

United States District Court,  
D. Delaware.

**VANDERBILT UNIVERSITY,**  
Plaintiff.

v.

**ICOS CORPORATION,**  
Defendant.

No. 1:05-CV-00506-SLR

**Dec. 13, 2006.**

Ian Connor Bifferato, Raj Srivatsan, Bifferato Gentilotti LLC, Wilmington, DE, for Plaintiff.

Mary Matterer, Richard K. Herrmann, Morris James LLP, Wilmington, DE, Jennifer E. Flory, Kevin M. Flowers, Matthew C. Nielsen, Michael F. Borun, Rashmi V. Gupta, Thomas I. Ross, Pro Hac Vice, for Defendant.

### ***ORDER***

**ROBINSON, Chief J.**

This *12th* day of *December*, 2006, in consideration of the Joint Claims Construction Statement filed by the parties, the Court hereby ORDERS as follows:

1. For the purposes of this action, claims 1-4, 6-8, 10, 12 and 13 of U.S. Patent No. 5,859,006 are construed to encompass at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-. (6R-12aR)-:

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl] pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione; and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione;

and has the following structural formula:

Tabular or graphic material set at this point is not displayable.

2. For the purposes of this action, claims 1-3, 5-12, and 15-21 of U.S. Patent No. 6,140,329 are construed to

encompass compositions and methods of treating erectile dysfunction in a male animal involving the administration of at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-. (6R-12aR)-:

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl]pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione; and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione:

and has the following structural formula:

Tabular or graphic material set at this point is not displayable.

3. The dates for the filing of opening and response claim construction briefs, and the date for a hearing on claim construction, set out in para. 6 of the Scheduling Order entered December 7, 2005 are hereby vacated.

IT IS SO ORDERED

D.Del., 2006.

Vanderbilt University v. ICOS Corp.

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