

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.
) vs.) IPR2015-00902
SENJU PHARMACEUTICAL CO., LTD.,) IPR2015-00903
BAUSCH & LOMB, INC., and BAUSCH)
& LOMB PHARMA HOLDINGS CORP.,)
) Patent Owner.)
-----)

CONFIDENTIAL SUBJECT TO THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF
ROBERT O. WILLIAMS, III, Ph.D.
Austin, Texas
Wednesday, March 9, 2016

<p style="text-align: right;">Page 2</p> <p>1 2 3 4 5 ORAL VIDEOTAPED DEPOSITION OF ROBERT O. 6 WILLIAMS, III, Ph.D., produced as a witness at the 7 instance of the Petitioner and duly sworn, was 8 taken in the above-styled and numbered cause on 9 the 9th day of March 2016, from 8:09 a.m. to 10 12:32 p.m., before Rebecca J. Callow, Registered 11 Merit Reporter, Certified Realtime Reporter, 12 Registered Professional Reporter and Notary Public 13 for the State of Texas, reported by computerized 14 stenotype machine at the offices of Hilton Austin 15 Airport, 9515 Hotel Drive, Austin, Texas. 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued) 2 3 FOR PATENT OWNER: 4 Finnegan, Henderson, Farabow, 5 Garrett & Dunner, LLP 6 901 New York Avenue, NW 7 Washington, D.C. 20001 8 (202) 408-4000 9 By: Justin J. Hasford 10 justin.hasford@finnegan.com 11 - and - 12 Finnegan, Henderson, Farabow 13 Garrett & Dunner, LLP 14 303 Peachtree Street, NE 15 3800 Suntrust Plaza 16 Atlanta, Georgia 30308 17 (404) 653-6400 18 By: Jessica M. Lebeis 19 jessica.lebeis@finnegan.com 20 21 22</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 FOR PETITIONER: 4 Alston & Bird, LLP 5 4721 Emperor Boulevard 6 Suite 400 7 Durham, North Carolina 27703 8 (919) 862-2200 9 By: Jitendra “Jitty” Malik, Ph.D. 10 jitty.malik@alston.com 11 - and - 12 Alston & Bird, LLP 13 333 South Hope Street 14 16th Floor 15 Los Angeles, California 90071 16 (213) 576-1000 17 By: Evan T. Woolley 18 evan.woolley@alston.com 19 20 21 22</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (continued) 2 3 FOR LUPIN: 4 Crowell Moring 5 1001 Pennsylvania Avenue, NW 6 Washington, D.C. 20004 7 (212) 624-3947 8 By: Deborah H. Yellin 9 dyellin@crowell.com 10 11 ALSO PRESENT: 12 Jason Lemley, Videographer 13 14 15 16 17 18 19 20 21 22</p>

