

measurable particles in the oral unit dose have a diameter less than about 200 microns (μm), beyond the effective amount of modafinil as defined in claim 7.

4. Disputed claim term “diameter” means: value represented by the diameter of a sphere having the same volume as measured by conventional methods known to those of skill in the art, including sieving and laser diffraction particle size analysis.
5. Dispute claim term “size distribution” means: volume distribution, based on particle size as represented by the diameter of a sphere having the same volume as measured by conventional methods known to those of skill in the art, including sieving and laser diffraction particle size analysis.
6. Disputed claim terms “modafinil particles”/ “said particles”/ “particles” mean: an aggregated physical unit of acetamide compound, i.e., a piece or a grain of acetamide.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.