Page 1

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATIENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC, PAR PHARMACEUTICALS, INC. and WOCKHARDT BIO AG,

Petitioners,

v.

JAZZ PHARMACEUTICALS, INC.,

Patent Owner

Case IPR2015-00554 Patent 7,668,730

Oral deposition of DR. JOSEPH DIPIRO, taken at the offices of Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22nd Floor, New York, New York 10010, on Wednesday, February 3, 2016, at 9:35 a.m., before Anthony Armstrong, a Realtime Systems Administrator, Certified Realtime Reporter, Certified Court Reporter and Notary Public of the State of New York.

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#### 2/3/2016

1     APPE AR ANCES:     1     JOSEPH DIPIRO, Pharmal.D., a witness, having       2     MADDOX EDWARDS, PLC     3     MR.RUEDY: For the resord, we're       1000 K Street, NW, Suite 725     3     MR.RUEDY: For the resord, we're       2     Provide Wenchew com     6       4     BY, MATTHEW, C.RUEDY, ESQ., (200830-0779)     6     546, 547, 551, 554, and the related       7     ARENT FOX, LLP     7     8     MR.STOPS: Shall we do       17     RY KICHARD J BERNAN, ESQ., (200857-6000     6     546, 547, 551, 554, and the related       7     ARENT FOX, LLP     8     MR.STOPS: Shall we do       11     BY: ERG STOPS, ESQ., (200847-6000     10     MR.STOPS: Stall we do       12     SI Madison Avenue, 22nd Floor     11     MR.STOPS: Shall we do       13     BY: ERG STOPS, ESQ., (212)849-7501     13     MR.RUEDY: Sure.       14     erisstops@quintennanuel.com     14     Evangeline Shik, also from Quinn Emanaceuticals       15     erisstops@quintennanuel.com     16     For representing Ameae Pharmaceuticals       15     MR.STOPS, ESQ., (212)849-7000     17     MR.BREANN: Rick Bernan from Arent       14     erisstops@quintennanuel.com     16     For representing Ameae Pharmaceuticals       15     MR.STOPS, ESQ., (212)849-7000     17     MR.BERNAN: Rick Bernan from Arent
MADDOX EDWARDS, PLLC     2     first been duly svore, testified as follows:       1     100 K Street NW, suite 725     2     MR, RUEDY: For the record, we're       Mathington, DC 20006     4     MR, RUEDY: For the record, we're       MATTHEW C, RUEDY, ESQ,     2     MR, RUEDY: For the record, we're       Attorneys for Annuel Pharmaceuticals     6     546, 547, 548, 551, 554, and the related       Attorneys for Annuel Pharmaceuticals     6     546, 547, 548, 551, 554, and the related       7     Attorneys for Annuel Pharmaceuticals     6     MR, STOPS: Shall we do       8     WY: RICHARD, HERMAN, ESQ,     9     MR, STOPS: Shall we do       9     INT'R Street, NW, 2015-0054,     9     MR, STOPS: Shall we do       11     MR, STOPS: Shall we do     introductions?     MR, STOPS: Shall we do       12     S1 Matison Avenue, 22nd Floor     MR, STOPS: This is Eric Stops from       13     Quinn Emanuel, for the patent owner Jazz     9       14     ericstops @quinnenanuel.com     16     Eavangeline Shih, also form Quinn Emanuel.       15     Cl218/49-7561     16     MR, BERMAN: Rich Berman from Arent       16     ericstops @quinnenanuel.com     17     MR, BERMAN: Rich Berman from Arent       17     Stops # 20     22     22       18     Fox representing Annual Pharmaceuticals.
3     1900 K Street KW, Suite 725     3     MR. RUEDY: For the record, we're       Washington, DC 20006     BY: MATTHEW C, RUEDY, ESQ., (20)8300779     4     here today for a deposition in a series of enter parties versive IPR Nos. 2015-05454, 546, 547, 548, 551, 554, and the related joined cases. Good morning.       7     ARENT FOX, LLP     7     introductions?       8     Washington, DC 2003(57, 6000     10     MR. RUEDY: Sure.       9     QU20357, 6000     10     MR. RUEDY: Sure.       10     Attorneys for Par Pharmaceuticals     11     MR. STOPS: Shall we do       11     QUINN EMANUEL URQUHART & SULLIVAN, LLP     13     MR. STOPS: This is thic Stops from       12     Attorneys for Par Pharmaceuticals     13     MR. RUEDY: Sure.       13     QUINN EMANUEL URQUHART & SULLIVAN, LLP     13     Pharmaceuticals and the witness. With me is       14     ericstops équintemanuel.com     16     Edwards representing Anneel Pharmaceutical.       15     MR. BERMAN: Rich Berman from Arent evangelineshih@quinnemanuel.com     16     Edwards representing Par Pharmaceutical.       15     DIRECT EXAMINATION     2     1     DIRECT EXAMINATION       20     Page 2     Page 4       16     EV H1B IT S     1     DIRECT EXAMINATION       17     NUMBER     DESCRIPTION     PAGE     2     Q. Could you p
4     BY: MATTHEW C. RUEDY, ESQ., (202)/S00779     1     here today for a deposition in a sense of (202)/S00779       5     minedy @meiplaw.com     5     enter parties review IPR Nos. 2015-00545, 546, 547, 548, 551, 554, and the related joined cases. Good morning.       6     ARENT FOX, LLP     7       1717 K Street, NW     8     MR. STOPS: Shall we do introductions?       9     Washingon, DC 2008     9       9     Y. RUCHARD, J. BERMAN, ESQ., (202)/S7-6000     9       9     SI Madion Avene, 2: 2016     9       10     MR. STOPS: Shall we do introductions?     9       11     MR. STOPS: Shall we do     9       12     QUINN FMANUEL URQUHART & SULLIVAN, ILP     13       13     Pharmaceuticals and the wintess. With me is Evangeline Shih, also from Quinn Emanuel.     14       14     erictstops@quinnemanuel.com     16       15     MR. RUEDY: Marthere Ruedy from Maddox       16     erictstops@quinnemanuel.com     16       17     RVE, BERMAN: Rich Bernan fron Arent evangelineshih@quinnemanuel.com     16       18     FURLSTOP, Shall we do     16       19     DIRECT EXAMINATION     17       20     Page 2     Page 4       1     INDEX     1     DIRECT EXAMINATION       21     page.)     22       22
