

J. JAROSZ  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
Civil Action No. 1:14-cv-00667-JBS-KMW  
CONSOLIDATED (04:49; 05144; 00335;  
06893 and 03240)

---

SENJU PHARMACEUTICAL CO. LTD., )  
BAUSCH & LOMB, INCORPORATED and )  
BAUSCH & LOMB PHARMA HOLDINGS CORP., )  
Plaintiffs, )  
v. )  
LUPIN, LTD. and LUPIN )  
PHARMACEUTICALS, INC., )  
Defendants. )  
INNOPHARMA LICENSING, INC., INNOPHARMA )  
LICENSING, LLC, INNOPHARMA, INC., )  
INNOPHARMA, LLC, )  
Defendants. )

---

DEPOSITION OF JOHN JAROSZ

Washington, D.C.

February 17, 2016

Reported by: Mary Ann Payonk

The Little Reporting Company

J. JAROSZ

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

February 17, 2016

9:00 a.m.

Deposition of JOHN JAROSZ, held at the law offices of Finnegan, 901 New York Avenue, N.W., Washington, D.C., pursuant to Notice before Mary Ann Payonk, Nationally Certified Realtime Reporter and Notary Public of the District of Columbia, Commonwealth of Virginia, and State of New York.

1 J. JAROSZ

2 A. No, I'm not aware of any particular  
3 line of demarcation that comes from the law or  
4 from economics, and I don't work with a  
5 particular line of demarcation that requires  
6 more quantitative precision than would be  
7 possible I think in a setting like this.

8 BY MS. DAUGHTREY:

9 Q. So it's not really possible to  
10 identify -- let me rephrase that.

11 Are you saying that it's not possible  
12 to quantify what percentage of which factors  
13 are causing a product to have commercial  
14 success?

15 MS. LEBEIS: Objection to the  
16 extent it mischaracterizes prior  
17 testimony, and vague and ambiguous.

18 A. Yes, I don't think that's what I  
19 said. But it would be very difficult to say  
20 that factor X has a quantitative weight of Y  
21 and A has a quantitative weight of B. These  
22 things are less clear and unequivocal than your  
23 question appears to presume.

24 BY MS. DAUGHTREY:

25 Q. Companies do conduct market research

1 J. JAROSZ

2 A. Yes. I forget the precise words, but  
3 I remember what concept you're talking about.

4 Q. What's the shelf life of Prolensa?

5 A. In terms of number of months or  
6 years, I don't know.

7 Q. Do you know the shelf life of any of  
8 the products that are NSAID ophthalmic products  
9 described in your report?

10 A. I may have known those, but I haven't  
11 committed those to memory.

12 Q. Is your opinions related to shelf  
13 life dependent upon other experts' testimony,  
14 like Dr. Trattler?

15 A. More specifically, I think it relies  
16 on Dr. Williams.

17 Q. Thank you.

18 A. And Dr. Trattler may have some  
19 opinions on that, but I do believe that the  
20 first source for that is Dr. Williams.

21 Q. I guess more generally, your opinions  
22 about the characteristics of Prolensa like pH  
23 or shelf life come from your understanding of  
24 other technical experts; right?

25 A. In part, yes.