Page 6			Page 8		
1	I N D E X		1	E X H I B I T S (continued)	
2			2		
3	WITNESS: ROBERT O. WILLIAMS, III, PH.D.		3	PREVIOUSLY MARKED EXHIBITS	
4			4	EXHIBIT	DESCRIPTION
5		PAGE	5	Exhibit 1059	Excerpt "Remington: The
6	Examination by Mr. Malik	15	6		Science and Practice of
7	Examination by Mr. Hasford	141	7		Pharmacy" 20th Edition pp 830
8	Further Examination by Mr. Malik	146	8		through 832
9	-o0o-		9		
10			10	Exhibit 1067	Deposition Transcript:
11			11		Videotaped Deposition of Robert
12			12		O. Williams, III, Ph.D. taken
13			13		February 25, 2016
14			14		
15			15	Exhibit 1069	United States Patent
16			16		Application No. 2008/0274194
17			17		
18			18	Exhibit 1070	U. S. Patent No. 6,495,120
19			19		
20			20	Exhibit 1072	United States Patent No.
21			21		6,509,028
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	PREVIOUSLY MARKED EXHIBITS		3	PREVIOUSLY MARKED EXHIBITS	
4	EXHIBIT	DESCRIPTION	4	EXHIBIT	DESCRIPTION
5	Exhibit 1001	United States No. 8,669,290	5	Exhibit 2013	Prescribing information for
6		15	6		Prolensa
7	Exhibit 1019	Journal Article: "Comparing the	7		
8		Surface Chemical Properties and	8	Exhibit 2014	United States Patent No.
9		the Effect of Salts on the	9		5,630,793
10		Cloud Point of a Conventional	10		
11		Nonionic Surfactant, Octoxynol	11	Exhibit 2026	Prescribing information for
12		9 (Triton X-100), and of Its	12		Xibrom
13		Oligomer, Tyloxapol (Triton	13		
14		WR-1339) Author: Hans Schott	14	Exhibit 2027	Prescribing Information for
15			15		Bromday
16	Exhibit 1028	United States Patent No.	16		
17		5,475,034	17	Exhibit 2029	New York Times article: "New
18			18		Painkiller Is Withdrawn After 4
19	Exhibit 1057	FDA Inactive Ingredient Guide -	19		Death"
20		1997	20		
21			21		
22	///		22	///	

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1	E X H I B I T S (continued)			1	E X H I B I T S (continued)		
2				2			
3	PREVIOUSLY MARKED EXHIBITS			3	PREVIOUSLY MARKED EXHIBITS		
4	EXHIBIT	DESCRIPTION	PAGE	4	EXHIBIT	DESCRIPTION	PAGE
5	Exhibit 2030	Clinical Ophthalmology article	128	5	Exhibit 2115	Curriculum Vitae of Robert O.	18
6		"The ocular distribution of		6		Williams, III, Ph.D.	
7		C-labeled bromfenac ophthalmic		7			
8		solution 0.07% in a rabbit		8	Exhibit 2118	Ophthalmology article:	134
9		model"		9		"Bromfenac Ophthalmic Solution	
10				10		0.07% Dosed Once Daily for	
11	Exhibit 2082	Declaration of Robert O.	15	11		Cataract Surgery Results of 2	
12		Williams, III, Ph.D (IPR 902)		12		Randomized Controlled Trials"	
13				13			
14	Exhibit 2082	Declaration of Robert O.	15	14	Exhibit 2119	Patient Preference and	136
15		Williams, III, Ph.D (IPR 903)		15		Adherence article: "Bromfenac	
16				16		ophthalmic solution for the	
17	Exhibit 2103	Bromfenac Ophthalmic Solution	121	17		treatment of postoperative	
18		0.07% 3.2.P.8.1 Stability		18		ocular pain and inflammation:	
19		Summary and Conclusions ISTA		19		safety, efficacy, and patient	
20		Pharmaceuticals, Inc. NDA		20		adherence"	
21		203168		21			
22	///			22	///		
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1	E X H I B I T S (continued)			1	E X H I B I T S (continued)		
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3	PREVIOUSLY MARKED EXHIBITS			3	PREVIOUSLY MARKED EXHIBITS		
4	EXHIBIT	DESCRIPTION	PAGE	4	EXHIBIT	DESCRIPTION	PAGE
5	Exhibit 2110	Bromfenac Ophthalmic Solution	125	5	Exhibit 2255	Supplemental Opening Expert	138
6		0.07% 3.2.P.5.6 Justification		6		Report of Robert O. Williams,	
7		of Specifications Bausch +		7		III, Ph.D., Ph.D. on	
8		Lomb NBA 203168		8		Innopharma's Infringement and	
9				9		Objective Indicia of	
10	Exhibit 2112	Affidavit of Translation of	56	10		Nonobviousness"	
11		2002.6 – 2nd Edition [Bronuck		11		-o0o-	
12		Package Insert		12			
13				13			
14	Exhibit 2113	Clinical Ophthalmology article:	132	14			
15		"The efficacy of bromfenac		15			
16		ophthalmic solution 0.07% dosed		16			
17		once daily in achieving		17			
18		zero-to-trace anterior chamber		18			
19		cell severity following		19			
20		cataract surgery"		20			
21				21			
22	///			22			

