

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: ALFUZOSIN HYDROCHLORIDE)
PATENT LITIGATION)
_____)

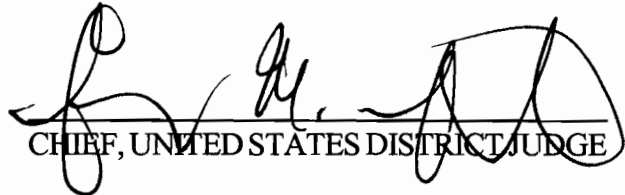
MDL Docket No. 08-md-1941 GMS

ORDER CONSTRUING THE TERMS OF U.S. PATENT NO. 4,661,491

After having considered the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that, as used in the asserted claims of U.S. Patent No. 4,661,491 (the “491 patent”)

1. The term “dysuria” means “painful or difficult urination.”
2. The term “effective dysuria controlling non-toxic amount of alfuzosine” means “an amount of alfuzosine effective in treating dysuria.”
3. The term “bladder neck disease” is construed to have its plain and ordinary meaning.¹
4. The term “neurological disorder” is construed to mean “disorders of the nervous system.”²
5. The term “benign hypertrophy of the prostate of alpha-adrenergic origin” is construed to mean “benign enlargement of the prostate related to hyperactivity of the alpha-adrenergic receptors.”³

Dated: May 20, 2009



CHIEF, UNITED STATES DISTRICT JUDGE

¹ The court rejects the defendants’ construction.

² In making its ruling, the court rejects the defendants’ construction, because this construction invites the court to import examples from the specification into the claims, which is contrary to Federal Circuit precedent. *See Comarck Communications, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998) (“[w]hile . . . claims are to be interpreted in light of the specification and with a view to ascertaining the invention, it does not follow that limitations from the specification may be read into the claims.”).

³ The court finds that the phrase “of alpha-adrenergic origin” modifies dysuria.