

1 (All parties and counsel listed on Signature Page)

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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION

6 TAKEDA PHARMACEUTICAL CO., LTD.,
7 TAKEDA PHARMACEUTICALS NORTH
8 AMERICA, INC., TAKEDA
9 PHARMACEUTICALS LLC, AND TAKEDA
10 PHARMACEUTICALS AMERICA, INC.,

11 Plaintiffs,

12 v.

13 HANDA PHARMACEUTICALS, LLC,

14 Defendant.

Case No. 3:11-cv-00840 JCS

**STIPULATION TO CORRECT THE
COURT'S CLAIM CONSTRUCTION
ORDER DUE TO A TRANSCRIPTION
ERROR**

Judge: Hon. Joseph C. Spero

15 TAKEDA PHARMACEUTICAL CO., LTD.,
16 TAKEDA PHARMACEUTICALS NORTH
17 AMERICA, INC., TAKEDA
18 PHARMACEUTICALS LLC, AND TAKEDA
19 PHARMACEUTICALS AMERICA, INC.,

20 Plaintiffs,

21 v.

22 ANCHEN PHARMACEUTICALS, INC. AND
23 TWI PHARMACEUTICALS, INC.,

24 Defendant.

Case No. 3:11-cv-01609-JCS

25 TAKEDA PHARMACEUTICAL CO., LTD.,
26 TAKEDA PHARMACEUTICALS NORTH
27 AMERICA, INC., TAKEDA
28 PHARMACEUTICALS LLC, AND TAKEDA
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

v.

IMPAX LABORATORIES, INC.,

Defendant.

Case No. 3:11-cv-01610-JCS

Stipulation To Correct the Court's Claim
Construction Order Due to a Transcription Error
Case Nos. 11-cv-0840-JCS, 11-cv-01609, 11-cv-01610

1 WHEREAS, the Court issued a claim construction order on April 11, 2012 (“*Markman*
2 Order,” Case No. 3:11-cv-00840, D.E. 106; Case No. 3:11-cv-01609, D.E. 81; Case No. 3:11-cv-
3 01610, D.E. 95);

4 WHEREAS, in its *Markman* Order the Court construed the term “soluble in the pH range
5 of no less than 6.5 to no more than 7.0,” found in claim 7 of U.S. Patent No. 7,790,755 (“the ‘755
6 Patent”), to mean “begins to dissolve in the gastrointestinal tract at pH values within the range
7 from 6.0 to 7.5” (*Markman* Order at 71);

8 WHEREAS, this construction appears to have been the result of a transcriptional error;
9 and

10 WHEREAS, the Court appears to have instead intended for the term “soluble in the pH
11 range of no less than 6.5 to no more than 7.0” to mean “begins to dissolve at pH values within the
12 range from 6.5 to 7.0”;

13 The parties, by their undersigned attorneys, hereby stipulate, subject to the approval of the
14 Court, that the *Markman* Order should be corrected to reflect that the term “soluble in the pH
15 range of no less than 6.5 to no more than 7.0” means “begins to dissolve at pH values within the
16 range from 6.5 to 7.0”;

17 The parties, by their undersigned attorneys, further stipulate that this stipulation is entered
18 into solely for the purpose of correcting what appears to have been a transcriptional error in the
19 *Markman* Order and that nothing herein shall be construed as a waiver of the parties’ respective
20 positions with respect to claim construction.

21 Respectfully submitted,

22
23 DATED: May 30, 2012

HANDA PHARMACEUTICALS, LLC

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Filer's Attestation

I, Mark Jansen, am the ECF user whose identification and password are being used to file this **STIPULATION TO CORRECT THE COURT'S CLAIM CONSTRUCTION ORDER DUE TO A TRANSCRIPTION ERROR**. In compliance with General Order 45.X.B., I hereby attest that the other above-named signatories concur in this filing.

DATED: May 30, 2012

/s/ Mark T. Jansen

Dated: May 31, 2012

