

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEN WEI (USA) INC. and)	
MEDLINE INDUSTRIES, INC.,)	
)	
Plaintiffs,)	Civil Case No. 1:05-CV-06003
)	
v.)	
)	
ANSELL HEALTHCARE)	Hon. Judge Guzman
PRODUCTS, INC.,)	
)	
Defendant.)	

ANSELL’S CLAIM CONSTRUCTION THEORIES WITH RESPECT TO CLAIM TERMS IDENTIFIED BY PLAINTIFFS AS NEEDING CONSTRUCTION

Pursuant to the instruction of the Court at the July 18, 2006 hearing, Ansell Healthcare Products LLC (“Ansell”) provides its claim construction theories, as presently developed, with respect to those claim terms identified by plaintiffs as needing construction.

Claim Term: “evaporating the liquid carrier from the preparation to form a dry dehydrated preparation” [Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 25, 26, 27, 28, 29, 33, 34, 35, 44, 45, 46, 47]. **Ansell’s Proposed Construction** – Drawing all the liquid from the preparation so as to leave only a substance that is free from liquid or moisture.

Claim Term: “a dry . . . substance that had undergone dehydration, prior to becoming dry” [Claims 13, 14, 15, 16, 18, 22, 23, 48, 49, 50, 51]. **Ansell’s Proposed Construction** – A substance from which the liquid has been removed by evaporation so as to leave that substance free from liquid or moisture.

Intrinsic And Extrinsic Evidence
Supporting Ansell's Proposed Constructions

(a) **'852 patent specification:** Col. 2, lines 55-57, 64-67; Col. 4, lines 41-42; Col. 5, lines 16-17, 45-47, 59-62; Col. 6, lines 10-11; Col. 7, lines 9-14, 46-47; Col. 8, lines 28-34.

(b) **Prosecution history:** SWM000110; 000111; 000161; 000162; 000167; 000179-80; 000321; 000338.

(c) **Dictionary:** American Heritage Dictionary of the English Language, 4th ed. (2000):

“Dehydrate” – def. 1;

“Dry” – def. 1, 5;

“Evaporate” – def. 2.

(d) **Inventor and expert testimony:**

The deposition of the named inventor will be taken on August 22, 2006. Ansell has not yet retained any experts in this case. Ansell therefore reserves the right to supplement its claim construction positions with inventor and expert testimony. Ansell also reserves the right to propose constructions of additional terms to the extent the need therefor becomes apparent as discovery progresses.

DATED: August 8, 2006

/s/ Patrick J. Kelleher

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CERTIFICATE OF SERVICE

I, PATRICK J. KELLEHER, do hereby certify that on this date, I caused true and correct copies of the foregoing Ansell's Claim Construction Theories With Respect To Claim Terms Identified By Plaintiffs As Needing Construction to be served upon the below-listed counsel by ecf and First Class U.S. Mail:

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