

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

NOVARTIS PHARMACEUTICALS : CIVIL ACTION
CORPORATION, NOVARTIS :
AG, NOVARTIS PHARMA AG, :
NOVARTIS INTERNATIONAL : - VOLUME C -
PHARMACEUTICALS LTD, and :
LTS LOHMANN :
THERAPIE-SYSTEME AG, :
Plaintiffs, :

vs. :

PAR PHARMACEUTICAL, :
INC., : NO. 11-1077-RGA
Defendant. : CONSOLIDATED

----- : CIVIL ACTION
NOVARTIS PHARMACEUTICALS :
CORPORATION, NOVARTIS :
AG, NOVARTIS PHARMA AG, :
NOVARTIS INTERNATIONAL :
PHARMACEUTICALS LTD, and :
LTS LOHMANN :
THERAPIE-SYSTEME AG, :
Plaintiffs :

vs. :

WATSON LABORATORIES, :
INC., WATSON PHARMA, :
INC., and WATSON :
PHARMACEUTICALS, INC., : NO. 11-1112-RGA
Defendants. :

Wilmington, Delaware
Wednesday, August 28, 2013
8:33 o'clock, a.m.

- - -

BEFORE: HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

1 Q. Good afternoon, Dr. Tiemessen.

2 A. Good afternoon.

3 Q. Please tell us a little about yourself.

4 A. I'm Henricus, also go by Harry, Tiemessen,
5 and I am born, raised, and educated in Holland,
6 and currently I work for Novartis Pharma in Basel
7 in Switzerland, and I work there as a senior
8 fellow in the department developing injectables
9 and topical formulations.

10 Q. Would you please review your education and
11 training for us?

12 A. I did my bachelor and master degree in
13 Nijmejn, N-i-j-m-e-j-n, and afterwards I did my
14 Ph.D. in University of Leiden, L-e-i-d-e-n.

15 I did Ph.D. focusing on the
16 development of topical formulations for drug
17 delivery, and I was also dealing with the study
18 of permeation of skins, through skin, in order to
19 mimic the situation in man.

20 Q. And since graduating with your Ph.D., has
21 there been a particular focus to your
22 professional life?

23 A. I have been working as a pharmaceutical
24 scientist formulator expert since then.

1 Q. What did you do following your doctoral
2 studies?

3 A. After my Ph.D., I went to work for Sandoz
4 in Basel, Switzerland.

5 Q. When was that?

6 A. That was in 1989.

7 Q. What is Sandoz?

8 A. Sandoz is the predecessor to Ciba-Geigy --
9 Novartis. They merged with Ciba-Geigy early in
10 '97 in order to form Novartis.

11 Q. Why did you join Sandoz?

12 A. When I had finished my Ph.D., there were
13 not that many opportunities in Holland, then I
14 started to look around in Europe, then I found
15 the work that I could do at Sandoz the most
16 interesting, particularly in the field of
17 transdermal drug delivery.

18 Q. What was your title when you first joined
19 Sandoz?

20 A. When I started Sandoz, I was head of
21 formulation group.

22 Q. What were your responsibilities?

23 A. There, I was formulation expert for the
24 rivastigmine transdermal drug delivery project,

1 Garinot. He was the analytical expert situated
2 in France. And we had Karen Ann Bergmann. She
3 was project team leader. And that role was
4 taken over by Mr. Ogorka in early '96.

5 And Mr. Richter was also -- Fritz, he
6 was my department head.

7 Q. Okay. That was from the Novartis side; is
8 that right?

9 A. That's correct. Yeah.

10 Q. What about the LTS side?

11 A. The LTS side we had Mr. Asmussen, the
12 department head, the department of development.
13 We had Michael Horstmann. He was the RD head.

14 And in '95, I was working together
15 with Kai Kopke. He was the project leader at the
16 Lohmann site.

17 Q. Thank you. Can you tell us a little bit
18 about the makeup of the team in terms of their
19 educational background and experience?

20 A. They were all Ph.D.s in their areas. And,
21 in addition, they had quite some development
22 experience.

23 Q. Now I would like you to take us back to
24 1989 through 1988 -- 1998 and walk us through the

1 MR. FIGG: Well, that was the point
2 I was wanting to make clear on the record that
3 I'm not sure why this is being offered. But if
4 that is the reason it's being offered, I would
5 object to it.

6 THE COURT: Okay. Do you have
7 anything to say in response, Mr. Prugo?

8 MR. PRUGO: It's the context behind
9 the invention. Okay.

10 THE COURT: All right. Keep going.
11 BY MR. PRUGO:

12 Q. So you see the word stability that's
13 referred to in this document. Is that a
14 reference to oxidative degradation?

15 A. No. This is referencing to stability in
16 general. The chemical stability in general and
17 also the physical stability in general.

18 Q. And can you characterize the team's
19 expectations regarding encountering the stability
20 issue?

21 A. In fact, we didn't expect stability issues
22 to come because, at that point in time, we had a
23 lot of experience with oral forms which were in
24 the development. And at that point in time, we

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