Page 1

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

INNOPHARMA LICENSING, INC.,)	
INNOPHARMA LICENSING LLC,)	
INNOPHARMA INC., INNOPHARMA LLC)	
MYLAN PHARMACEUTICALS INC. and)	
MYLAN INC.,)	
Petitioners,)	Case Nos.
v s .)	IPR2015-00902
SENJU PHARMACEUTICAL CO., LTD.,)	IPR2015-00903
BAUSCH & LOMB, INC., and BAUSCH)	
& LOMB PHARMA HOLDINGS CORP.,)	
Patent Owner.)	
)	

HIGHLY CONFIDENTIAL SUBJECT TO THE PROTECTIVE ORDER

Videotaped Deposition of: STEPHEN G. DAVIES, D. Phil Monday, February 29, 2016 Washington, DC



Lupin EX1114

2 (Pages 2 to 5)

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	Page 2		Page 4
1		1	APPEARANCES (continued)
2		2	
3	The Videotaped Deposition of STEPHEN	3	On behalf of InnoPharma Licensing, Inc.,
4	G. DAVIES, D.Phil, was taken on Monday, February	4	InnoPharma Licensing LLC, InnoPharma Inc.,
5	29, 2016, commencing at 9:04 a.m. at the law	5	InnoPharma LLC, Mylan Pharmaceuticals Inc.,
6	offices of Finnegan Henderson Farabow Garrett &	6	and Mylan Inc.:
7	Dunner, LLP, 901 New York Avenue, N.W.,	7	H. JAMES ABE, REG. PATENT ATTORNEY
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10	Reporter, Certified LiveNote Reporter, and Notary	10	Los Angeles, California 90071
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22		22	joe. janusz@alston.com
	Page 3		Page 5
1	APPEARANCES	1	APPEARANCES (continued)
2		2	·
3	On behalf of Senju Pharmaceutical Co.,	3	Also Present:
4	Ltd., Bausch & Lomb Incorporated and	4	TJ O'Toole, CLVS
5	Bausch & Lomb Pharma Holdings Corp.:	5	Cappy Hallock, RPR, CRR, CLR
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14		14	
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3	Deposition of STEPHEN G. DAVIES, I	D. Phil	3		PRIOR MARKED EXHIBITS	D. 1.05
4	February 29, 2016		4	INNOPHARMA	B. 1	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	-000-		8			
9			9	Exhibit 1019	Schott article: Comparing the	31
10			10		Surface Chemical Properties	
11			11		and the Effect of Salts	
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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
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18			18	Exhibit 1001	U. S. Patent No. 8, 129, 431	53
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22				///		
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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	2.0. 1400.0. 0,000,727		8	Exhibit 2071	Karve article: Kinetics of	34
9	Exhibit 1062 European Patent Application	23	9	2311516 2011	the Hydrolysis of Anilides	5-7
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10						
10	NO. 00114004.0			Evhihi+ 2072	Amon article: Equilibrium	21
11		24	11	Exhibit 2073	Aman article: Equilibrium	34
11 12	Exhibit 1035 International Patent	24	11 12	Exhibit 2073	Formation of Anilides from	34
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		Pa	ge 10		Page 12
1	E	X H I B I T S (Continued)		1	PROCEEDINGS
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	on	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	on 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.
		Pa	ge 11		Page 13
1	_	X H I B I T S (Continued)	8	1	MR. ABE: James Abe of Alston and Byrd
2	-	. X II I B I I 3 (dointinued)		2	for the InnoPharma Petitioners and the Mylan
3	SENJU		PAGE	3	Petitioners.
4		IPR2015-00903 Davies	50	4	MR. JANUSZ: Joe Janusz also from
5	ZATITOTO ZITO	Declaration		5	Alston & Bird also on behalf of the Petitioners in
6		500 (4) 40 (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		-000-		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.
20 21				20 21	EXAMINATION BY MR. ABE:



