

Transcript of the Testimony of **Paul Laskar**

Date: March 25, 2016

Case: Innpharma Licensing, Inc., et al. v. Senju Pharmaceutical Co., LTD., et al.



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SENJU EXHIBIT 2331

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
 3 Case IPR2015-00902 (Patent 8,669,290 B2)
 4 Case IPR2015-00903 (Patent 8,129,431 B2) 1

5
 6 INNOPHARMA LICENSING, INC.,)
 7 INNOPHARMA LICENSING LLC,)
 8 INNOPHARMA INC., INNOPHARMA LLC,)
 9 MYLAN PHARMACEUTICALS INC.,)
 10 and MYLAN INC.,)
 11 Petitioner,)
 12 v.)
 13 SENJU PHARMACEUTICAL CO., LTD.,)
 14 BAUSCH & LOMB, INC., and)
 15 BAUSCH & LOMB PHARMA HOLDINGS)
 16 CORP.,)
 17 Patent Owner.)

18 -----)

19 VIDEOTAPED DEPOSITION OF PAUL LASKAR, PH.D.
 20 Friday, March 25, 2016, 8:19 a.m.
 21 Charlotte, North Carolina
 22 Court Reporter: Nancy J. Martin, California CSR, RMR

Page 2	<p>1 Deposition of PAUL LASKAR, PH.D., a witness 2 called on behalf of Patent Owner, before Nancy J. 3 Martin, Notary Public, in and for the state of 4 North Carolina, at Alston & Bird, 101 South Tryon 5 Street, Suite 4000, Charlotte, North Carolina, on 6 Friday, March 25, 2016, commencing 8:19 a.m. 7 8 -oOo- 9 APPEARANCES 10 11 ON BEHALF OF THE PATENT OWNER: 12 FINNEGAN, HENDERSON, FARABOW, FARRABOW, 13 GARRETT & DUNNER, LLP. 14 JUSTIN J. HASFORD, ESQUIRE 15 BRADLEY J. MOORE 16 901 New York Avenue NW 17 Washington, D.C. 20001 18 (202) 408-4000 19 20 21 22</p>	Page 4
Page 3	<p>1 APPEARANCES (CONTINUED): 2 3 ON BEHALF OF THE PETITIONER: 4 5 ALSTON & BIRD LLP 6 JITENDRA "JITTY" MALIK, PH.D., ESQUIRE 7 H. JAMES ABE, ESQUIRE 8 4721 Emperor Boulevard 9 Suite 400 10 Durham, North Carolina 27703 11 (919) 862-2210 12 13 14 ALSO PRESENT: 15 BRUCE MOODY, LEGAL VIDEOGRAPHER 16 17 18 19 20 21 22</p>	Page 5