2020/830-0779     File Control     5     enter parties' review IPR Nos. 2015-00545,       4     Attorneys for Anneal Pharmaceuticals     6     546, 547, 548, 551, 554, and the related       7     ARENT FOX, LLP     7     joined cases. Good morning.       1177, KStreet, NW     8     MR, STOPS: Shall we do       8     Washington, DC 2003     9     introductions?       9     (202)857-6000     10     MR, STOPS: Shall we do       10     Attorneys for Parmaceuticals     11     MR, STOPS: Shall we do       11     MR STOPS: Shall we do     introductions?       12     QUINN Emande for the patent owner Jazz       13     Mex York, New York (Not100       14     EXAMPTION, EXO,       15     Sti Madison Avenue, 22nd Floor       16     Attorneys for Jazz Pharmaceuticals       17     NR, BERMAN: Rich Bernan from Arent       18     C12/849-7601       19     Page 2       10     Attorneys for Jazz Pharmaceuticals       17     NDEX       18     Page 2       19     Page 4       10     INDEX       11     DIRECT EXAMINATION       12     Page 4       13     INDEX       14     By Mr. Rucky        15     EX HI IB IT S
Attorneys for Anneal Pharmaceuticals     6     546, 547, 548, 551, 554, and the related       7     ARENT FOX, LLP     7       1717 K Storet, NW     8     MR. STOPS: Shall we do       8     Washington, DC 20038     9       BY: RCHARD, J BEMAN, EQ.,     10     MR. STOPS: Stret,       10     Attorneys for Par Pharmaceuticals     11       11     MR. STOPS: Stret,     NR. STOPS: Stret,       12     Quinn Emanuel for the patent owner Jazz     Quinn Emanuel for the patent owner Jazz       13     QUINN EMANUEL URQUHART & SULLIVAN, LLP     13       14     BY: ERC STOPS, ESQ.,     14       15     Stidiano Avenez, Zand Floor     15       16     RTERC STOPS, ESQ.,     15       17     Pharmaceuticals and the winess. With me is       18     PY: EVANGELINE SHIH, ESQ.,     15       19     FVARGELINE SHIH, ESQ.,     16       10     Attorneys for Jazz Pharmaceuticals     18       10     INDEX     1     DIRECT EXAMINATION       12     Page 2     Page 4       13     INDEX     1     DIRECT EXAMINATION       14     INDEX     1     DIRECT EXAMINATION       15     INDEX     1     DIRECT EXAMINATION       16     INDEX     1     DIRECT EXAMIN
*     ARENT FOX, LLP     i     joined cases. Good morning.       1717 K Street, NW     *     MR. STOPS: Shall we do       *     MR. STOPS: Shall we do     introductions?       2020857-6000     richard bernan@arentfox.com     *     MR. STOPS: This is Eric Stops from       11     Automeys for Par Pharmaceuticals     *     MR. STOPS: This is Eric Stops from       12     QUINN EMANUEL URQUHART & SULLIVAN, LLP     *     MR. STOPS: This is Eric Stops from       13     BY: ERIC STOPS, ESQ.     *     MR. RUEDY: Matthew haves. With me is       14     eric stops@quinnemanuel.com     *     MR. RUEDY: Matthew Ruedy from Maddox       15     C121849-7601     *     *       16     Automeys for Jazz Hurmaceuticals     *     *       17     NR BERMAN: Rich Berman from Arent     For representing Anneal Pharmaceutical.       16     Reversenting Par Pharmaceutical.     *       17     INDEX     1     DIRECT EXAMINATION       18     EX HIB ITS     *     Q. Good morning.       19     INDEX     1     DIRECT EXAMINATION       2     Page 4     *        2     *     *     Q. Could you please state your name and       10     DISCT EXAMINATION     *     A. Good morning.       2     <
1       AREN FOX, LDP       a       MR. STOPS: Shall we do         0       Washington, DC 20038       9       introductions?         2       (202)857-6000       10       MR. RUEDY: Sure.         10       Attorneys for Par Pharmaceuticals       11       MR. STOPS: This is Eric Stops from         11       QUIN EMANUEL URQUHART & SULLIVAN, LLP       13       Pharmaceuticals and the witness. With me is         11       St Madison Avenue, 22nd Floor       14       Evangeline Shih, also from Quinn Ennauuel.         12       Quinn Ennauel for the patient owner Jazz       Pharmaceuticals and the witness. With me is         13       RY: ERC STOPS, ESQ.,       (212)449-7601       14         14       Edvards representing Anneal Pharmaceuticals       16         15       C12)449-7601       15       Edvards representing Anneal Pharmaceutical.         16       erist stops (quinnemanuel.com       16       Fox representing Par Pharmaceutical.         17       INDEX       1       DIRECT EXAMINATION         18       Fox page 2       Page 4         13       INDEX       1       DIRECT EXAMINATION         14       By Mr. Ruedy       4       4       6         15       DR, IOSEPH DIPIRO       5       Q. Good morning
8       Washington, DC 20038       9       introductions?         BY: RCHARD J. BERMAN, ESQ.,       10       MR. RUEDY: Sure.         10       Attorneys for Par Pharmaceuticals       11       MR. STOPS: This is Eric Stops from         11       QUINN EMANUEL URQUHART & SULLIVAN, LLP       11       Pharmaceuticals and the witness. With me is         12       SI Madison Avenue, 22nd Floor       13       Pharmaceuticals and the witness. With me is         13       We York, New York, 10010       14       Evangeline Shih, also from Quinn Emanuel.         14       ericscops@quinnemanuel.com       16       Edwards representing Anneal Pharmaceuticals.         14       ericscops@quinnemanuel.com       16       Fox representing Par Pharmaceutical.         15       (212)849-7000       12       Page 2       Page 4         16       Attorneys for Jazz Pharmaceuticals       13       Introductions?         17       Page 2       Page 4       12       page.)         18       Edwards representing Anneal Pharmaceuticals       14       Fox representing Anneal Pharmaceuticals         19       Introductions?       17       Introductions?       15       Page 4         14       INDEX       1       DIRECT EXAMINATION       14       14       14
9     (202)857-6000     10     MR. RUEDY: Sure.       10     Attorneys for Par Pharmaceuticals     11     MR. STOPS: This is Eric Stops from       11     QUINN EMANUEL URQUHART & SULLIVAN, LLP     11     MR. STOPS: This is Eric Stops from       12     51 Madison Avenue, 22nd Floor     12       13     With we vork, New York, 10010     14       14     erics roops @quinnemanuel com     16       15     (212)849-700     16       16     Attorneys for Juzz Pharmaceuticals     17       17     Wards representing Anneal Pharmaceutical.       18     With We wards in the ward from Arent       19     (212)849-700     16       10     Edwards representing Par Pharmaceutical.       16     Attorneys for Juzz Pharmaceuticals       17     wardelineshih@quinnemanuel.com     18       18     PAGE     19       19     INDEX     1       20     Crestimony continued on next       21     page 2     22       22     PAGE     1       3     Q. Good moming.       4     A. Good moming.       5     EX H I B I T S       6     EX H I B I T S       7     NUMBER       9     MR. RUEDY:       10     Q. Good moming.<
