1		Page	1
2	UNITED STATES PATENT AND TRADEMARK OFFICE		
3	BEFORE THE PATENT TRIAL AND APPEAL BOARD		
4			
5	COALITION FOR AFFORDABLE DRUGS VII LLC,		
6	Petitioner,		
7 7 8 8 9	vs. Case No. IPR2015-01718 Patent No. 8,945,621 POZEN, INC.,		
10	Patent Owner.		
11	ratent Owner.		
12			
13			
14	DEPOSITION OF ROBERT W. MAKUCH, PH.D.		
15	BEFORETTON OF ROBERT W. Partochi, TH.B.		
16			
17			
18	Monday, September 19, 2016		
19	9:00 a.m.		
20			
21			
22	Reported by:		
23	Joan Ferrara, RMR, CRR		
24	Job No. 181513		
25			



_				
1		Page 2		Page 4
2			1 2	APPEARANCES: (Continued)
3	September 19, 2016		3	AFFEARANCES: (Continued)
4	9:00 a.m.		4	
5	New York, New York		5	COOLEY, LLP
6	New Tork, New Tork		6	Attorneys for Horizon Pharma and The Witness
7			7	3175 Hanover Street
8			8	Palo Alto, California 94304-1130
9	Deposition of Robert W. Makuch,		9	BY: RICARDO RODRIGUEZ, ESQ.
10	Ph.D., held at the offices of Cooley, LLP,		10	rr@cooley.com
11	1114 Avenue of the Americas, New York,		11	ilecooley.com
12	New York, Pursuant to Notice, before Joan		12	
13	Ferrara, a Registered Merit Reporter and		13	
14	Notary Public of the State of New York.		14	FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
15	Notary Fubric of the State of New York.		15	Attorneys for Horizon Pharma
16			16	901 New York Avenue, N.W.
17			17	Washington, D.C. 20001-4413
18			18	BY: DANIELLE C. PFIFFERLING, ESQ.
19			19	danielle.pfifferling@finnegan.com
20			20	danierie.priirerring@rinnegan.com
21			21	
22			22	
23			23	ALSO PRESENT:
24			24	Laura Stevens, Horizon Pharma
25			25	Eddia 50010.15) Norred Plantina
		Page 3		Page 5
1		3	1	3
2	APPEARANCES:		2	ROBERT MAKUCH,
3			3	called as a witness, having been
4				
5			4	duly sworn by a Notary Public, was
-	WICK PHILLIPS		4 5	duly sworn by a Notary Public, was examined and testified as follows:
6	WICK PHILLIPS Attorneys for Petitioner - Coalition for			
7			5	examined and testified as follows:
	Attorneys for Petitioner - Coalition for		5	examined and testified as follows: EXAMINATION BY
7	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC		5 6 7	examined and testified as follows: EXAMINATION BY MS. LaVALLE:
7	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC 3131 McKinney Avenue, Suite 100		5 6 7 8	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?
7 8 9	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC 3131 McKinney Avenue, Suite 100 Dallas, Texas 75204		5 6 7 8 9	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes.
7 8 9	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ.		5 6 7 8 9	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry.
7 8 9 10	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ.		5 6 7 8 9 10 11	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent
7 8 9 10 11 12	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ.		5 6 7 8 9 10 11 12	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable
7 8 9 10 11 12	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ.		5 6 7 8 9 10 11 12 13	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.
7 8 9 10 11 12 13	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com		5 6 7 8 9 10 11 12 13 14	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full
7 8 9 10 11 12 13 14	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP		5 6 7 8 9 10 11 12 13 14 15	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full name for the record.
7 8 9 10 11 12 13 14 15	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen		5 6 7 8 9 10 11 12 13 14 15 16	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right? A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full name for the record. A My name is Robert W. Makuch,
7 8 9 10 11 12 13 14 15 16	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard		5 6 7 8 9 10 11 12 13 14 15 16	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full name for the record.  A My name is Robert W. Makuch, M-A-K-U-C-H.
