

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JANSSEN R&D IRELAND, et al., )  
Plaintiffs, ) Consolidated Civil  
vs. ) Action No. 10-5954  
LUPIN LIMITED, et al., ) (WHW) (CLW)  
Defendants. )

The videotaped deposition of GARLAND R. MARSHALL, Ph.D., called for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before Lynn A. McCauley, CSR No. 84-003268, RPR, a Certified Shorthand Reporter of the State of Illinois, at 6 West Hubbard Street, Suite 500, Chicago, Illinois, on October 22, 2013, at 9:08 a.m.

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Janssen Ex. 2045

1 BY MS. ROYZMAN: 11:39:22

2 Q. Let me hand you as Marshall Exhibit 9 the 11:39:22

3 Searle '775 patent. 11:39:27

4 You've seen this document before, 11:39:32

5 Dr. Marshall? 11:39:33

6 A. Yes, I have. 11:39:34

7 Q. Darunavir is disclosed in Table 16K of 11:39:35

8 the '775 patent; is that right? 11:39:54

9 A. I'll have to look at Table 16? 11:39:57

10 Q. 16K. 11:40:01

11 A. 15K. 11:40:09

12 Q. Sorry. 16K. Columns 161, 162. 11:40:11

13 Do you have that? 11:40:19

14 A. I'm -- I'm searching for the structure. 11:40:20

15 16K. 11:40:26

16 Q. It's Columns 161, 162 on the top if that 11:40:26

17 helps. 11:40:31

18 A. Thank you. There's a lot of different 11:40:31

19 tables. 11:40:34

20 Q. There are a lot of sulfonamide HIV 11:40:40

21 protease inhibitors disclosed in the '775 patent; is 11:40:44

22 that right? 11:40:49

23 A. Definitely. 11:40:49

24 MS. BRODY: I'm sorry. Did you withdraw the 11:40:53

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Janssen Ex. 2045



Find authenticated court documents without watermarks at [docketalarm.com](http://docketalarm.com).

1 prior question then? 11:40:55

2 THE WITNESS: I don't -- 11:40:57

3 MS. BRODY: Just one second. I'm just -- you 11:40:58

4 asked two questions. 11:40:59

5 BY MS. ROYZMAN: 11:41:01

6 Q. Dr. Marshall, there are thousands of HIV 11:41:05

7 protease inhibitors disclosed in the '775 patent; is 11:41:09

8 that right? 11:41:13

9 MS. BRODY: Objection to the form. 11:41:13

10 BY THE WITNESS: 11:41:14

11 A. Inhibitors disclosed. There are lots of 11:41:17

12 compounds which were described. 11:41:20

13 How many are disclosed in terms of 11:41:22

14 their affinity for the receptor, their in vitro 11:41:24

15 activity and so on, I don't remember, but it's a 11:41:28

16 common practice for patents to describe literally 11:41:32

17 thousands to millions of compounds for which only a 11:41:37

18 few examples are given, and I assume that's the case 11:41:41

19 for this as well. 11:41:44

20 I happen to know the people who 11:41:45

21 worked on this project, this project migrated from my 11:41:47

22 lab to the people at Searle, so I know they made a 11:41:52

23 lot of sulfonamides, I can agree with that. 11:41:55

24 Although I was just looking at 16K, 11:41:58

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Janssen Ex. 2045



Find authenticated court documents without watermarks at [docketalarm.com](http://docketalarm.com).

1 and I was trying to find a structure of darunavir and 11:42:00  
2 I don't see it there. 11:42:03  
3 Q. 16K, Columns 161, 162? 11:42:10  
4 A. Well, they left out an oxygen. 11:42:16  
5 Q. Yeah, there's -- there's some overlay 11:42:19  
6 issues in -- 11:42:22  
7 A. Okay. Well, I'm just saying if I look at 11:42:23  
8 this column, that is not the structure of bis-THF, so 11:42:25  
9 I mean it -- it may have been corrected, but in the 11:42:32  
10 document I have, 161 on the bottom left -- I mean if 11:42:35  
11 I go back -- if I go back to Column 219, then bis-THF 11:43:05  
12 is certainly shown correctly. 11:43:12  
13 Q. Column 219 is -- 11:43:13  
14 A. Yeah. 11:43:15  
15 Q. -- the Claims? 11:43:16  
16 A. Or 221, yes. 11:43:16  
17 (Whereupon, a certain  
18 document was marked  
19 Marshall No. 10 for  
20 identification.)  
21 BY MS. ROYZMAN: 11:43:18  
22 Q. Just to keep the record clear, let me 11:43:18  
23 hand you as Marshall Exhibit 10, WO 95/06030 which is 11:43:28  
24 the PCT counterpart of this application. 11:43:37

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Janssen Ex. 2045



# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.