

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

TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH and)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Plaintiffs,)	Case No. 1:18-cv-12029-ADB
)	
v.)	
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

**DECLARATION OF EMILY GABRANSKI IN SUPPORT OF DEFENDANT
ELI LILLY AND COMPANY’S MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY FOR LACK OF WRITTEN DESCRIPTION**

I, Emily Gabranski, declare as follows:

I am an associate with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel for Eli Lilly and Company in this matter. I am licensed to practice in the Commonwealth of Massachusetts and the District of Columbia. I have personal knowledge of the matters set forth herein, and if called upon would testify as follows.

1. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No. 8,586,045 (“045 patent”).
2. Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No. 9,884,907 (“907 patent”).
3. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No. 9,884,908 (“908 patent”).
4. Attached hereto as **Exhibit 4** is a true and correct copy of *Eli Lilly v. Teva Pharm Int’l GmbH*, Case No. 20-1876, ECF No. 28 (Appellee’s Response Brief) (Fed. Cir. Jan. 25, 2021) (“No. 20-1876, Teva Response Brief”).

5. Attached hereto as **Exhibit 5** is a true and correct excerpted copy of the Opening Expert Report of Pamela Blake, M.D., FAHS, Regarding Infringement, served September 16, 2021 (“Blake Op.”).

6. Attached hereto as **Exhibit 6** is a true and correct copy of the Prescribing Information for Emgality (galcanezumab-gnlm), as revised 12/2019 and introduced as Exhibit 59 in the June 10, 2021 deposition of Marcelo Bigal (“Emgality Label”).

7. Attached hereto as **Exhibit 7** is a true and correct excerpted copy of a document produced by Lilly bearing Bates numbers LLY-GALCA-00018917–80 and introduced as Exhibit 35 in the June 24, 2021 deposition of Robert Benschop (“Benschop Ex. 35”).

8. Attached hereto as **Exhibit 8** is a true and correct excerpted copy of the transcript of the deposition of Robert Benschop, held June 24, 2021 (“Benschop Tr.”).

9. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by Lilly bearing Bates numbers LLY-GALCA-00486471-73, which was introduced as Exhibit 11 in the June 24, 2021 deposition of Robert Benschop (“Benschop Ex. 11”).

10. Attached hereto as **Exhibit 10** is a true and correct excerpted copy of the transcript of the deposition of Kalpana Merchant, held June 9, 2021 (“Merchant Tr.”).

11. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced by Lilly bearing Bates numbers LLY-GALCA-00686181–87 and introduced as Exhibit 14 in the June 18, 2021 deposition of Ryan Darling (“Darling Ex. 14”).

12. Attached hereto as **Exhibit 12** is a true and correct excerpted copy of the transcript of the deposition of Pamela Blake, held January 10, 2022 (“Blake Tr.”).

13. Attached hereto as **Exhibit 13** is a true and correct excerpted copy of the transcript of the deposition of Geoffrey Hale, held January 25, 2022 (“Hale Tr.”).

14. Attached hereto as **Exhibit 14** is a true and correct excerpted copy of the Rebuttal Expert Report of Dr. Andrew Charles Regarding Noninfringement, served November 1, 2021 (“Charles Reb.”).

15. Attached hereto as **Exhibit 15** is a true and correct excerpted copy of the Opening Expert Report of James M. McDonnell, Ph.D., Regarding Invalidity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, served September 16, 2021 (“McDonnell Op.”).

16. Attached hereto as **Exhibit 16** is a true and correct excerpted copy of the transcript of the deposition of Barrett Allan, held June 17, 2021 (“Allan Tr.”).

17. Attached hereto as **Exhibit 17** is a true and correct excerpted copy of the transcript of the deposition of Jennifer Stratton, held June 29, 2021 (“Stratton Tr.”).

18. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced by Teva bearing Bates numbers TEVA_FREM_000136489-97 and introduced as Exhibit 10 in the June 29, 2021 deposition of Jennifer Stratton (“Stratton Ex. 10”).

19. Attached hereto as **Exhibit 19** is a true and correct copy of a document produced by Teva bearing Bates numbers TEVA_FREM_000136272-91 and introduced as Exhibit 11 in the June 29, 2021 deposition of Jennifer Stratton (“Stratton Ex. 11”).

20. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced by Teva bearing Bates numbers TEVA_FREM_000206270-95 and introduced as Exhibit 17 in the June 29, 2021 deposition of Jennifer Stratton (“Stratton Ex. 17”).

21. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced by Teva on behalf of Joerg Zeller bearing Bates numbers Zeller_FREM_00014548-78 and introduced as Exhibit 41 in the August 11, 2021 deposition of Joerg Zeller (“Zeller Ex. 41”).

22. Attached hereto as **Exhibit 22** is a true and correct copy of a document produced

by Teva on behalf of Joerg Zeller bearing Bates numbers Zeller_FREM_00004726-28 and introduced as Exhibit 33 in the August 11, 2021 deposition of Joerg Zeller (“Zeller Ex. 33”).

23. Attached hereto as **Exhibit 23** is a true and correct copy of a document produced by Teva on behalf of Kristian Poulsen bearing Bates numbers Poulsen_FREM_00004829-38 and introduced as Exhibit 16 in the August 5, 2021 deposition of Kristian Poulsen (“Poulsen Ex. 16”).

24. Attached hereto as **Exhibit 24** is a true and correct excerpted copy of the transcript of the deposition of Raymond Hill, held January 20, 2022 (“Hill Tr.”).

25. Attached hereto as **Exhibit 25** is a true and correct excerpted copy of the transcript of the deposition of Joerg Zeller, held August 11, 2021 (“Zeller Tr.”).

26. Attached hereto as **Exhibit 26** is a true and correct excerpted copy of the transcript of the deposition of Kristian Poulsen, held August 5, 2021 (“Poulsen Tr.”).

27. Attached hereto as **Exhibit 27** is a true and correct copy of a document produced by Lilly bearing Bates numbers LLY-GALCA-00188757–73 and introduced as Exhibit 7 to the June 15, 2021 deposition of Kathryn Ramseyer (“Ramseyer Ex. 7”).

28. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced by Teva bearing Bates numbers TEVA_FREM_000588738–71 and was introduced as Exhibit 37 to the January 26, 2022 deposition of Andrew Blumenfeld (“Blumenfeld 37”).

29. Attached hereto as **Exhibit 29** is a true and correct excerpted copy of the Reply Expert Report of Dr. Andrew Charles Regarding Invalidity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, served December 7, 2021 (“Charles Rep.”).

30. Attached hereto as **Exhibit 30** is a true and correct excerpted copy of the Opening Expert Report of Jeffrey V. Ravetch, M.D., Ph.D., Regarding Infringement, served September 16, 2021 (“Ravetch Op.”).

31. Attached hereto as **Exhibit 31** is a true and correct excerpted copy of the Responsive Expert Report of Geoffrey Hale, Ph.D., Regarding Validity, served November 1, 2021 (“Hale Resp.”).

32. Attached hereto as **Exhibit 32** is a true and correct excerpted copy Plaintiffs’ Objections and Responses to Defendant Eli Lilly and Company’s Requests for Admission (Nos. 1-32), dated March 31, 2021 (“Teva Responses to RFAs”).

33. Attached hereto as **Exhibit 33** is a true and correct excerpted copy of the Rebuttal Expert Report of Raymond Hill, Ph.D., Regarding Validity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, served November 1, 2021 (“Hill Reb.”).

34. Attached hereto as **Exhibit 34** is a true and correct excerpted copy of the Rebuttal Expert Report of James M. McDonnell, Ph.D., Regarding Noninfringement of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, served November 1, 2021 (“McDonnell Reb.”).

35. Attached hereto as **Exhibit 35** is a true and correct excerpted copy of the Supplemental Reply Expert Report of James M. McDonnell, Ph.D. Regarding Invalidity of U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908, served on January 21, 2022 (“McDonnell Supp.”).

36. Attached hereto as **Exhibit 36** is a true and correct excerpted copy of the transcript of deposition of Marcelo Bigal, held June 10, 2021 (“Bigal Tr.”).

37. Attached hereto as **Exhibit 37** is a true and correct excerpted copy of Charles A. Janeway et al., Immunobiology: The Immune System in Health and Disease (5th ed. 2001) (“Janeway”).

38. Attached hereto as **Exhibit 38** is a true and correct excerpted copy of the transcript of the deposition of Yasmina Abdiche, held August 17, 2021 (“Abdiche Tr.”).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.