10       Attorneys for Par Pharmaceuticals       11       MRK STOPS; This is Enc Stops from         11       QUINN EMANUEL URQUHART & SULLIVAN, LLP       12       Quinn Enanuel for the patent owner Jazz         12       51 Madison Avenue, 22nd Floor       14       Evangeline Shih, also from Quinn Emanuel.         13       New York, New York 10010       14       Evangeline Shih, also from Quinn Emanuel.         14       ericstops@quinnemanuel.com       16       Edwards representing Anneal Pharmaceuticals.         15       (212)849-7501       16       Edwards representing Anneal Pharmaceuticals.         16       Attorneys for Jazz Pharmaceuticals       18       Fox representing Par Pharmaceutical.         17       RR BERMAN: Rich Berman from Arent       Fox representing Par Pharmaceutical.         17       INDEX       1       DIRECT EXAMINATION         12       Page 2       Page 4         1       INDEX       1       DIRECT EXAMINATION         2       PAGE       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       5       Q. Could you please state your name and address for the record.         4       By Mr. Ruedy       4       6       address for the record.         5       EX H I B I T S       Q. Could you please state your name and a
11       Anomeys for 1a Thanhaceutalas       12       Quinn Emanuel for the patent owner Jazz         12       QUINN EMANUEL URQUHART & SULLIVAN, LLP       13       Pharmaceuticals and the witness. With me is         13       BY: ERC STOPS, ESQ.,       14       Evangeline Shih, also from Quinn Emanuel.         14       ericstops@quinnemanuel.com       14       BY: EVANGELINE SHIH, ESQ.,       15         15       (212)849-700       17       MR. BERMAN: Rich Berman from Arent         14       evangelineshih@quinnemanueLcom       18       Fox representing Par Pharmaceutical.         15       (212)849-700       17       MR. BERMAN: Rich Berman from Arent         15       (212)849-700       17       MR. BERMAN: Rich Berman from Arent         16       Attomeys for Jazz Pharmaceuticals       18       Fox representing Par Pharmaceutical.         17       Jazz Pharmaceuticals       19       DIRECT EXAMINATION         18       Page 2       Page 4       1         19       INDEX       1       DIRECT EXAMINATION         10       R. ERATIN PAGE       3       Q. Good morning.         14       A. Good morning.       1       A. Good morning.         15       EX H I B I T S       A. Joseph T. DiPiro. And my residence       16
QUINN EMANUEL URQUHART & SULLIVAN, LLP     13     Pharmaceuticals and the witness. With me is       New York, New York 10010     14     Evangeline Shih, also from Quinn Emanuel.       13     BY: ERIC STOPS, ESQ.,     15       (212)849-7561     16     Edwards representing Anneal Pharmaceuticals.       14     ericstops@quinnemanuel.com     16       15     (212)849-7000     17     MR. BERMAN: Rich Berman from Arent       evangelineshih@quinnemanuel.com     17     Fox representing Armeaeutical.       17     Attomeys for Jazz Pharmaceuticals     18     Fox representing Par Pharmaceutical.       19     20     (Testimony continued on next     19       21     21     page.)     22       22     22     22     Page 4       1     INDEX     1     DIRECT EXAMINATION       2     20     Cestimony.     20       10     INDEX     1     DIRECT EXAMINATION       2     22     22     Page 4       1     INDEX     1     DIRECT EXAMINATION       2     20     Good morning.     3       3     Q. Good morning.     4     A. Good morning.       4     By Mr. Ruedy     4     6     address for the record.       7     NUMBER     DESCRIPTION
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13       BY: ERIC STOPS, ESQ, (212)849-7501       15       MR. RUEDY: Matthew Ruedy from Maddox         14       ericstops@quinnemanuel.com       16       Edwards representing Anneal Pharmaceuticals.         15       (212)849-7501       17       MR. BERMAN: Rich Berman from Arent         16       (212)849-7500       17       MR. BERMAN: Rich Berman from Arent         16       Attorneys for Jazz Pharmaceuticals       18       Fox representing Par Pharmaceutical.         17       Attorneys for Jazz Pharmaceuticals       19         18       page.)       20       (Testimony continued on next)         20       21       page.)       22       22         20       21       page.)       22       22         21       page.)       22       22       24         22       23       24       25       24         24       NUEX       1       DIRECT EXAMINATION       2       24         25       PAGE       3       Q. Good morning.       3       4       A. Good morning.         3       Q. Sould you please state your name and address for the record.       7       A. Joseph T. DiPiro. And my residence         4       BY MR. RUED       8       is at 3991 Reads Landing Circle, Richmon
14       ericstops@uninemanuel.com       16       Edwards representing Anneal Pharmaceuticals.         15       (212)&49-700       17       MR BERMAN: Rich Berman from Arent         16       Attorneys for Jazz Pharmaceuticals       18       Fox representing Par Pharmaceutical.         17       18       19       10         18       19       20       (Testimony continued on next         19       21       22       22         22       22       22       22         21       22       22       22         22       22       22       22         22       22       22       22         23       22       22       22         24       page.2       22       22         25       Page 2       Page 4         1       INDEX       1       DIRECT EXAMINATION         26       WITNESS       PAGE       3       Q. Good morning.         3       Q. Good morning.       4       A. Good morning.       5         4       By Mr. Ruedy       4       6       iadress for the record.       7         5       Q. Could you please state your name and address for the record.       1       10
