

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

BRECKENRIDGE PHARMACEUTICAL,
INC.,

Plaintiff,
Counterclaim-Defendant,

v.

HETERO USA, INC., HETERO LABS
LIMITED UNIT-III, HETERO LABS
LIMITED, and CAMBER
PHARMACEUTICALS, INC.,

Defendants,
Counterclaim-Plaintiffs.

C.A. No. 24-0571-GBW

ORDER

At Wilmington this 26th day of June 2025, and consistent with the Memorandum Opinion issued this date, **IT IS HEREBY ORDERED** that the Court construes the below claim terms of U.S. Patents Nos. 11,013,729 and 11,752,142 as follows:

Claim Term	Breckenridge's Construction	Hetero's Construction	Court's Construction
"two distinct types of particles" '729 patent (claims 1, 11, 16) '142 patent (claims 1, 8, 16)	No construction required Alternatively, "two different types of particles"	"a first type of particles that is not in contact with a second type of particle" Alternatively, indefinite	Plain and ordinary meaning which is "two different types of particles"

Claim Term	Breckenridge's Construction	Hetero's Construction	Court's Construction
“the first type of particles is free from organic acids and inorganic acids” '729 Patent (claim 1) '142 Patent (claims 1, 8) “the first type of particles is free from organic and inorganic acids” '729 Patent (claims 11, 16) “the first type of particles is free from tartaric acid” '142 Patent (claim 16)	No Construction Required. Alternatively, “the first type of particles does not contain organic acids and inorganic acids in contact with the dabigatran etexilate”	“the first type of particles does not contain any amount of organic acids and inorganic acids”	Plain and ordinary meaning of “free from” which is “does not contain any”
“and is free from dabigatran etexilate” '729 Patent (claims 1, 11, 16) '142 Patent (claims 1, 8, 16)	No Construction Required. Alternatively, “and does not contain dabigatran etexilate in contact with the organic acid.”	“and does not contain any amount of dabigatran etexilate”	Plain and ordinary meaning which is “and does not contain any dabigatran etexilate”

Claim Term	Breckenridge's Construction	Hetero's Construction	Court's Construction
"mixing the first type of particles and the second type of particles with the at least one pharmaceutically acceptable excipient" '729 patent (claim 6)	No construction necessary. Alternatively, "mixing two different types of particles and at least one pharmaceutically acceptable excipient."	Plain and Ordinary meaning, i.e., mixing (1) the first type of particles and the second type of particles with (2) the at least one pharmaceutically acceptable excipient that is external to the two types of particles	Mixing the first type of particles and the second type of particles and the at least one pharmaceutically acceptable excipient where the at least one pharmaceutically acceptable excipient need not be external to the two types of particles prior to mixing
"a mixture of [two distinct types of particles and at least one pharmaceutically acceptable excipient]" '729 patent (claims 11, 16)	No construction necessary. Alternatively, "a mixture of two different types of particles and at least one pharmaceutically acceptable excipient."	Plain and Ordinary meaning, i.e., "a mixture consisting of (1) two distinct types of particles and (2) at least one pharmaceutically acceptable excipient that is external to the two types of particles."	A mixture of the first type of particles and the second type of particles and the at least one pharmaceutically acceptable excipient where the at least one pharmaceutically acceptable excipient need not be external to the two types of particles prior to the mixing


 GREGORY B. WILLIAMS
 UNITED STATES DISTRICT JUDGE