

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>

Highly Confidential – Subject to The Protective Order
 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

5 (Pages 14 to 17)

Page 14

1 **A** Good morning.
2 **Q** Can you state your name for the
3 record?
4 **A** Stephen G. Davies.
5 **Q** And you have been deposed before.
6 **A** I have, yes.
7 **Q** In fact, just last week.
8 **A** Yes, indeed.
9 **Q** In connection with the related
10 District Court matter?
11 **A** That's correct.
12 **Q** You have also been deposed several
13 times before that in other matters; is that right?
14 **A** I have, yes.
15 **Q** Have you ever testified in a IPR,
16 proceedings, a Inter Partes Review proceeding?
17 **A** I don't believe so.
18 **Q** We'll go over some of the basic rules
19 for today. I represent the Petitioners in this
20 case, and I will be asking you questions and I
21 will be expecting answers. Your counsel might
22 object but I still expect an answer unless your

Page 15

1 counsel instructs you not to answer.
2 Is that okay?
3 **A** Okay.
4 **Q** You understand you are testifying
5 under oath?
6 **A** Yes.
7 **Q** And let's not speak over each other so
8 that the court reporter can take a clean
9 transcript of our discussion, and please give me
10 an audible answer.
11 Is that okay?
12 **A** Okay.
13 **Q** If you don't understand my question,
14 just let me know. I will try to clarify. If you
15 answer my question, I will assume you understood
16 it.
17 Is that okay?
18 **A** Okay.
19 **Q** If you need a break just let me know
20 but I will ask you that you answer any pending
21 questions before you go on break.
22 Is that okay?

Page 16

1 **A** That's fine.
2 **Q** Okay.
3 Is there any reason you can't testify
4 truthfully today?
5 **A** Sorry, could you speak up a little
6 bit? I didn't understand the question.
7 **Q** Sure. Is there any reason you can't
8 testify truthfully today?
9 **A** No.
10 **Q** Okay.
11 **MR. ABE:** Counsel, will you stipulate
12 the witness is here for his cross examination for
13 IPR2015-00902 and 903?
14 **MS. LEBEIS:** Yes.
15 **MR. ABE:** And will you also stipulate
16 my questions will apply for both IPRs unless I
17 state otherwise?
18 **MS. LEBEIS:** Yes.
19 **MR. ABE:** Okay. Thank you.
20 Just for clarification and the record,
21 I will state the exhibit number of the -- in the
22 902 proceeding or I will try to clarify if it's

Page 17

1 different. Some of the exhibit numbers are the
2 same in both cases whereas occasionally they are
3 not the same, so I will try to make that as clear
4 as possible.
5 **MS. LEBEIS:** Okay.
6 **BY MR. ABE:**
7 **Q** Dr. Davies, how did you prepare for
8 today's cross examination?
9 **A** I read my reports and I read my
10 transcript from the deposition a week ago.
11 **Q** Okay.
12 When you said reports, were you
13 referring to your District Court -- sorry, let me
14 start that one.
15 When you said reports were you
16 referring to your expert reports that were served
17 in the corresponding District Court litigation?
18 **A** I was referring to the two for today.
19 **Q** Your declarations; is that right?
20 **A** Declarations, yes.
21 **Q** Okay.
22 Did you meet with counsel?

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.