

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA AB,

Plaintiff,

v.

ZYDUS PHARMACEUTICALS (USA)
INC.,

Defendant.

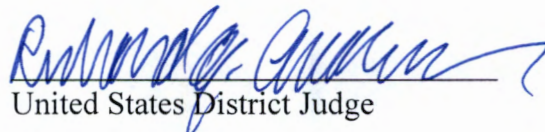
Civil Action No. 18-664-RGA

ORDER

Plaintiff's Motion to Correct Limited Portion of Trial Opinion (D.I. 172) is **GRANTED**. Assuming I have the authority to amend the Trial Opinion, I would find that a POSA could either be a pharmaceutical chemist with a Ph.D. and several years of practical experience or have a B.S. or M.S. degree in chemistry with significantly more experience. (D.I. 153 at 302:3–20 (Batchelor)). Accordingly, I find that Plaintiff's expert Dr. Batchelor is a POSA.

That being said, I do not think this clarification of the POSA definition makes any difference. Defendant never challenged Dr. Batchelor's qualifications to be offering his opinions. (D.I. 137; D.I. 153 at 257:23–258:6; D.I. 160; D.I. 161). It seems clear now (as it did then) that the parties agreed he was a POSA. Thus, any argument that Plaintiff's expert was not a POSA or not qualified to explain things from the perspective of a POSA would, so far as I am concerned, be waived.

Entered this 25 day of July, 2022.


United States District Judge