

Highly Confidential – Subject to The Protective Order
Deposition of Stephen G. Davies – February 29, 2016

2 (Pages 2 to 5)

Page 2	Page 4
<p>1 2 3 The Videotaped Deposition of STEPHEN 4 G. DAVIES, D.Phil, was taken on Monday, February 5 29, 2016, commencing at 9:04 a.m. at the law 6 offices of Finnegan Henderson Farabow Garrett & 7 Dunner, LLP, 901 New York Avenue, N.W., 8 Washington, D.C., before Cappy Hallock, Registered 9 Professional Reporter, Certified Realtime 10 Reporter, Certified LiveNote Reporter, and Notary 11 Public in and for the District of Columbia. 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S (continued) 2 3 On behalf of InnoPharma Licensing, Inc., 4 InnoPharma Licensing LLC, InnoPharma Inc., 5 InnoPharma LLC, Mylan Pharmaceuticals Inc., 6 and Mylan Inc. : 7 H. JAMES ABE, REG. PATENT ATTORNEY 8 Alston & Bird LLP 9 333 South Hope Street, 16th Floor 10 Los Angeles, California 90071 11 213-576-1000 (P) 213-576-1100 (F) 12 james.abe@alston.com 13 14 - and - 15 16 JOSEPH M. JANUSZ, ESQUIRE 17 Alston & Bird LLP 18 Bank of America Plaza 19 101 South Tryon Street, Suite 4000 20 Charlotte, North Carolina 28280-4000 21 704-444-1000 (P) 704-444-1738 (F) 22 joe.janusz@alston.com</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 On behalf of Senju Pharmaceutical Co., 4 Ltd., Bausch & Lomb Incorporated and 5 Bausch & Lomb Pharma Holdings Corp. : 6 JESSICA LEBEIS, ESQUIRE 7 Finnegan Henderson Farabow 8 Garrett & Dunner, LLP 9 901 New York Avenue, N.W. 10 Washington, D.C. 20001-4413 11 202-408-4000 (P) 202-408-4400 (F) 12 jessica.lebeis@finnegan.com 13 14 On behalf of Lupin Limited and Lupin 15 Pharmaceuticals, Inc. : 16 DEBORAH H. YELLIN, ESQUIRE 17 Crowell & Moring LLP 18 1001 Pennsylvania Avenue, NW 19 Washington, D.C. 20004-2595 20 202-624-2500 (P) 202-628-8844 (F) 21 dyellin@crowell.com 22</p>	<p>1 A P P E A R A N C E S (continued) 2 3 Also Present: 4 TJ O'Toole, CLVS 5 Cappy Hallock, RPR, CRR, CLR 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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 Deposition of Stephen G. Davies – February 29, 2016

3 (Pages 6 to 9)

Page 6		Page 8	
1	I N D E X	1	E X H I B I T S (Continued)
2		2	
3	Deposition of STEPHEN G. DAVIES, D.Phil	3	PRIOR MARKED EXHIBITS
4	February 29, 2016	4	INNOPHARMA PAGE
5		5	Exhibit 1059 Remington 20th Edition excerpt 30
6	EXAMINATION BY: PAGE	6	
7	By Mr. Abe 13	7	Exhibit 1004 U.S. Patent No. 4,910,225 31
8	-o0o-	8	
9		9	Exhibit 1019 Schott article: Comparing the 31
10		10	Surface Chemical Properties
11		11	and the Effect of Salts ...
12		12	
13		13	Exhibit 1061 2-22-16 District Court 40
14		14	deposition of Davies
15		15	
16		16	Exhibit 1001 U.S. Patent No. 8,669,290 52
17		17	
18		18	Exhibit 1001 U.S. Patent No. 8,129,431 53
19		19	
20		20	Exhibit 1011 Australian Patent Application 91
21		21	No. 22042/88
22		22	///
Page 7		Page 9	
1	E X H I B I T S	1	E X H I B I T S (Continued)
2		2	
3	PRIOR MARKED EXHIBITS	3	SENJU PAGE
4	INNOPHARMA PAGE	4	Exhibit 2070 Giffney article: Acid 32
5	Exhibit 1006 U.S. Patent No. 5,558,876 21	5	Catalysed Hydrolysis of
6		6	Substituted Acetanilides
7	Exhibit 1005 U.S. Patent No. 5,603,929 22	7	
8		8	Exhibit 2071 Karve article: Kinetics of 34
9	Exhibit 1062 European Patent Application 23	9	the Hydrolysis of Anilides
10	No. 88114804.3	10	
11		11	Exhibit 2073 Aman article: Equilibrium 34
12	Exhibit 1035 International Patent 24	12	Formation of Anilides from
13	Application No. PCT/US94/00188	13	Carboxylic Acids and ...
14		14	
15	Exhibit 1063 U.S. Patent No. 5,110,493 25	15	Exhibit 2074 Panarin article: Acid 36
16		16	Hydrolysis of Benzylpenicillin
17	Exhibit 1064 U.S. Patent No. 5,504,113 26	17	Anilides
18		18	
19	Exhibit 1065 U.S. Patent No. 6,265,444 28	19	Exhibit 2075 Barnett article: The Acid- 37
20		20	Catalysed Hydrolysis of
21	Exhibit 1022 U.S. Patent No. 5,597,560 29	21	Acetanilide
22	///	22	///