					5 (Pages 14 to 17)
		Page 14			Page 16
1	A	Good morning.	1	A	That's fine.
2	Q	Can you state your name for the	2	Q	0kay.
3	record?		3		Is there any reason you can't testify
4	A	Stephen G. Davies.	4	truthfully	today?
5	Q	And you have been deposed before.	5	A	Sorry, could you speak up a little
6	A	I have, yes.	6	bit? I did	dn't understand the question.
7	Q	In fact, just last week.	7	Q	Sure. Is there any reason you can't
8	A	Yes, indeed.	8	testify tru	uthfully today?
9	Q	In connection with the related	9	A	No.
10	District C	ourt matter?	10	Q	0kay.
11	A	That's correct.	11		MR. ABE: Counsel, will you stipulate
12	Q	You have also been deposed several	12	the witness	s is here for his cross examination for
13	times befo	re that in other matters; is that right?	13	IPR2015-009	902 and 903?
14	A	I have, yes.	14		MS. LEBEIS: Yes.
15	Q	Have you ever testified in a IPR,	15		MR. ABE: And will you also stipulate
16	proceeding	s, a Inter Partes Review proceeding?	16	my question	ns will apply for both IPRs unless I
17	A	l don't believe so.	17	state other	rwise?
18	Q	We'll go over some of the basic rules	18		MS. LEBEIS: Yes.
19	for today.	I represent the Petitioners in this	19		MR. ABE: Okay. Thank you.
20	case, and	I will be asking you questions and I	20		Just for clarification and the record,
21	will be ex	pecting answers. Your counsel might	21	l will sta	te the exhibit number of the in the
22	object but	l still expect an answer unless your	22	902 proceed	ding or I will try to clarify if it's
			_		
		Page 15			Page 17
1	counsel in	Page 15 structs you not to answer.	1	different.	
1 2	counsel in		1 2		
	counsel in	structs you not to answer.		same in bo	Some of the exhibit numbers are the
2		structs you not to answer. Is that okay?	2	same in bo	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear
3	A	structs you not to answer. Is that okay? Okay. You understand you are testifying	2 3	same in bo	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear
2 3 4	A Q	structs you not to answer. Is that okay? Okay. You understand you are testifying	2 3 4	same in bo	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay.
2 3 4 5	A Q under oath	structs you not to answer. Is that okay? Okay. You understand you are testifying?	2 3 4 5	same in bo not the sa as possibl	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay.
2 3 4 5 6	A Q under oath A Q	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes.	2 3 4 5 6	same in bo not the sa as possibl BY MR. ABE	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay.
2 3 4 5 6 7	A Q under oath A Q that the c	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so	2 3 4 5 6 7	same in bo not the sa as possibl BY MR. ABE Q	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for
2 3 4 5 6 7 8	A Q under oath A Q that the c	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me	2 3 4 5 6 7 8	same in bo not the sa as possibl BY MR. ABE Q today's cr	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. : Dr. Davies, how did you prepare for oss examination?
2 3 4 5 6 7 8 9	A Q under oath A Q that the c transcript	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me	2 3 4 5 6 7 8	same in bo not the sa as possibl BY MR. ABE Q today's cr	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. : Dr. Davies, how did you prepare for oss examination? I read my reports and I read my
2 3 4 5 6 7 8 9	A Q under oath A Q that the c transcript	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer.	2 3 4 5 6 7 8 9	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago.
2 3 4 5 6 7 8 9 10	A Q under oath A Q that the c transcript	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay?	2 3 4 5 6 7 8 9 10	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay.
2 3 4 5 6 7 8 9 10 11 12	A Q under oath A Q that the c transcript an audible	structs you not to answer. Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay.	2 3 4 5 6 7 8 9 10 11	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me
2 3 4 5 6 7 8 9 10 11 12 13	A Q under oath A Q that the c transcript an audible A Q just let m	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question,	2 3 4 5 6 7 8 9 10 11 12 13	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me
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2 3 4 5 6 7 8 9 10 11 12 13 14	A Q under oath A Q that the c transcript an audible A Q just let m answer my	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will try to clarify. If you	2 3 4 5 6 7 8 9 10 11 12 13 14	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q under oath A Q that the c transcript an audible A Q just let m answer my	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will try to clarify. If you question, I will assume you understood	2 3 4 5 6 7 8 9 10 11 12 13 14 15	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you to your expert reports that were served
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q under oath A Q that the c transcript an audible A Q just let m answer my	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will assume you understood Is that okay?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that referring in the cor	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you to your expert reports that were served responding District Court litigation?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q under oath A Q that the c transcript an audible A Q just let m answer my it.	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will try to clarify. If you question, I will assume you understood Is that okay? Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that referring in the cor	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you to your expert reports that were served responding District Court litigation? I was referring to the two for today.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q under oath A Q that the c transcript an audible A Q just let m answer my it.	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will try to clarify. If you question, I will assume you understood Is that okay? Okay. If you need a break just let me know	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that referring in the cor A Q	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you to your expert reports that were served responding District Court litigation? I was referring to the two for today. Your declarations; is that right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q under oath A Q that the c transcript an audible A Q just let m answer my it.	Is that okay? Okay. You understand you are testifying? Yes. And let's not speak over each other so ourt reporter can take a clean of our discussion, and please give me answer. Is that okay? Okay. If you don't understand my question, e know. I will try to clarify. If you question, I will assume you understood Is that okay? Okay. If you need a break just let me know ask you that you answer any pending	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	same in bo not the sa as possibl BY MR. ABE Q today's cr A transcript Q referring start that referring in the cor A Q A	Some of the exhibit numbers are the th cases whereas occasionally they are me, so I will try to make that as clear e. MS. LEBEIS: Okay. Dr. Davies, how did you prepare for oss examination? I read my reports and I read my from the deposition a week ago. Okay. When you said reports, were you to your District Court — sorry, let me one. When you said reports were you to your expert reports that were served responding District Court litigation? I was referring to the two for today. Your declarations; is that right? Declarations, yes.



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