

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN  
MANUFACTURING, LIMITED,

Plaintiffs,

v.

HOSPIRA, INC. and PFIZER, INC.,

Defendants.

Civil Action No. 20-0201-CFC

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**ORDER**

WHEREAS, the parties dispute the proper construction of the claim term “between about 0.1 M and about 1.0” found in claims 1 and 10 of U.S. Patent No 8,273,707;

WHEREAS, the Plaintiffs, in their claim construction briefing, proposed that the term be construed as “between approximately 0.1 M and approximately 1.0 M”;

WHEREAS, the Defendants, in their claim construction briefing, proposed that the term be construed as “between approximately 0.1 M and approximately 1.0 M; excludes concentrations described in the specification as outside the scope of the claims”;

WHEREAS, the Court studied the parties' briefing filed in support of their proffered constructions; and

WHEREAS, the Court conducted a hearing and heard evidence on the proper construction of the term on June 11, 2021;

NOW THEREFORE, at Wilmington on this Sixteenth day of June in 2021, in light of the intrinsic and extrinsic evidence and for the reasons articulated by the Court at the June 11 hearing, **IT IS HEREBY ORDERED** that the claim term "between about 0.1 M and about 1.0" is construed to have its plain and ordinary meaning (that is, "between approximately 0.1 M and approximately 1.0 M") and is not a functional limitation.

  
UNITED STATES DISTRICT JUDGE