

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, INC.,)
INNOPHARMA LICENSING LLC,)
INNOPHARMA INC., INNOPHARMA LLC,) Case IPR2015-00902
MYLAN PHARMACEUTICALS INC.) (Patent 8,669,290 B2)
and MYLAN INC.)
 Petitioner,) Case IPR2015-00902
 v.) (Patent 8,129,431 B2)
SENJU PHARMACEUTICAL CO., LTD.,)
BAUSCH & LOMB, INC., and)
BAUSCH & LOMB PHARMA HOLDINGS CORP.)
 Patent Owner.)
-----)

CONFIDENTIAL SUBJECT TO THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF JOHN C. JAROSZ

Washington, DC 20001

Thursday, March 3, 2016

Reported by: Denise D. Vickery, CRR/RMR

<p style="text-align: right;">Page 2</p> <p>1 Thursday, March 3, 2016 2 9:04 a.m. 3 4 5 VIDEOTAPED DEPOSITION OF JOHN C. JAROSZ, held at the 6 offices of: 7 8 FINNEGAN HENDERSON FARABOW 9 GARRETT & DUNNER, LLP 10 901 New York Avenue NW 11 Washington, DC 20001 12 13 Pursuant to notice, before Denise D. Vickery, 14 Registered Merit Reporter, Certified Realtime 15 Reporter, and Notary Public in and for the District 16 of Columbia. 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S (continued) 2 3 For the Lupin Petitioner: 4 GROWELL & MORING 5 1001 Pennsylvania Avenue NW 6 Washington, DC 20004-2595 7 202.624.2897 8 BY: SHANNON LENTZ, ESQ. 9 slentz@crowell.com 10 11 12 13 Also Present: 14 15 T. J. O'Toole, Videographer 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S 2 3 For the Petitioners: 4 ALSTON & BIRD LLP 5 333 South Hope Street, Sixteenth Floor 6 Los Angeles, CA 90071 7 213.576.1000 8 BY: HIDETADA JAMES ABE, ESQ. 9 james.abe@alston.com 10 11 12 13 For the Patent Owner: 14 FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP 15 901 New York Avenue NW 16 Washington, DC 20001 17 202.408.4000 18 BY: JESSICA M. LEBEIS, ESQ. 19 jessica.lebeis@finnegan.com 20 21 22</p>	<p style="text-align: right;">Page 5</p> <p>1 I N D E X 2 3 EXAMINATION OF JOHN C. JAROSZ PAGE 4 5 BY MR. ABE 12 6 7 -oOo- 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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14	InnoPharma EX1054	Assessing Commercial Success at the U.S. Patent Trial and Appeal Board John Jarosz and Robert L. Vigil	51	14			
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1 EXHIBITS (continued)
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4 EXHIBIT DESCRIPTION PAGE
5 Senju Exhibit 2235 Valeant Pharmaceuticals 152
6 International.
7 Solid results; Increased
8 Guidance. CIBC Page 1 - 10
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1 Bird for the InnoPharma Petitioner and Mylan
2 Petitioner.
3 MS. LENTZ: Shannon Lentz of
4 Crowell & Moring here for Petitioner Lupin.
5 MS. LEBEIS: Jessica Lebeis of
6 Finnegan on behalf of the Patent Owners Senju and
7 Bausch & Lomb.
8 THE VIDEOGRAPHER: Thank you.
9 Would the court reporter please
10 swear in the witness.
11 - - -
12 JOHN C. JAROSZ
13 called for examination, and, after having been duly
14 sworn, was examined and testified as follows:
15 EXAMINATION
16 BY MR. ABE:
17 Q. Good morning, Mr. Jarosz.
18 A. Good morning.
19 Q. Can you state your name for the record?
20 A. John C. Jarosz.
21 Q. You've been deposed many times before;
22 right?

