

**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'
MOTION TO EXCLUDE CERTAIN OPINIONS OF DEFENDANT'S
EXPERT JAMES M. MCDONNELL, PH.D.**

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' Motion to Exclude Certain Opinions of Defendant's Expert James M. McDonnell, Ph.D.

4. Attached as **Exhibit 1** hereto is a true and correct copy of excerpts of U.S. Patent No. 8,586,045 (TEVA_FREM_000055080).

5. Attached as **Exhibit 2** hereto is a true and correct copy of excerpts of the Opening Expert Report of Jeffrey V. Ravetch, M.D., Ph.D., Regarding Infringement, dated September 16, 2021.

6. Attached as **Exhibit 3** hereto is a true and correct copy of excerpts 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, dated October 28, 2021.

7. Attached as **Exhibit 4** hereto is a true and correct copy of excerpts of the transcript of the January 7, 2022, deposition of James McDonnell, Ph.D.

8. Attached as **Exhibit 5** hereto is a true and correct copy of excerpts 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, dated September 16, 2021.

9. Attached as **Exhibit 6** hereto is a true and correct copy of excerpts of the 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, dated December 7, 2021.

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

Executed: March 28, 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 July 27, 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