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10	Cross-Examination of	
11	Dr. Paul A. Laskar, Ph.D.,	
12	IPR2015-00902 (Patent 8,699,290 B2)	
13	4 pages	
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15	Cross-Examination of	
16	Dr. Paul A. Laskar, Ph.D.,	
17	IPR2015-00903 (Patent 8,129,431 B2)	
18	4 pages	
19	Exhibit 2266 Deposition transcript of Clayton	119
20	Heathcock, Ph.D. taken	
21	February 19, 2016, 273 pages	
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Page 6	<p>1 EXHIBITS</p> <p>2 PREVIOUSLY MARKED AND REFERENCED HEREIN</p> <p>3 No. Description Page</p> <p>4 Exhibit 1001 U.S. Patent 8,129,431 B2, 28</p> <p>5 8 pages</p> <p>6 Exhibit 1001 U.S. Patent 8,669,290 B2, 28</p> <p>7 10 pages</p> <p>8 Exhibit 1004 U.S. Patent 4,910,225, 10 pages 59</p> <p>9 Exhibit 1011 Patent Abridgment, Australian 41</p> <p>10 Patent Office, AU-B-22042/88,</p> <p>11 31 pages</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	Page 8	<p>1 EXHIBITS</p> <p>2 PREVIOUSLY MARKED AND REFERENCED HEREIN</p> <p>3 No. Description Page</p> <p>4 Exhibit 1093 U.S. Patent 5,474,760, 131</p> <p>5 12 pages</p> <p>6 Exhibit 1104 Reply Declaration of Paul A. 13</p> <p>7 Laskar, Ph.D., 20 pages</p> <p>8 Exhibit 1105 U.S. Patent 2003/0053956 A1, 101</p> <p>9 23 pages</p> <p>10</p> <p>11 Exhibit 1148 International Patent Application, 148</p> <p>12 WO02/058610 A1, 66 pages</p> <p>13 Exhibit 1153 U.S. Patent 5,512,270, 11 pages 174</p> <p>14 Exhibit 2025 U.S. Patent 5,856,345, 7 pages 89</p> <p>15 Exhibit 2082 Declaration of Robert O. 83</p> <p>16 Williams III, Ph.D., 132 pages</p> <p>17 Exhibit 2097 Dunbrow Reference 79</p> <p>18 Exhibit 2105 Declaration of Stephen G. Davies, 54</p> <p>19 D.Phil, 56 pages</p> <p>20 Exhibit 2114 Deposition transcript of Paul A. 17</p> <p>21 Laskar, November 4, 2015,</p> <p>22 327 pages</p>
Page 7	<p>1 EXHIBITS</p> <p>2 PREVIOUSLY MARKED AND REFERENCED HEREIN</p> <p>3 No. Description Page</p> <p>4 Exhibit 1012 U.S. Patent 6,274,609 B1, 63</p> <p>5 11 pages</p> <p>6</p> <p>7 Exhibit 1019 Comparing the Surface Chemical 51</p> <p>8 Properties and the Effect of</p> <p>9 Salts on the Cloud Point of a</p> <p>10 Conventional Nonionic Surfactant,</p> <p>11 Octoxynol 9 (Triton X-100),</p> <p>12 and of Its Oligomer, Tyloxapol</p> <p>13 (Triton WR-1339), 7 pages</p> <p>14 Exhibit 1052 Curriculum Vitae of Paul A. 14</p> <p>15 Laskar, Ph.D., 4 pages</p> <p>16 Exhibit 1079 Deposition transcript of 122</p> <p>17 Robert O. Williams III, Ph.D.,</p> <p>18 taken March 9, 2016, 39 pages</p> <p>19 Exhibit 1091 U.S. Patent 3,272,700, 47</p> <p>20 5 pages</p> <p>21 Exhibit 1092 U.S. Patent 6,165,445, 126</p> <p>22 22 pages</p>	Page 9	<p>1 CHARLOTTE, NORTH CAROLINA, FRIDAY, MARCH 25, 2016</p> <p>2 8:19 A.M.</p> <p>3 --oOo--</p> <p>4 PROCEEDINGS</p> <p>5 THE VIDEOGRAPHER: We're now on the record.</p> <p>6 Please note that the microphones are sensitive and may</p> <p>7 pick up whispering and private conversations. Please</p> <p>8 turn off all cell phones or place them away from the</p> <p>9 microphones as they can interfere with the deposition</p> <p>10 audio. Recording will continue until all parties</p> <p>11 agree to go off the record.</p> <p>12 This is the deposition of Dr. Paul A. Laskar</p> <p>13 in the matter of Innopharma Licensing, Inc., v. Senju</p> <p>14 Pharmaceuticals Company, Ltd. These are Case</p> <p>15 Nos. IPR2015-00902 and IPR2015-00903 before the Patent</p> <p>16 Trial and Appeal Board of the United States Patent and</p> <p>17 Trademark Office.</p> <p>18 This video deposition is being taken at</p> <p>19 Alston & Bird, LLP., 101 South Tryon Street,</p> <p>20 Suite 4000, Charlotte, North Carolina. The time is</p> <p>21 approximately 8:19 a.m. Today is March 25, 2015</p> <p>22 (sic). The court reporter is Ms. Nancy Martin,</p>