BY: EVANGELINE SHIP, ESQ,       17       MR. BERMAN: Rich Bernan from Arent         i       (2)2849-7000       18       Fox representing Par Pharmaceutical.         i       Attorneys for Jazz Pharmaceuticals       19       10         i       Attorneys for Jazz Pharmaceuticals       19       10         i       Attorneys for Jazz Pharmaceuticals       19       10         i       Direct Examination of the representing Par Pharmaceutical.       10         i       INDEX       1       DIRECT EXAMINATION         i       INDEX       1       DIRECT EXAMINATION         i       BY MR. RUEDY:       3       Q. Good morning.         i       BY Mr. Ruedy       4       A. Good morning.         i       BY Mr. Ruedy       4       4         i       DISEPH DIPIRO       5       Q. Could you please state your name and address for the record.         i       NUMBER       DESCRIPTION       PAGE       8       is at 3991 Reads Landing Circle, Richmond,         i       Virginia.       10       Q. I just want to go over a few ground       rules before we get started with the deposition.         i       In going to ask you a series of       13       questions. When you answer, please do so verbally         i       <
avagelineshih@quinnemanuel.com       18       Fox representing Par Pharmaceutical.         16       19       19         20       (Testimony continued on next)         21       page.)       22         22       22       22         20       22       22         21       page.)       22         22       22       22         21       page.)       22         22       22       22         24       10       DIRECT EXAMINATION         2       VITNESS       PAGE       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       4       A. Good morning.       3         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence         7       NUMBER       DESCRIPTION       PAGE       9       Virginia.         9       (There were no exhibits marked)       10       Q. Just want to go over a few ground         11       11       12       In going to ask you a series of         13       questions. When you answer, please do so verbally         14       14       for the record, as our court reporter here will be         15       I''''''''''''''''''''''''''''''''''''
1       INDEX       1       DIRECT EXAMINATION         2       Page 2       Page 4         1       INDEX       1       DIRECT EXAMINATION         2       PAGE       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       4       A. Good morning.         4       By Mr. Ruedy       4       A. Good morning.         5       Q. Could you please state your name and address for the record.       7         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence         8       0       There were no exhibits marked)       10       Q. I just want to go over a few ground         10       11       rules before we get started with the deposition.       11       Im going to ask you a series of         12       13       questions. When you answer, please do so verbally       14       15       Transcribing your verbal answers. So no head         16       16       nods, no yes, no shaking of the head, if that       16       16       nods, no yes, no shaking of the head, if that
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20 21 22       21 page.)       22         2       Page 2       Page 4         1       INDEX       1       DIRECT EXAMINATION         2       BY MR. RUEDY:       2       BY MR. RUEDY:         3       Q. Good morning.       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       4       A. Good morning.         4       By Mr. Ruedy       4       A. Good morning.         5       Q. Could you please state your name and address for the record.       6         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence is at 3991 Reads Landing Circle, Richmond, Virginia.         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground rules before we get started with the deposition.         11       Image: Conditional problem is a condit
21       22       Page 2       Page 4         1       INDEX       1       DIRECT EXAMINATION         2       PAGE       3       Q. Good morning.         3       Q. Good morning.       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       4       A. Good morning.         4       By Mr. Ruedy       4       A. Good morning.         5       Q. Could you please state your name and address for the record.       6         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence is at 3991 Reads Landing Circle, Richmond, Virginia.         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground rules before we get started with the deposition.         11       Image 1       Image 1       Image 1       Image 1         14       Image 1       Image 1       Image 1       Image 1         15       Image 1       Image 1       Image 1       Image 1         11       Image 2       Image 2       Image 2       Image 2         12       Image 3       Image 4       Image 4       Image 4         13       Image 4       Image 4       Image 4       Image 4         14       Image 4       Image 4
Page 2       Page 2         1       INDEX       1       DIRECT EXAMINATION         2       WITNESS       PAGE       3       Q. Good morning.         3       Q. Good morning.       4       A. Good morning.         4       By Mr. Ruedy       4       4       A. Good morning.         5       Q. Could you please state your name and address for the record.       6       address for the record.         6       EX H I B I T S       7       A. Joseph T. DiPiro. And my residence is at 3991 Reads Landing Circle, Richmond,       9         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground         10       Image 12       Image 13       Image 13         11       Image 13       Image 14       Image 14         12       Image 14       Image 13         13       questions. When you answer, please do so verbally       13         14       Image 14       Image 14       Image 14         15       Image 15       Image 16       Image 14         16       Image 14       Image 15       Image 14
