

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TEVA PHARMACEUTICALS
INTERNATIONAL GMBH and
TEVA PHARMACEUTICALS
USA, INC.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,
Defendant.

Civil Action No.
1:18-cv-12029-ADB

**DECLARATION OF ELAINE HERRMANN BLAIS IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANT ELI LILLY AND COMPANY’S *DAUBERT*
MOTION TO PARTIALLY EXCLUDE TESTIMONY OF DR. ELAN RUBINSTEIN
AND DR. MARK BERKMAN**

I, Elaine Herrmann Blais, hereby declare as follows:

1. I am a resident of the United States and over the age of 21. The facts set forth herein are true and of my personal knowledge. If called upon to testify, I could and would verify competently thereto.
2. I am a Partner at the law firm of Goodwin Procter LLP, counsel for Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (collectively, “Teva”) in the above-captioned action. I am a member in good standing of the State Bar of Massachusetts.
3. I submit this declaration in support of Plaintiffs’ Opposition to Defendant Eli Lilly and Company’s *Daubert* Motion to Partially Exclude Testimony of Dr. Elan Rubinstein and Dr. Mark Berkman.
4. Attached as **Exhibit A** hereto is a true and correct copy of the Opening Expert Report of Elan B. Rubinstein, Pharm.D., M.P.H., dated September 16, 2021.

5. Attached as **Exhibit B** hereto is a true and correct copy of the Reply Expert Report of Elan B. Rubinstein, Pharm.D., M.P.H., dated December 7, 2021.

6. Attached as **Exhibit C** hereto is a true and correct copy of the Expert Report of Mark P. Berkman on behalf of Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals, USA, Inc., dated September 16, 2021.

7. Attached as **Exhibit D** hereto is a true and correct copy of the Reply Report of Mark P. Berkman on behalf of Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals, USA, Inc., dated December 7, 2021.

8. Attached as **Exhibit E** hereto is a true and correct excerpt of the deposition transcript of Elan B. Rubinstein, Pharm.D., M.P.H., dated January 14, 2022.

9. Attached as **Exhibit F** hereto is a true and correct excerpt of the deposition transcript of Ryan Pettibone, dated July 29, 2021.

10. Attached as **Exhibit G** hereto is a true and correct excerpt of the deposition transcript of Cory Rotterman, dated July 2, 2021.

11. Attached as **Exhibit H** hereto is a true and correct excerpt of the deposition transcript of Gordon James Brooks, dated July 23, 2021.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: May 10, 2022

/s/ Elaine Herrmann Blais
Elaine Herrmann Blais (BBO #656142)

CERTIFICATE OF SERVICE

I, Elaine Herrmann Blais, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on May 10, 2022.

/s/ Elaine Herrmann Blais

Elaine Herrmann Blais (BBO# 656142)

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210

Tel.: (617) 570-1000

Fax: (617) 523-1231

eblais@goodwinlaw.com