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1 appearing on behalf of Ace Federal Reporters of
 2 Washington, D.C. The videographer is Bruce Moody,
 3 also appearing on behalf of Ace Federal Reporters of
 4 Washington, D.C.
 5 Counsel will please state their appearances
 6 for the record, and then the court reporter will swear
 7 in the witness.
 8 MR. HASFORD: Justin Hasford of Finnegan on
 9 behalf of patent owner, and with me is my colleague,
 10 Bradley Moore, also of Finnegan.
 11 DR. MALIK: Jitendra Malik of Alston & Bird.
 12 With me is my colleague, James Abe, also of Alston &
 13 Bird, representing petitioner.
 14
 15 PAUL LASKAR, PH.D.,
 16 having been first duly sworn,
 17 was examined and testified as follows:
 18
 19 THE WITNESS: I would just like to correct.
 20 I believe you used 2015. I think we're 2016 this
 21 year.
 22

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1 CROSS-EXAMINATION
 2 BY MR. HASFORD:
 3 Q. Good morning, Dr. Laskar.
 4 A. Good morning.
 5 Q. Would you please state your name and address
 6 for the record.
 7 A. Sure. My name is Paul Laskar. I reside at
 8 603 Montecito Boulevard, Napa, California.
 9 Q. Doctor, I represent the patent owner, Senju,
 10 in these IPR proceedings. Today I will ask you
 11 questions, and all I ask is that you answer my
 12 questions truthfully and accurately. If you need a
 13 break, just let me know. But if a question is
 14 pending, please first answer the question, and then we
 15 can take a break. If for any reason you do not
 16 understand the question that I ask, please let me
 17 know. If you answer a question, I will assume that
 18 you understood the question. Is that okay?
 19 A. It is.
 20 Q. Is there any reason why you cannot testify
 21 truthfully and accurately today?
 22 A. No, there's no reason.

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1 MR. HASFORD: For the record, I'm handing
 2 Dr. Laskar and petitioner's counsel copies of
 3 Exhibits 2264 and 2265, which are Patent Owner's
 4 Notices of Cross-Examination of Dr. Paul A Laskar.
 5 (Deposition Exhibits 2264 and 2265
 6 were marked for identification.)
 7 MR. HASFORD: Counsel, can we stipulate that
 8 Dr. Laskar is here today pursuant to Exhibits 2264 and
 9 2265?
 10 DR. MALIK: Yes.
 11 MR. HASFORD: Counsel, can we also stipulate
 12 that the questions that I ask, unless otherwise
 13 stated, apply equally to IPR2015-00902 and
 14 IPR2015-00903?
 15 DR. MALIK: Yes. -902 and -903.
 16 MR. HASFORD: Let the record reflect that we
 17 hereby invoke the rule on witnesses pursuant to
 18 Federal Rule of Evidence 615 prohibiting the showing
 19 of the transcript of this deposition or discussing any
 20 of its contents with Dr. Jayne Lawrence or any other
 21 witness for Lupin in connection with any
 22 IPR proceeding involving Prolensa.

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1 DR. MALIK: And your designation is noted.
 2 We will follow the terms of the protective order.
 3 MR. HASFORD: Thank you.
 4 For the record, I'm handing Dr. Laskar and
 5 petitioner's counsel copies of Exhibit 1104 entitled
 6 "Reply Declaration of Paul A. Laskar, Ph.D."
 7 (Previously marked Exhibit 1104.)
 8 BY MR. HASFORD:
 9 Q. Is Exhibit 1104 your "REPLY DECLARATION"
 10 concerning U.S. Patent No. 8,129,431 and U.S. Patent
 11 No. 8,669,290?
 12 A. It certainly appears to be.
 13 Q. If I refer to U.S. Patent No. 8,129,431 as
 14 the "'431 patent," will you understand what I mean?
 15 A. I will.
 16 Q. If I refer to U.S. Patent No. 8,669,290 as
 17 "the '290 patent," will you understand what I mean?
 18 A. I will.
 19 Q. If I refer to Exhibit 1104 as your "reply
 20 declaration," will you understand what I mean?
 21 A. Yes, I will.
 22 Q. You did not yourself actually write your

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