1       INDEX       1       DIRECT EXAMINATION         2       2       BY MR. RUEDY:         WITNESS       PAGE       3       Q. Good morning.         3       DR. JOSEPH DIPIRO       4       A. Good morning.         4       By Mr. Ruedy       4       Good morning.         5       Q. Could you please state your name and       address for the record.         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence         7       NUMBER       DESCRIPTION       PAGE       8       is at 3991 Reads Landing Circle, Richmond,         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground       11         10       Q. I just want to go ask you a series of       12       Im going to ask you a series of         12       Im going to ask you a series of       13       questions. When you answer, please do so verbally         14       15       14       15       transcribing your verbal answers. So no head         15       16       16       nods, no yes, no shaking of the head, if that
2       2       BY MR. RUEDY:         WITNESS       PAGE       3       Q. Good morning.         3       Q. Sood morning.       4       A. Good morning.         4       By Mr. Ruedy       4       A. Good morning.         5       Q. Could you please state your name and address for the record.         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence         7       NUMBER       DESCRIPTION       PAGE       8       is at 3991 Reads Landing Circle, Richmond,         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground       11         10       11       rules before we get started with the deposition.       11       I'm going to ask you a series of         12       I'm going to ask you a series of       13       questions. When you answer, please do so verbally         13       14       for the record, as our court reporter here will be       15       transcribing your verbal answers. So no head         15       16       16       nods, no yes, no shaking of the head, if that
2       2       BY MR. RUEDY:         WITNESS       PAGE       3       Q. Good morning.         3       Q. Sood morning.       4       A. Good morning.         4       By Mr. Ruedy       4       A. Good morning.         5       Q. Could you please state your name and address for the record.         6       E X H I B I T S       7       A. Joseph T. DiPiro. And my residence         7       NUMBER       DESCRIPTION       PAGE       8       is at 3991 Reads Landing Circle, Richmond,         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground       11         10       11       rules before we get started with the deposition.       11       I'm going to ask you a series of         12       I'm going to ask you a series of       13       questions. When you answer, please do so verbally         13       14       for the record, as our court reporter here will be       15       transcribing your verbal answers. So no head         15       16       16       nods, no yes, no shaking of the head, if that
WITNESS     PAGE     3     Q.     Good morning.       3     DR. JOSEPH DIPIRO     4     A.     Good morning.       4     By Mr. Ruedy     4     6     address for the record.       5     Q.     Could you please state your name and     address for the record.       6     E X H I B I T S     7     A.     Joseph T. DiPiro. And my residence       8     is at 3991 Reads Landing Circle, Richmond,     9     Virginia.       9     (There were no exhibits marked)     10     Q.     I just want to go over a few ground       10     11     rules before we get started with the deposition.       11     12     I'm going to ask you a series of       12     I'm going to ask you a series of       13     14     for the record, as our court reporter here will be       14     Ifor the record, as our court reporter here will be       15     16     16
34A.Good morning.0R. JOSEPH DIPIRO5Q.Could you please state your name and4By Mr. Ruedy46address for the record.6E X H I B I T S7A.Joseph T. DiPiro. And my residence7NUMBERDESCRIPTIONPAGE8is at 3991 Reads Landing Circle, Richmond,80(There were no exhibits marked)10Q.I just want to go over a few ground1011rules before we get started with the deposition.11rules before we get started with the deposition.111213questions. When you answer, please do so verbally14for the record, as our court reporter here will be1415transcribing your verbal answers. So no head16nods, no yes, no shaking of the head, if that
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5       address for the record.         6       EXHIBITS         7       NUMBER         9       (There were no exhibits marked)         10       Q. I just want to go over a few ground         11       rules before we get started with the deposition.         12       Im going to ask you a series of         13       14         14       for the record, as our court reporter here will be         15       16
6       E X H I B I T S       30scpin 1. Dir no. And my residence         7       NUMBER       DESCRIPTION       PAGE       8       is at 3991 Reads Landing Circle, Richmond,         9       (There were no exhibits marked)       10       Q. I just want to go over a few ground         10       Image: 10 m going to ask you a series of       11       rules before we get started with the deposition.         11       Image: 12 m going to ask you a series of       13       questions. When you answer, please do so verbally         13       Image: 14 m going to ask you a series.       14 m going your verbal answers. So no head       15 m going to the head, if that         16       16       16       16       nods, no yes, no shaking of the head, if that
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1415for the record, as our court reporter here will be1516161616nods, no yes, no shaking of the head, if that
<sup>15</sup> transcribing your verbal answers. So no head <sup>16</sup> nods, no yes, no shaking of the head, if that
<sup>16</sup> nods, no yes, no shaking of the head, if that
17 works.
<sup>18</sup> A. I may slip from time to time, but I
<sup>19</sup> will do my best. I would not mind a reminder.
20 Q. Sure. If you don't understand one of
<sup>21</sup> my questions, please ask for clarification. If
<sup>22</sup> you do answer, that means that you understood the
Page 3 Page 5

