

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC.,
FOREST LABORATORIES HOLDINGS,
LTD., MERZ PHARMA GMBH & CO.
KGAA, MERZ PHARMACEUTICALS
GMBH, and ADAMAS
PHARMACEUTICALS, INC.,

Plaintiffs,

v.

C.A. No. 14-121-LPS

TEVA PHARMACEUTICALS USA, INC.,
WOCKHARDT USA LLC, WOCKHARDT
BIO AG, WOCKHARDT LTD., SUN
PHARMA GLOBAL FZE, and SUN
PHARMACEUTICAL INDUSTRIES,
LTD.,

Defendants.

FOREST LABORATORIES, INC.,
FOREST LABORATORIES HOLDINGS,
LTD., and ADAMAS
PHARMACEUTICALS, INC.,

Plaintiffs,

v.

C.A. No. 14-200-LPS

APOTEX CORP., APOTEX INC., ZYDUS
PHARMACEUTICALS (USA), INC.,
CADILA HEALTHCARE LTD. (d/b/a/
ZYDUS CADILA), PAR
PHARMACEUTICAL, INC., ANCHEN
PHARMACEUTICALS, INC., and
ACTAVIS LABORATORIES FL, INC.,

Defendants.

FOREST LABORATORIES, INC.,	:	
FOREST LABORATORIES HOLDINGS,	:	
LTD., MERZ PHARMA GMBH & CO.	:	
KGAA, MERZ PHARMACEUTICALS	:	
GMBH, and ADAMAS	:	
PHARMACEUTICALS, INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 14-508-LPS
	:	
AMNEAL PHARMACEUTICALS LLC,	:	
AMNEAL PHARMACEUTICALS OF	:	
NEW YORK, LLC, AMERIGEN	:	
PHARMACEUTICALS, INC., AMERIGEN	:	
PHARMACEUTICALS LTD., and MYLAN	:	
PHARMACEUTICALS INC.,	:	
	:	
Defendants.	:	

FOREST LABORATORIES, INC.,	:	
FOREST LABORATORIES HOLDINGS,	:	
LTD., and ADAMAS	:	
PHARMACEUTICALS, INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 14-686-LPS
	:	
RANBAXY INC., RANBAXY	:	
LABORATORIES LIMITED, and TEVA	:	
PHARMACEUTICALS USA, INC.,	:	
	:	
Defendants.	:	

FOREST LABORATORIES, LLC, FOREST :
LABORATORIES HOLDINGS, LTD., and :
ADAMAS PHARMACEUTICALS, INC., :

Plaintiffs, :

v. :

C.A. No. 14-1058-LPS

LUPIN LIMITED, LUPIN :
PHARMACEUTICALS, INC., PAR :
PHARMACEUTICAL, INC., ANCHEN :
PHARMACEUTICALS, INC., AMERIGEN :
PHARMACEUTICALS, INC., and :
AMERIGEN PHARMACEUTICALS LTD., :

Defendants. :

FOREST LABORATORIES, LLC, FOREST :
LABORATORIES HOLDINGS, LTD., and :
ADAMAS PHARMACEUTICALS, INC., :

Plaintiffs, :

v. :

C.A. No. 14-1271-LPS

AMERIGEN PHARMACEUTICALS, INC., :
and AMERIGEN PHARMACEUTICALS :
LTD., :

Defendants. :

ORDER

At Wilmington, this **5th** day of **January, 2016**:

For the reasons set forth in the Memorandum Opinion issued this date,

IT IS HEREBY ORDERED that the claim terms are construed as follows:

Claim Term	Court's Construction
entry . . . into a use environment	“contact of a formulation with the gastric fluids of the patient to whom it is administered or with a fluid intended to simulate gastric fluid”
immediate release form of memantine	“the present commercially available 5 mg and 10 mg tablets (i.e., Namenda from Forest Laboratories, Inc. or formulations having substantially the same release profiles as Namenda)”
a modified release solid oral dosage form	“a solid oral dosage form that sustains the release of the active ingredient over an extended period of time as compared to an immediate release dosage form”
substantially contributing to the modification of the release	“contributing a substantial amount to modifying the release of memantine, as opposed to having little or no impact on the modification of the release”
plasma memantine concentration profile	“plasma memantine concentration profile”
change in memantine concentration as a function of time (dC/dT) that is less than 50% that of an immediate release dosage form comprising the same dose of memantine as the composition	Indefinite
change in plasma concentration as a function of time (dC/dT) in a defined time period of 0 to 6 hours after administration . . . that is less than about 50% of the dC/dT provided by the same quantity of an immediate release form of memantine in said defined time period	Indefinite
the dC/dT is measured between the time period of 0 to Tmax of the immediate release form of memantine	“the dC/dT is measured between the time period of 0 to Tmax of the immediate release form of memantine”

comprising an extended release formulation of 22.5 mg to 33.75 mg memantine, or a pharmaceutically acceptable salt thereof	“comprising 22.5 mg to 33.75 mg memantine, or a pharmaceutically acceptable salt thereof, in an extended release formulation”
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IT IS FURTHER ORDERED that (1) Plaintiffs’ Motion to Strike the Reply Declaration of Richard F. Bergstrom and the Related Portions of Defendants’ Reply Claim Construction Brief (D.I. 135) is **DENIED** and (2) Plaintiffs’ request for leave to file their Response to the Reply Declaration of Dr. Richard F. Bergstrom and Defendants’ Reply Claim Construction Brief (D.I. 135 Ex. 1) is **GRANTED** (and such Response is hereby deemed filed).



HON. LEONARD P. STARK
UNITED STATES DISTRICT JUDGE