7 8 9 10 11 12 13 14 15 16 17	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500		5 6 7 8 9 10 11 12 13 14 15 16 17	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry.  I'm Amy LaValle. I represent  the petitioner Coalition for Affordable  Drugs.  Could you please state your full  name for the record.  A My name is Robert W. Makuch,  M-A-K-U-C-H. Q Could you please state your
7 8 9 10 11 12 13 14 15 16 17 18	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500 Austin, Texas 78701-4078		5 6 7 8 9 10 11 12 13 14 15 16 17 18	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full name for the record.  A My name is Robert W. Makuch, M-A-K-U-C-H. Q Could you please state your current home address?
7 8 9 10 11 12 13 14 15 16 17 18 19	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500 Austin, Texas 78701-4078 BY: JEFF GRITTON, ESQ.		5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right? A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs.  Could you please state your full name for the record. A My name is Robert W. Makuch, M-A-K-U-C-H. Q Could you please state your current home address? A My current home address is 8
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500 Austin, Texas 78701-4078 BY: JEFF GRITTON, ESQ.		5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right? A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs. Could you please state your full name for the record. A My name is Robert W. Makuch, M-A-K-U-C-H. Q Could you please state your current home address? A My current home address is 8 Greenbrier Road in Westport, Connecticut. Q Do you have any medical issues
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500 Austin, Texas 78701-4078 BY: JEFF GRITTON, ESQ.		5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right? A Yes. Q Sorry. I'm Amy LaValle. I represent the petitioner Coalition for Affordable Drugs. Could you please state your full name for the record. A My name is Robert W. Makuch, M-A-K-U-C-H. Q Could you please state your current home address? A My current home address is 8 Greenbrier Road in Westport, Connecticut.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Attorneys for Petitioner - Coalition for Affordable Drugs VII LLC  3131 McKinney Avenue, Suite 100 Dallas, Texas 75204 BY: AMY E. LaVALLE, ESQ. amy.lavalle@wickphillips.com  BAKER BOTTS, LLP Attorneys for Patent Owner - Pozen 98 San Jacinto Boulevard Suite 1500 Austin, Texas 78701-4078 BY: JEFF GRITTON, ESQ.		5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	examined and testified as follows:  EXAMINATION BY  MS. LaVALLE:  Q Hi, Dr. Makuch. Is that right?  A Yes. Q Sorry.  I'm Amy LaValle. I represent  the petitioner Coalition for Affordable  Drugs.  Could you please state your full  name for the record.  A My name is Robert W. Makuch,  M-A-K-U-C-H. Q Could you please state your  current home address?  A My current home address is 8  Greenbrier Road in Westport, Connecticut.  Q Do you have any medical issues  that might affect your testimony today?



6 to 9

Page 6  1 R. Makuch  1 R. Makuch	
	Page 8
0	
2 A I take no medications. 2 and I could not even give y	you a rough
3 Q Have you ever been deposed? 3 estimate, actually.	
4 A Yes, I have. 4 Q Do you recall ev	ver having done
5 Q When was that? 5 an expert declaration or a	written expert
6 A It's been quite a while ago, so 6 report?	
7 I don't recall the exact date, but it might 7 A I know that I ha	ave done expert
8 be 4 years ago in one particular case. 8 reports in the past.	
9 Q Were you deposed just one time 9 Q Do you recall ev	_
10 before? 10 doing an expert report on t	the issue of
11 A No. I've been deposed in the 11 patent validity?	
*	so, but I can't
13 Q Just one other time? 13 really state for sure. Is	simply just don't
14 A No, other times, plural. And 14 recall.	
15 again, I can't recall. It's not something 15 Q And you did prov	-
16 that I tend to do. I really don't recall 16 declaration for this proceed	eding, correct?
17 the dates. 17 A That I did, yes	
18 Q When you were deposed 18 Q So other than the	he declaration
19 previously, were you working as an expert 19 that you provided for this	proceeding, you
20 witness in a legal proceeding? 20 do not recall whether you've	-
21 A I can't even tell you whether I 21 expert written reports or o	declarations in
22 was an expert witness or I was a fact 22 other prior legal proceeding	ngs?
