

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

TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH and)	
TEVA PHARMACEUTICALS USA, INC.,)	Case No. 1:18-cv-12029-ADB
)	
Plaintiffs,)	
)	
v.)	
)	
ELI LILLY AND COMPANY,)	Leave to File Granted on
)	Feb. 22, 2022 (ECF No. 272)
Defendant.)	

**DECLARATION OF EMILY GABRANSKI IN SUPPORT OF
DEFENDANT ELI LILLY AND COMPANY’S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT**

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 U.S. Patent Application Publication No. 2009/0220489.

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 and 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 Reply Expert Report of Jeffrey V. Ravetch, M.D., Ph.D., Regarding Infringement, served December 7, 2021 (“Ravetch Reply”).

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 Reply Expert Report of Pamela Blake, M.D. FAHS, Regarding Infringement, served December 7, 2021 (“Blake Reply”).

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 in 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 publication Lamb, “Galcanezumab: First Global Approval,” *Drugs* (2018) 78: 1769-75 (“Lamb 2018”).

29. Attached hereto as **Exhibit 29** is a true and correct copy of a “Notice of Allowability” issued by the United States Patent and Trademark Office on August 16, 2013 for U.S. Patent Application No. 13/179,846 (“Notice of Allowability”).

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 transcript of the deposition of Jeffrey Ravetch, held January 19, 2022 (“Ravetch Tr.”).

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 a document produced by Lilly bearing Bates numbers LLY-GALCA-00188125-79.

39. Attached hereto as **Exhibit 39** is a true and correct copy of a document produced by Lilly bearing Bates numbers LLY-GALCA-00263352-60.

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