Highly Confidential – Subject to The Protective Order
Deposition of Stephen G. Davies – February 29, 2016

4 (Pages 10 to 13)

Page 10		Page 12	
1	E X H I B I T S (Continued)	1	P R O C E E D I N G S
2		2	-----
3	SENJU PAGE	3	THE VIDEO OPERATOR: Stand by.
4	Exhibit 2041 Streitwieser, Introduction to 37	4	On the record with Disc Number 1 of
5	Organic Chemistry Third Edition	5	the video deposition of Professor Steven G. Davis
6		6	taken by the Petitioner in the matter of
7	Exhibit 2045 Selective Aromatic Substitution 38	7	InnoPharma Licensing, Inc., et al. versus Senju
8	within a Cyclodextrin Mixed	8	Pharmaceuticals Company Limited, et al. being
9	Complex	9	heard before the Patent Trial and Appeal Board of
10		10	the United States Patent & Trademark Office, Case
11	Exhibit 2046 Sawada article: Measurement 39	11	Number IPR2015-00902.
12	of Chiral Amino Acid	12	This deposition is being held at the
13	Discrimination by Cyclic ...	13	Law Offices of Finnegan Henderson located at
14		14	901 New York Avenue Northwest in Washington, D.C.
15	Exhibit 2100 Aree article: Crystal 40	15	on February 29th, 2016 at approximately 9:04 a.m.
16	Structure of Beta-Cyclo-	16	My name is TJ O'Toole. I am the
17	dextrin-benzoic acid ...	17	Certified Legal Video Specialist. The court
18		18	reporter is Cappy Hallock. We are both here
19	Exhibit 2049 Davies Curriculum Vitae 42	19	representing GregoryEdwards LLC.
20		20	Will counsel please introduce
21	Exhibit 2105 IPR2015-00902 Davies 48	21	themselves and indicate which parties they
22	Declaration	22	represent.
Page 11		Page 13	
1	E X H I B I T S (Continued)	1	MR. ABE: James Abe of Alston and Byrd
2		2	for the InnoPharma Petitioners and the Mylan
3	SENJU PAGE	3	Petitioners.
4	Exhibit 2105 IPR2015-00903 Davies 50	4	MR. JANUSZ: Joe Janusz also from
5	Declaration	5	Alston & Bird also on behalf of the Petitioners in
6		6	these IPR proceedings.
7	Exhibit 2120 Emanuel article: Oxidation 115	7	MS. YELLIN: Deborah Yellin on behalf
8	of Organic Compounds	8	of Crowell & Moring representing the Petitioner
9		9	Lupin.
10	Exhibit 2097 Donbrow article: Auto- 118	10	MS. LEBEIS: Jessica Lebeis and again
11	oxidation of Polysorbates	11	on behalf of Patent Owner Senju and Bausch & Lomb.
12	-oOo-	12	THE VIDEO OPERATOR: Thank you.
13		13	Will the court reporter please swear
14		14	in the witness.
15		15	WHEREUPON,
16		16	STEVEN G. DAVIES, D. PHIL,
17		17	A Witness called for examination, having
18		18	been first duly sworn, was examined and testified
19		19	as follows:
20		20	EXAMINATION
21		21	BY MR. ABE:
22		22	Q Good morning.