23 witness. I really don't recall. 23 A Not really. I	just, I think,
24 Q Have you ever testified in a 24 again, the last one was 4 y	years ago or
25 patent case before? 25 more, and so I just don't i	rogall
25 patent case before: 25 more, and so I just don't.	iecaii.
Page 7  1 R. Makuch 1 R. Makuch	Page 9
Page 7 1 R. Makuch 1 R. Makuch	Page 9
Page 7 1 R. Makuch 1 R. Makuch	Page 9
Page 7  1 R. Makuch 2 A Yes, I have.  Page 7  1 R. Makuch 2 Q Do you have any	Page 9
Page 7  1 R. Makuch 1 R. Makuch 2 A Yes, I have. 2 Q Do you have any 3 Q Was that the case 4 years ago, 3 own?	Page 9 patents of your are of.
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately?  Page 7  1 R. Makuch 2 Q Do you have any 3 own? 4 A Not that I'm awa	Page 9 patents of your are of. ledge, you are
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 5 Q So to your known.	Page 9 patents of your are of. ledge, you are y patents?
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a  Page 7  1 R. Makuch 2 Q Do you have any 3 own? 4 A Not that I'm awa 5 Q So to your knowledge. 6 ago. Again, I could be off by as much as a 6 not a named inventor on any	Page 9 patents of your are of. ledge, you are y patents? , I am not a
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 4 A Not that I'm awa 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 8 named inventor on any pater	Page 9 patents of your are of. ledge, you are y patents? , I am not a
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 4 A Not that I'm awa 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 8 named inventor on any pater	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications?
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 1 R. Makuch 2 Q Do you have any 3 own? 4 A Not that I'm awa	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications?
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 1 R. Makuch 2 Q Do you have any 3 own? 4 A Not that I'm awa	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of.
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 11 Q Do you have any	Page 9 patents of your are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 11 R. Makuch 2 Q Do you have any 12 the patent process?	Page 9 patents of your are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 11 R. Makuch 2 Q Do you have any 2 Q So to your know. 4 A Not that I'm awa 6 not a named inventor on any pater 7 A To my knowledge, 8 named inventor on any pater 9 Q Any pending pater 10 A Not that I'm awa 11 Q Do you have any 12 the patent process? 13 A I don't have any	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with y direct Office or
Page 7  1 R. Makuch 2 A Yes, I have. 2 Q Do you have any 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 7 A To my knowledge, 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 14 Q Do you recall if you testified 16 R. Makuch 17 R. Makuch 18 R. Makuch 19 Q So to your have any 10 an a mamed inventor on any 11 named inventor on any 12 patent 13 A I tend to recall that I did. 14 experience with the Patent	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or .
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 14 Q Do you recall if you testified 15 on any issues of patent validity? 11 R. Makuch 2 Q Do you have any 1 R. Makuch 2 Q Do you have any 1 A Not that I'm awa involved 2 Q Do you have any 1 A I don't have any 1 I individuals who work there	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or .