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1 PROCEEDINGS
2 - - -
3 THE VIDEOGRAPHER: On the record
4 with disk No. 1 of the video deposition of John
5 Jarosz taken by the Petitioner in the matter of
6 InnoPharma Licensing, Incorporated, et al. versus
7 Senju Pharmaceuticals Company Limited, et al., being
8 heard before the Patent Trial and Appeal Board of
9 the United States Patent and Trademark Office, Case
10 No. IPR2015-00902.
11 This deposition is being held at
12 the Finnegan law offices located at 901 New York
13 Avenue Northwest in Washington, DC on March 3, 2016
14 at approximately 9:04 a.m.
15 My name is T.J. O'Toole. I am the
16 certified legal video specialist. The court
17 reporter is Denise Vickery. We are both here
18 representing Gregory Edwards, LLC.
19 Will counsel please introduce
20 themselves and indicate which parties they
21 represent.
22 MR. ABE: James Abe of Alston &

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1 A. Yes, only in different matters.
2 Q. Of course.
3 A. Many different matters.
4 Q. Yes. I just wanted to go over the
5 ground rules.
6 A. (Nods head).
7 Q. I represent the InnoPharma Petitioners
8 and I'll be asking questions today, and I'll ask
9 that you answer my questions. Your counsel might
10 object, but unless she instructs you not to answer,
11 I expect you to answer.
12 Is that okay?
13 A. Yes.
14 Q. If you don't understand a question I'm
15 asking, just let me know. If you need a break, just
16 let me know, but I ask that you answer any pending
17 question before you do that.
18 Is that okay?
19 A. Yes.
20 Q. Okay. Is there any reason why you
21 can't testify truthfully today?
22 A. No.

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<p>1 MR. ABE: Okay. Counsel, will you 2 stipulate that the witness is here for 3 cross-examination for both IPR2015-00902 and 903? 4 MS. LEBEIS: Yes. 5 MR. ABE: Okay. And will counsel 6 also stipulate that my questions will be directed to 7 both IPR proceedings unless I specify otherwise? 8 MS. LEBEIS: Yes. 9 BY MR. ABE: 10 Q. Okay. Mr. Jarosz, have you ever been 11 deposed in the context of an inter partes review 12 proceeding? 13 A. Yes. 14 Q. How many times? 15 A. I'd have to look at my CV, but my best 16 memory right now is that it's been three times. I 17 might be wrong, however. 18 Q. And your CV, I believe, is attached as 19 one of the exhibits or it is attached to your 20 declaration; is that right? 21 A. I have attached the version of my CV 22 that was current as of the time I submitted my</p>	<p>1 Well, I'm not exactly sure. I believe 2 so, but I see a few redactions in this, and I am not 3 sure that what I submitted had redactions. So I'm 4 not positive -- 5 Q. Yeah, this is -- 6 A. -- that this is what I submitted. 7 Q. Right. There's another version that is 8 the board's only -- eyes only, but for today's 9 proceeding I'd like to use the board version that's 10 redacted. 11 Is that okay? 12 A. I think so. Although I'm a little bit 13 nervous since it doesn't look like exactly the 14 document that I submitted. 15 Q. That's fair. 16 I'll just represent to you that this is 17 what was filed by the patent owners in the case as 18 protective order material with the redactions as you 19 noted. 20 Is that okay? 21 A. Yes. 22 Q. Okay. So why don't you turn to the CV,</p>
<p>Page 15</p> <p>1 report or declaration in this matter. 2 Q. Do you recall when those three -- let 3 me restate it. 4 Were those three depositions for the 5 inter partes review -- would that have happened 6 after you submitted your declaration in this case? 7 A. No, I don't think any have been 8 since -- 9 Q. Okay. 10 A. -- the declaration in this matter. 11 Though I might be wrong. I think I'm correct. 12 Q. Were any of those IPR proceedings in 13 relation to patents that covered pharmaceutical 14 subject matter? 15 A. I'd have to go back and check. I don't 16 recall sitting here right now. 17 Q. Okay. Maybe if I hand you your 18 declaration, that might help. So I'm -- so I'm 19 handing you what's been marked Senju Exhibit 2130 in 20 the 902 IPR. 21 Mr. Jarosz, is this your declaration? 22 A. (Reviewing document).</p>	<p>Page 17</p> <p>1 which is attached to your declaration as Appendix 1. 2 On page 69, it lists your patent cases. 3 Do you see that? 4 A. Well, it's the start of the list of my 5 patent cases. 6 Q. And the second case listed there, 7 that's an IPR proceeding? 8 A. If that's a question, the answer is 9 yes. 10 Q. Yeah. And you represented the Polaris 11 Industries, Inc. company? 12 A. Yes. 13 Q. Is that right? 14 A. Our firm did, yes. 15 Q. Okay. And that case didn't involve a 16 pharmaceutical product, did it? 17 A. No. 18 Q. And you represented petitioner -- 19 sorry. 20 You were representing the patent owner 21 in that case; is that right? 22 MS. LEBEIS: Objection to the form</p>

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