

United States District Court,
S.D. Florida.

CREATIVE COMPOUNDS, LLC,
Plaintiff/Counter-Defendant.

v.
STARMARK LABORATORIES, INCORPORATED,
Defendnat/Counter-Plaintiff.

No. 07-22814-CIV

July 14, 2008.

Christopher Mark David, David and Joseph, P.L., Miami, FL, Frank M. Holbrook, Melody McAnally, Butler Snow O'Mara Stevens & Cannada PLLC, Memphis, TN, Jonathan E. Fortman, St. Louis, MO, for Plaintiff/Counter Defendant.

Frederick A. Tecce, McShea & Tecce, Gavin P. Lentz, Todd S. McGarvey, Bochetto & Lentz, Philadelphia, PA, Michael S. Tarre, Michael Tarre PA, Miami, FL, for Defendant.

ORDER REGARDING CONSTRUCTION OF CLAIM TERMS

ALAN S. GOLD, District Judge.

This Court, having considered the parties' submissions on the construction of the claim terms for Claims 1, 2, 3, 7, 8, 9 and 10 of U.S. Patent No. 7,109,373 ("the '373 Patent"), and the parties agreement concerning those terms, is of the opinion and finds that the following constructions should be entered. *See* Markman v. Westview Instruments, 52 F.3d 967 (Fed.Cir.1995) (en banc), *aff'd*, 517 U.S. 370 (1996); Phillips v. AWH Corp., 415 F.3d 1303 (Fed.Cir.2005).

Creatine Salt	A compound formed by salinizing creatine with a dicarboxylic organic acid. The reaction creates a hydrosoluble, stable organic salt of creatine characterized by high water solubility and comprising two molecules of creatine and one molecule of anion derived from a dicarboxylic acid.
Anion	A negatively charged ion of general formula: (-COO)-
Dicarboxylic Acid	An organic acid that has two chemically active (-COOH) groups in its structure.
Malic Acid	A naturally occurring dicarboxylic acid of gross formula C ₄ H ₆ O ₅
Molar Excess	The quantity of any chemical in a given reaction whose amount present in the reacting mixture exceeds the molar ratio for that reaction.
Creatine Monohydrate	A solid form of creatine that can be crystallized from its aqueous solution by evaporating the water or by changing the temperature to alter its solubility which, as it solidifies, incorporates one molecule of water with each molecule of creatine, forming the solid

crystalline monohydrate.

Tricarboxylic Acid An organic acid that has three chemically active (-COOH) groups in its structure

DONE AND ORDERED.

S.D.Fla.,2008.

Creative Compounds, LLC v. Starmark Laboratories, Inc.

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