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 14 Q Do you recall if you testified 15 on any issues of patent validity? 16 A I don't recall.  Page 7  1 R. Makuch 1 R. Makuch 2 Q Do you have any 1 A Not that I'm awa 2 Q Any pending pate 3 Not that I'm awa 4 Not that I'm awa 5 Q Any pending pate 1 Q Do you have any 1 the patent process? 1 A I tend to recall that I did. 1 A I don't have any 1 Experience with the Patent 1 I D I didn't recally	Page 9 patents of your are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask
Page 7  R. Makuch  R. A Not that I'm awa  R. Makuch  R. Makuch  R. A To my knowiede  R. Not that I'm awa  R. Makuch  R. Makuch  R. A To my know	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask experience
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 8 Q What type of case was that? 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 14 Q Do you recall if you testified 15 on any issues of patent validity? 16 A I don't recall. 17 Q Other than that representation 18 that you did and that was related to your 18 Do you have any 19 Do you have any 10 Do you have any 11 Do you have any 12 Do you have any 13 A I don't recall. 14 Q I didn't really 15 Do you have any 16 Do you have any 17 A Do you have any 18 Do you have any 19 Do you have any 10 A Not that I'm awa 11 A I don't have any 12 Do you have any 13 A I don't recall. 14 A I don't recall 15 Do you have any 16 Do you have any	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask  experience r patents or
Page 7  R. Makuch R. A Not that I'm awa R. Makuch R. Makuch R. A Tomp ketion R. Makuch R. A Tomp ketion R. Makuch R.	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask  experience r patents or
Page 7  R. Makuch  R. Makuch R. Makuch  R. Makuch  R. Makuch  R. Makuch  R. A Not that I'm awa  R. A To my knowledge,  named inventor on any  R. A To my knowledge,  Not a named inventor on any  R. A	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask  experience r patents or hrough your work
Page 7  R. Makuch  R. A Not that I'm awa  R. Not hat I'm awa  R. La	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask  experience r patents or hrough your work o not do those
Page 7  1 R. Makuch 2 A Yes, I have. 3 Q Was that the case 4 years ago, 4 approximately? 5 A That is the case roughly 4 years 6 ago. Again, I could be off by as much as a 7 year or two on either side. 9 A I tend to recall it was involved 10 in a drug-related issue for HIV. 11 Q And did you represent the patent 12 owner? 13 A I tend to recall that I did. 14 Q Do you recall if you testified 15 on any issues of patent validity? 16 A I don't recall. 17 Q Other than that representation 18 that you did and that was related to your 19 deposition, have you ever served as an 20 expert witness or consultant in a legal 21 proceeding? 22 A Yes, I have.  10 R. Makuch 2 Q Do you have any 1 A Not that I'm awa 1 A To my knowledge, 10 named inventor on any pater 11 Q Do you have any 12 the patent process? 13 A I don't have any 14 experience with the Patent 15 individuals who work there 16 Q I didn't really 17 about the Patent Office. 18 Do you have any 19 dealing with applicants for 20 patents after they issue the 21 or anything like that? 22 A I just simply de	Page 9  patents of your  are of. ledge, you are y patents? , I am not a nt. ent applications? are of. experience with  y direct Office or . mean to ask  experience r patents or hrough your work o not do those her someone spoke



10 to 13

	september		, 2016 10 10 13
	Page 10	1	Page 12
1	R. Makuch	1	R. Makuch
2	Q Prior to your preparation for	2	A As part of my work, I
3	this legal proceeding, have you done any	3	occasionally am invited by sponsors to
4	consulting or other type of work for the	4	either work with them on what are called
5	patent owners in this case?	5	mock advisory committees or going with them
6	A I know I shouldn't ask a	6	on actual advisory committees to the FDA.
7	question, but to be clear, who is the	7	Q Are you formally paid for that
8	patent owner?	8	type of work?
9	Q No problem. When I say patent	9	A I am paid for that kind of work.
10	owners, I mean it plural, Pozen and Horizon	10	Q And so that one project that you
11	Pharma.	11	did with Horizon Pharma, were you paid for
12	A Okay. So please ask your	12	that?
13	question again.	13	A I would assume so.
14	Q Prior to this engagement for	14	Q Are you normally paid by the
15	this legal proceeding, have you ever done	15	hour?
16	any consulting or other type of work for	16	A I am generally paid by the hour.
17	either Pozen or Horizon Pharma?	17	Q Would you have been paid by the
18	A Yes, I have.	18	hour for that project?
19	Q Was it for Pozen or Horizon	19	A I don't recall.
20	Pharma?	20	Q Have you ever done any
21	A It was for Horizon Pharma, that	21	consulting or other type of work for
22	I recall.	22	Astrazeneca?
23	Q What type of work did you do for	23	A I tend to recall that, again, in
24	Horizon Pharma?	24	the fairly distant past, I did work with
25	A A long time ago, I recall that I	25	them on one project.
	Page 11		Page 13
1	R. Makuch	1	
	ic. Haracii		R. Makuch
2	was contacted to provide input into some	2	R. Makuch  Q Do you remember what the subject
2			
	was contacted to provide input into some	2	Q Do you remember what the subject
3	was contacted to provide input into some advisory committee activities that Horizon	2 3	Q Do you remember what the subject matter of that project was?