<p style="text-align: right;">Page 14</p> <p>1 THE VIDEOGRAPHER: Here begins media 2 number 1 in the deposition of Robert Williams 3 concerning InnoPharma Licensing, Inc., et al. versus 4 Senju Pharmaceutical Co., Ltd., et al. Today's date 5 is March 9th, 2016. The time is 8:09. 6 This deposition is being taken at 7 Hilton Austin Airport, 9515 Hotel Drive, Austin, 8 Texas 78719. 9 I'm Jason Lemley, the videographer, 10 and the court reporter is Rebecca Callow from 11 Gregory Edwards, LLC. 12 Counsel, please identify yourselves 13 and state whom you represent. 14 MR. MALIK: Jitendra Malik from the 15 law firm of Alston & Bird. With me is Evan Woolley, 16 and we represent InnoPharma. 17 MS. YELLIN: Deborah Yellin of Crowell 18 Moring. I represent the Petitioner Lupin. 19 MR. HASFORD: Justin Hasford of 20 Finnegan on behalf of the patent owner. 21 MS. LEIBIS: Jessica Leibis of 22 Finnegan, on behalf of the patent owner.</p>	<p style="text-align: right;">Page 16</p> <p>1 Can you confirm the two declarations 2 that I've handed you are indeed your declarations? 3 A. They both are. Yes. 4 Q. And is that your signature at the end of 5 the declarations? 6 A. Yes, it is. 7 Q. Okay. A couple of ground rules. I'm going 8 to ask that any question that I pose that you answer 9 from the perspective of a person of ordinary skill 10 in the art. 11 Unless you tell me otherwise, I'm going 12 to assume that it's from the skilled artisan. 13 Fair enough? 14 A. Yes. 15 Q. Okay. I'm also going to focus most of my 16 deposition on the declaration for the 902 case which 17 pertains to the '290 case. 18 But unless you tell me otherwise, I'll 19 assume that the answer also applies to the '431 20 patent. 21 Fair enough? 22 A. Yes.</p>
<p style="text-align: right;">Page 15</p> <p>1 THE VIDEOGRAPHER: Thank you. Would 2 the court reporter please swear in the witness. 3 ROBERT O. WILLIAMS, III, Ph.D., 4 called as a witness, having been duly sworn 5 by a Notary Public, was examined and 6 testified as follows: 7 EXAMINATION 8 BY MR. MALIK: 9 Q. Good morning, Dr. Williams. 10 A. Good morning. 11 Q. Let me hand you what has been marked as 12 Senju Exhibit 2082, which is your declaration in 13 IPR 903 and the '431 patent. 14 Let me also hand you what has been 15 marked as Senju Exhibit 2082, which is the -- your 16 declaration in the 902 case pertaining to the '290 17 patent. 18 Finally, let me also hand you the '290 19 patent which is marked InnoPharma Exhibit 1001. 20 Dr. Williams, I'm going to ask you a 21 series of questions in connection with the two 22 declarations I've handed you.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. 2 (Pause in proceedings.) 3 BY MR. MALIK: 4 Q. Let me also hand you what I have marked 5 InnoPharma Exhibit 1067. 6 Dr. Williams, you were deposed in this 7 case in connection with the corresponding district 8 court litigation. Is that correct? 9 A. I've been deposed twice in this case. 10 Q. A couple weeks ago? 11 A. Yes. 12 Q. Okay. And that deposition was -- the 13 transcript right there -- is that the deposition 14 transcript there? Is that the testimony that you 15 gave in connection with the district court case you 16 gave a couple weeks ago? 17 A. It appears to be. Yes. 18 Q. Okay. And during that deposition you were 19 sworn. Correct? 20 A. Yes. 21 Q. And do you stand by the statements in that 22 declaration?</p>

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