Pages 2 to 5

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		1	
1	question. Okay?	1	was?
2	A. Yes.	2	A. The one that I referred to first
3	Q. And if you need a break at any time,	3	occurred about 10 years ago was Skelaxin.
4	just please let me know. All I ask is if there	4	Q. And then the other one?
5	is a question pending, that the question be	5	A. I don't recall.
6	answered prior to us taking a break.	6	Q. Was either one of those cases Elan v.
7	A. Sure.	7	Corepharma?
8	Q. Is there any reason that you cannot	8	A. That could be. That sounds right.
9	give full and complete answers today?	9	Q. And was that the Skelaxin case?
10	A. No.	10	A. I believe so. Again, it's I have
11	Q. Have you ever been deposed before?	11	not refreshed my memory on this, so it's going
12	A. Yes.	12	back 10 years.
13	Q. How many times?	13	Q. And then the second case, was that
14	A. Twice.	14	King Pharma versus Eon?
15	Q. What did each of those cases involve?	15	A. That sounds right, yes, to the best
16	A. The most recent was about three years	16	of my memory.
17	ago, and was a personal property dispute related	17	Q. And Quinn Emanuel was your counsel
18	to my family.	18	for that case, correct?
19	Q. And the second?	19	MR. STOPS: Objection. Foundation.
20	A. Was a approximately 10 years ago,	20	A. I was working with lawyers at Jones
21	with some followup in a year or two after, a	21	Day.
22	patent case that I was working with Jones Day	22	Q. Okay. How many cases have you worked
	Page 6		Page 8
1	from.	1	on how many patent cases have you worked with
2	Q. And do you remember the name of that	2	Jones Day on?
3	case?	3	A. So the only ones that I was involved
4	A. I remember some points about it, the	4	with so 10 years ago one involved report and
5	particular drug involved in the patent, and I	5	deposition with Skelaxin. Within the next year
6	probably couldn't recall all the parties involved	6	or two, there were followup reports; no further
7	in the litigation.	7	depositions. And then a couple of years prior to
8	Q. But from your general recollection,	8	that, a report with Jones Day. And those are the
9	what was the drug involved?	9	only ones related to patents that I have been
10	A. Skelaxin.	10	involved with.
11	Q. How many patent cases have you been	11	Q. Have you ever testified in a district
12	involved with?	12	court case?
13	A. I know so prior to that I was	13	A. I once provided testimony for a
14	involved in another report without deposition	14	malpractice case. I'm not sure what the
15	with Jones Day. It may have been a couple of	15	jurisdiction was. And this would have been
16	years earlier. And between that experience and	16	almost a decade ago.
17	the first one that I related to, I'm not clear	17	Q. But not a patent case?
18	how many patents were involved there. To my way	18	A. Not a patent case.
19	of thinking, there were two cases that I don't	19	Q. Are you represented by counsel today?
20	recall that they were related.	20	A. I'm working in conjunction with the
		1	73. Thi working in conjunction with the
21		21	legal counsel for Quinn Emanuel
21 22	Q. Okay. And in that second case with	21	legal counsel for Quinn Emanuel.
21 22		21 22	legal counsel for Quinn Emanuel. Q. What did you do to prepare for
	Q. Okay. And in that second case with		-