3 4	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.	2 3 4	Q Do you remember what the subject matter of that project was?  A I believe I served on a data
3 4 5	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee	2 3 4 5	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I
3 4 5 6	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?	2 3 4 5	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.
3 4 5 6 7	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the	2 3 4 5 6 7	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a
3 4 5 6 7 8	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember	2 3 4 5 6 7 8	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?
3 4 5 6 7 8	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the	2 3 4 5 6 7 8	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for
3 4 5 6 7 8 9	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in	2 3 4 5 6 7 8 9	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what
3 4 5 6 7 8 9 10	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.	2 3 4 5 6 7 8 9 10	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.
3 4 5 6 7 8 9 10 11	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain	2 3 4 5 6 7 8 9 10 11	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.
3 4 5 6 7 8 9 10 11 12 13	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?	2 3 4 5 6 7 8 9 10 11 12 13	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of
3 4 5 6 7 8 9 10 11 12 13 14	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of	2 3 4 5 6 7 8 9 10 11 12 13 14	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?
3 4 5 6 7 8 9 10 11 12 13 14	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.
3 4 5 6 7 8 9 10 11 12 13 14 15	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked
3 4 5 6 7 8 9 10 11 12 13 14 15 16	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.  Q What would your role have been	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:  Q I'm going to hand you a document
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.  Q What would your role have been in providing input for an advisory	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:  Q I'm going to hand you a document that is Patent No. 8,945,621. This is the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.  Q What would your role have been in providing input for an advisory committee?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:  Q I'm going to hand you a document that is Patent No. 8,945,621. This is the patent that is at issue in this proceeding.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.  Q What would your role have been in providing input for an advisory committee?  A I can't recall. It was a long	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:  Q I'm going to hand you a document that is Patent No. 8,945,621. This is the patent that is at issue in this proceeding.  Can you confirm that this is a
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	was contacted to provide input into some advisory committee activities that Horizon was invited by the FDA to attend.  Q What type of advisory committee was it?  A I actually don't recall the title, nor the intent. I just remember going with the Horizon people to the meeting and working with them beforehand in preparation for it.  Q Was this related to a certain type of drug product?  A I tend to recall it was more of a general discussion by the FDA about ways to examine products, more generally, because I tend to recall there were several other companies invited by the FDA.  Q What would your role have been in providing input for an advisory committee?  A I can't recall. It was a long time ago.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q Do you remember what the subject matter of that project was?  A I believe I served on a data monitoring committee for a trial that I don't even remember.  Q The trial would have been for a drug product?  A I recall that the trial was for a drug product. I can't even tell you what disease it was for.  Q Okay.  So you do not recall the name of the drug?  A No.  (Whereupon, Exhibit 1 was marked for Identification.)  BY MS. LaVALLE:  Q I'm going to hand you a document that is Patent No. 8,945,621. This is the patent that is at issue in this proceeding.  Can you confirm that this is a copy of the patent that's at issue in this



14 to 17

	September	19	, 2016 14 to 17
	Page 14		Page 16
1	R. Makuch	1	R. Makuch
2	imagine this is referred to as the '621	2	A I do not.
3	Patent?	3	(Whereupon, Exhibit 2 was marked
4	Q Correct, yes. If I do refer to	4	for Identification.)
5	this document as the '621 Patent, I'm	5	BY MS. LaVALLE:
6	talking about this.	6	Q I'm going to hand you another
7	A Okay. Then I'm comfortable to	7	document that we've marked as Exhibit 2.
8	indicate that this is the '621 Patent that	8	The title of this document is
9	I have been involved with.	9	Declaration of Robert W. Makuch, Ph.D, in
10	Q And you have reviewed this	10	Support of Patent Owner's Response.
11	document before, is that correct?	11	Can you confirm that this is the
12	A Yes, I have.	12	declaration that you prepared for this
13	Q On the first page, if you look	13	proceeding?
14	in the upper left-hand column, there is a	14	A Yes, this appears to be the
15	listing of the inventors.	15	declaration I did prepare for this group
16	Do you see that?	16	and for this activity.
17	A Yes, I do.	17	Q And it appears that there are
18	Q Do you recognize any of those	18	two sets of page numbering, but if you
19	names?	19	could turn to page 21 of 52, if you look in
20	A I recognize none of those names.	20	the lower left-hand corner.
21	Q You do not personally know any	21	A Sure, yes.
22	of the named inventors on this patent?	22	Q Can you confirm there on that
23	A I do not recognize the names of	23	page that that is your signature?
24	any of these individuals.	24	A Yes, I confirm that's my
25	Q To your knowledge, you haven't	25	signature.
	~ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		. 5
	Page 15		Page 17
1	Page 15 R. Makuch	1	Page 17 R. Makuch
1 2	R. Makuch ever met these individuals?	1 2	
	R. Makuch		R. Makuch
2	R. Makuch ever met these individuals?	2	R. Makuch Q Going back to the title page,
2	R. Makuch ever met these individuals?  A To my knowledge, I have not	2	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you
2 3 4	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?	2 3 4	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.
2 3 4 5	R. Makuch ever met these individuals? A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with	2 3 4 5	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of
2 3 4 5 6	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?	2 3 4 5	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?
2 3 4 5 6 7	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.	2 3 4 5 6 7	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of
2 3 4 5 6 7 8	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion. It could have happened, but I don't recall.	2 3 4 5 6 7 8	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my
2 3 4 5 6 7 8	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work	2 3 4 5 6 7 8	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.
2 3 4 5 6 7 8 9	R. Makuch  ever met these individuals?  A To my knowledge, I have not  approached or met these individuals.  Q Have you ever communicated with  anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work  on this proceeding, do you recall ever	2 3 4 5 6 7 8 9	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the
2 3 4 5 6 7 8 9 10	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon	2 3 4 5 6 7 8 9 10	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to
2 3 4 5 6 7 8 9 10 11	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion. It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?	2 3 4 5 6 7 8 9 10 11	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?
2 3 4 5 6 7 8 9 10 11 12 13	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this	2 3 4 5 6 7 8 9 10 11 12 13	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the
2 3 4 5 6 7 8 9 10 11 12 13 14	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken	2 3 4 5 6 7 8 9 10 11 12 13 14	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?
2 3 4 5 6 7 8 9 10 11 12 13 14	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you communicated with the anyone from Horizon	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those portions?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you communicated with the anyone from Horizon other than the one project you told me	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those portions?  A I'd have to see what portions
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you communicated with the anyone from Horizon other than the one project you told me about?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those portions?  A I'd have to see what portions those are, but I'd be glad to look at them.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	R. Makuch  ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you communicated with the anyone from Horizon other than the one project you told me about?  A In the distant past, I did work	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those portions?  A I'd have to see what portions those are, but I'd be glad to look at them. Q Is that not something that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	R. Makuch ever met these individuals?  A To my knowledge, I have not approached or met these individuals.  Q Have you ever communicated with anyone who is an employee of Pozen?  A I do not recall such discussion.  It could have happened, but I don't recall.  Q Since you've been hired to work on this proceeding, do you recall ever communicating with an employee of Horizon Pharma?  A Since the time of this proceeding and my involvement, I've spoken to no one at Horizon Pharma.  Q And before you were engaged to work on this proceeding, had you communicated with the anyone from Horizon other than the one project you told me about?  A In the distant past, I did work with Horizon on other issues, but that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	R. Makuch  Q Going back to the title page, the title states that this declaration is in support of patent owner's response.  My question is, have you reviewed patent owner's response brief?  A I recall looking at some of those documents, but again, that was not my primary response in this report.  Q Do you recall reviewing the portions of the response brief that cite to your declaration?  A I'm sorry, what part of the report?  Q Part of the patent owner's response brief that cites to your declaration, do you recall reviewing those portions?  A I'd have to see what portions those are, but I'd be glad to look at them.  Q Is that not something that you did as part of your job when you were hired



# DOCKET A L A R M

# 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.