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5 (Pages 14 to 17)

Page 14	Page 16
Page 15	Page 17

<p>1 A Good morning.</p> <p>2 Q Can you state your name for the</p> <p>3 record?</p> <p>4 A Stephen G. Davies.</p> <p>5 Q And you have been deposed before.</p> <p>6 A I have, yes.</p> <p>7 Q In fact, just last week.</p> <p>8 A Yes, indeed.</p> <p>9 Q In connection with the related</p> <p>10 District Court matter?</p> <p>11 A That's correct.</p> <p>12 Q You have also been deposed several</p> <p>13 times before that in other matters; is that right?</p> <p>14 A I have, yes.</p> <p>15 Q Have you ever testified in a IPR,</p> <p>16 proceedings, a Inter Partes Review proceeding?</p> <p>17 A I don't believe so.</p> <p>18 Q We'll go over some of the basic rules</p> <p>19 for today. I represent the Petitioners in this</p> <p>20 case, and I will be asking you questions and I</p> <p>21 will be expecting answers. Your counsel might</p> <p>22 object but I still expect an answer unless your</p>	<p>1 A That's fine.</p> <p>2 Q Okay.</p> <p>3 Is there any reason you can't testify</p> <p>4 truthfully today?</p> <p>5 A Sorry, could you speak up a little</p> <p>6 bit? I didn't understand the question.</p> <p>7 Q Sure. Is there any reason you can't</p> <p>8 testify truthfully today?</p> <p>9 A No.</p> <p>10 Q Okay.</p> <p>11 MR. ABE: Counsel, will you stipulate</p> <p>12 the witness is here for his cross examination for</p> <p>13 IPR2015-00902 and 903?</p> <p>14 MS. LEBEIS: Yes.</p> <p>15 MR. ABE: And will you also stipulate</p> <p>16 my questions will apply for both IPRs unless I</p> <p>17 state otherwise?</p> <p>18 MS. LEBEIS: Yes.</p> <p>19 MR. ABE: Okay. Thank you.</p> <p>20 Just for clarification and the record,</p> <p>21 I will state the exhibit number of the -- in the</p> <p>22 902 proceeding or I will try to clarify if it's</p>
<p>1 counsel instructs you not to answer.</p> <p>2 Is that okay?</p> <p>3 A Okay.</p> <p>4 Q You understand you are testifying</p> <p>5 under oath?</p> <p>6 A Yes.</p> <p>7 Q And let's not speak over each other so</p> <p>8 that the court reporter can take a clean</p> <p>9 transcript of our discussion, and please give me</p> <p>10 an audible answer.</p> <p>11 Is that okay?</p> <p>12 A Okay.</p> <p>13 Q If you don't understand my question,</p> <p>14 just let me know. I will try to clarify. If you</p> <p>15 answer my question, I will assume you understood</p> <p>16 it.</p> <p>17 Is that okay?</p> <p>18 A Okay.</p> <p>19 Q If you need a break just let me know</p> <p>20 but I will ask you that you answer any pending</p> <p>21 questions before you go on break.</p> <p>22 Is that okay?</p>	<p>1 different. Some of the exhibit numbers are the</p> <p>2 same in both cases whereas occasionally they are</p> <p>3 not the same, so I will try to make that as clear</p> <p>4 as possible.</p> <p>5 MS. LEBEIS: Okay.</p> <p>6 BY MR. ABE:</p> <p>7 Q Dr. Davies, how did you prepare for</p> <p>8 today's cross examination?</p> <p>9 A I read my reports and I read my</p> <p>10 transcript from the deposition a week ago.</p> <p>11 Q Okay.</p> <p>12 When you said reports, were you</p> <p>13 referring to your District Court -- sorry, let me</p> <p>14 start that one.</p> <p>15 When you said reports were you</p> <p>16 referring to your expert reports that were served</p> <p>17 in the corresponding District Court litigation?</p> <p>18 A I was referring to the two for today.</p> <p>19 Q Your declarations; is that right?</p> <p>20 A Declarations, yes.</p> <p>21 Q Okay.</p> <p>22 Did you meet with counsel?</p>

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