#### Pages 6 to 9

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1	today's deposition?	1	correct?
2	A. I worked in conjunction with legal	2	A. I'm not clear which documents you're
3	counsel to review the relevant documents that are	3	referring to.
4	cited in my statement and prepare the my	4	Q. I'm just referring to the
5	statement.	5	petitioner's on the IPRs. I'll submit to you
6	Q. So as far as preparing for today's	6	that each of these IPRs were filed initially by
7	deposition, did you meet with counsel?	7	Par Pharmaceutical and or Amneal pharmaceuticals
8	A. Yes.	8	LLC.
9	Q. Who did you meet with?	9	Just to make things easier, I'm
10	A. With the counsel that you see here,	10	referring to the entities that filed the IPRs as
11	and Frank Calvosa.	11	the petitioners, if that's okay with you.
12	Q. How many days did you meet?	12	A. Well, you know, I don't have an
13	A. Two days.	13	opinion about that because I'm not familiar with
14	Q. And you mentioned that you reviewed	14	the legal process, who files what.
15	documents to prepare for your deposition.	15	If you're asking me is that the way it
16	What did you review specifically?	16	happened
17	A. They're all stated in my and	17	Q. I'm just asking you so that we have
18	listed in my statement. It includes the ACA	18	an understanding of what I am referring to when I
19	materials and the patent documents and the	19	say petitioner. I'm referring to the parties
20	declaration of Dr. Valuck among those that I	20	that filed the IPRs in front of the patent
21	reviewed.	21	office. That's all.
22	Q. Okay. So referring to your expert	22	A. Okay. Yes.
	Page 10		Page 12
1	declarations, you submitted six of them for six	1	Q. So the six different patents in these
2	different inter partes reviews proceedings,	2	IPRs are owned by Jazz Pharmaceuticals, right?
3	correct?	3	A. That's my understanding.
4	A. Yes.	4	Q. And these six patents generally deal
5	Q. I'm just going to shortcut and say	5	with restricted drug distribution systems, right?
6	IPR, if that's okay with you, for inter partes	6	A. Yes.
7	review.	7	Q. Are you okay with that general
8	A. I know we have used that term, but	8	description? I'm not going to hold you to it
9	remind me what that acronym	9	necessarily, but I just want something that we
10	Q. Inter partes review?	10	can agree on that the patents generally cover.
11	A. Yes.	11	A. Yes.
12	Q. I'm just referring to the general	12	Q. Have you read each of the six
13	type of case that we're here for today, if that's	13	patents?
14	okay with your understanding.	14	A. Yes.
15	A. Right. I don't have a working	15	Q. Did you read the entirety of each of
16	definition of that term, but I thank you for the	16	them?
17	explanation.	17	A. Yes. And I recognize that much of
18	Q. Okay. It just saves me from having	18	that is the same or very similar from one to the
19	to repeat inter partes review.	19	next.
20	A. Sure.	20	Q. When were you first contacted about
21	Q. Each of these IPRs were filed either	21	this case?
22	by Par Pharmaceutical or Amneal Pharmaceuticals,	22	A. I don't recall the exact date, but it
	Page 11		Page 13

