the limitations of claim 10 and further requires that the composition contain either an oxy-chloro or quaternary ammonium preservative in an amount effective to assist in preserving the composition.	The claimed composition includes all the limitations of claim 10 as construed above by Alcon and further requires that the composition must contain either an oxy-chloro or quaternary ammonium preservative in an amount effective to assist in preserving the composition.	As relevant to the construction of claim 20, Alcon incorporates its comments to claim 10.

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Dated: April 5, 2005

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Exhibit B

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Exhibit C

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