

will be precluded from asserting that Impax's formulation infringes this limitation under the doctrine of equivalents appearing in claim 4 of the '552 patent, claim 6 of the '405 patent, and claims 5, 10, 19, 26, 31, and 41 of the '881 patent; Impax's Motion for Partial Summary Judgment of Non-infringement Due to the Lack of at Least 20% by Weight Hydrophilic Polymer ("Hydrophilic Polymer Brief") (D.I. 177) is GRANTED; Impax's Speaking Motion for Partial Summary Judgment of Non-infringement of U.S. Patent No. 6,074,670 (D.I. 179) is GRANTED; and Impax's *Daubert* Motion to Preclude Plaintiff's Expert Stephen R. Byrn, from Testifying about Raman Spectroscopy (D.I. 180) is DENIED.



UNITED STATES DISTRICT JUDGE

May 6, 2005
Wilmington, Delaware