Pages 10 to 13

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1	may have been in October in the middle of the	1	Q. The subject matter of the patents,
2	fall this past year, 2015.	2	the restricted drug distribution system.
3	Q. Who contacted you?	3	A. Well, I relied on what was supplied
4	A. Would have been Angela Chi.	4	by counsel in terms of the materials that are
5	Q. When you were contacted about this	5	cited in my report. I did not obtain those
6	case, what were you asked to do?	6	independently.
7	MR. STOPS: Objection, to the extent	7	Q. So my question is, did you do any
8	the question calls for attorney/client	8	other research beyond the materials provided by
9	communications. Maybe there's a way you can	9	counsel?
10	ask that question without getting to	10	A. Minimal.
11	MR. RUEDY: I'm not looking for	11	Q. What do you mean by minimal?
12	protected information.	12	A. I spent a small amount of time
13	BY MR. RUEDY:	13	reading about Xyrem and the manufacturers'
14	Q. I'm just looking in general what were	14	restricted distribution system, the material that
15	you asked to do.	15	was on their website.
16	MR. STOPS: That question still may	16	Q. Was all the materials that you
17	call for attorney/client communications.	17	reviewed on the Xyrem website?
18	You can answer generally to the extent	18	MR. STOPS: Objection, form.
19	you can without revealing attorney/client	19	A. I'm trying to recall what I looked
20	compilations.	20	at. I really didn't spend a minimal amount of
21	THE WITNESS: Repeat the question.	21	time outside the documents that were provided,
22	MR. RUEDY: If you can read it back,	22	and so I do recall specifically that I looked up
	5 14		
	Page 14		Page 16
1	please.	1	about Xyrem to become more familiar with it and
2	(The record was read.)	2	redistricted distribution system. I don't recall
3	*****	3	spending time doing other types of research at
4	A. Well, I was asked if I would be	4	that point time. You've directed me to this
5	willing to provide an opinion about the case and	5	initial contact and that time period.
6	the issues at hand.	6	Q. When you say a minimal amount of
7	BY MR. RUEDY:	7	time, can you quantify that at all?
8	Q. After you were contacted, were you	8	A. Probably 30 minutes.
9	asked to do any research for this case?		
9	asked to do any research for this case?	9	Q. Prior to being contacted in this
10	A. So it depends on what you mean by	9 10	Q. Prior to being contacted in this case, had you heard of Xyrem previously?
	-		
10	A. So it depends on what you mean by	10	case, had you heard of Xyrem previously?
10 11	A. So it depends on what you mean by research. I would say yes, in that I then went	10 11	case, had you heard of Xyrem previously? A. I had heard of it, yes.
10 11 12	A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to	10 11 12	<ul><li>case, had you heard of Xyrem previously?</li><li>A. I had heard of it, yes.</li><li>Q. In what capacity?</li></ul>
10 11 12 13	A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.	10 11 12 13	<ul><li>case, had you heard of Xyrem previously?</li><li>A. I had heard of it, yes.</li><li>Q. In what capacity?</li><li>A. I don't recall from what source the</li></ul>
10 11 12 13 14	<ul><li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li><li>Q. Did you do your own independent</li></ul>	10 11 12 13 14	<ul><li>case, had you heard of Xyrem previously?</li><li>A. I had heard of it, yes.</li><li>Q. In what capacity?</li><li>A. I don't recall from what source the information came from. It may have been one of a</li></ul>
10 11 12 13 14 15	<ul><li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li><li>Q. Did you do your own independent literature search?</li></ul>	10 11 12 13 14 15	<ul><li>case, had you heard of Xyrem previously?</li><li>A. I had heard of it, yes.</li><li>Q. In what capacity?</li><li>A. I don't recall from what source the information came from. It may have been one of a number of news feeds that we routinely receive.</li></ul>
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10 11 12 13 14 15 16 17	<ul> <li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li> <li>Q. Did you do your own independent literature search?</li> <li>A. I do literature searches for a lot of things all the time. So specifically for what</li> </ul>	10 11 12 13 14 15 16 17	<ul><li>case, had you heard of Xyrem previously?</li><li>A. I had heard of it, yes.</li><li>Q. In what capacity?</li><li>A. I don't recall from what source the information came from. It may have been one of a number of news feeds that we routinely receive.</li><li>So I don't recall where it came from, but I was aware of the name.</li></ul>
10 11 12 13 14 15 16 17 18	<ul><li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li><li>Q. Did you do your own independent literature search?</li><li>A. I do literature searches for a lot of things all the time. So specifically for what purpose?</li></ul>	10 11 12 13 14 15 16 17 18	<ul> <li>case, had you heard of Xyrem previously?</li> <li>A. I had heard of it, yes.</li> <li>Q. In what capacity?</li> <li>A. I don't recall from what source the information came from. It may have been one of a number of news feeds that we routinely receive.</li> <li>So I don't recall where it came from, but I was aware of the name.</li> <li>Q. Do you recall when you first heard of</li> </ul>
10 11 12 13 14 15 16 17 18 19	<ul> <li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li> <li>Q. Did you do your own independent literature search?</li> <li>A. I do literature searches for a lot of things all the time. So specifically for what purpose?</li> <li>Q. I'm just asking generally if once</li> </ul>	10 11 12 13 14 15 16 17 18 19	<ul> <li>case, had you heard of Xyrem previously?</li> <li>A. I had heard of it, yes.</li> <li>Q. In what capacity?</li> <li>A. I don't recall from what source the information came from. It may have been one of a number of news feeds that we routinely receive.</li> <li>So I don't recall where it came from, but I was aware of the name.</li> <li>Q. Do you recall when you first heard of Xyrem?</li> </ul>
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10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>A. So it depends on what you mean by research. I would say yes, in that I then went through the relevant documents in the case to gain a better understanding of all the issues.</li> <li>Q. Did you do your own independent literature search?</li> <li>A. I do literature searches for a lot of things all the time. So specifically for what purpose?</li> <li>Q. I'm just asking generally if once you were contacted about this case whether you chose to research the subject matter on your own?</li> </ul>	10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>case, had you heard of Xyrem previously?</li> <li>A. I had heard of it, yes.</li> <li>Q. In what capacity?</li> <li>A. I don't recall from what source the information came from. It may have been one of a number of news feeds that we routinely receive.</li> <li>So I don't recall where it came from, but I was aware of the name.</li> <li>Q. Do you recall when you first heard of Xyrem?</li> <li>A. No.</li> <li>Q. Prior to being contacted in this</li> </ul>

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