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THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VIII LLC

Petitioner,

v.

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA

Patent Owner.

Case IPR2015-01835 & IPR2015-01836

U.S. Pat. No. 7,932,268

DEPOSITION OF FRANK SACKS

New York, New York

August 12, 2016

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 111201

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August 12, 2016

9:00 a.m.

Deposition of FRANK SACKS, held
at the offices of Goodwin Procter LLP,
620 Eighth Avenue, New York, New York,
before Mary F. Bowman, a Registered
Professional Reporter, Certified
Realtime Reporter, and Notary Public of
the State of New Jersey.

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APPEARANCES:

McNEELY HARE & WAR
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12 Roszel Road
Princeton, New Jersey 08540

BY: CHRISTOPHER CASIERI, ESQ

GOODWIN PROCTER
Attorneys for Trustees of the University
of Pennsylvania
620 Eighth Avenue
New York, New York 10018

BY: CYNTHIA LAMBERT HARDMAN, ESQ.
KRUPA PARIKH, ESQ.

Also Present:
KEVIN S. PRUSSIA, ESQ.
WilmerHale

1 SACKS

2 FRANK SACKS,

3 called as a witness by the parties,

4 having been duly sworn, testified as

5 follows:

6 EXAMINATION BY

7 MR. CASIERI:

8 Q. Good morning, Dr. Sacks.

9 A. Good morning, Mr. Casieri.

10 Q. Have you had your deposition
11 taken before?

12 A. Yes.

13 Q. About how many times?

14 A. Six to eight, I'd say.

15 Q. I'm sure you know all the rules,
16 so I'm not going to go through them all.
17 Just remind you, if I ask a question and
18 you don't understand it or you don't think
19 it is clear, let me know and I'll try and
20 clarify it. But if not, I will assume you
21 understand the question. OK?

22 A. Yes.

23 MS. HARDMAN: Objection to form.

24 Q. So you said you have had your
25 deposition taken six to eight times?

1 SACKS

2 A. Correct.

3 Q. How many cases were those in?

4 A. A variety of cases. Let's see,
5 there was -- well, some are patent, a few
6 of them were patent litigation in which I
7 was on the side of plaintiffs or
8 defendants, both, in various cases, and
9 then I was a witness for the Federal Trade
10 Commission in a false advertising suit
11 against Pom Wonderful, the pomegranate
12 company, and then there was a short
13 class -- short-lived class action suit
14 against Pom Wonderful that, for a brief
15 time, I was on the side of the plaintiff
16 against Pom Wonderful.

17 Let me see any other type of
18 case? If it comes to me, I'll let you
19 know.

20 Q. OK. The patent litigations, you
21 said three or four of them?

22 A. Well, possibly, if -- let's say
23 if I did eight, probably six of them, you
24 know, would be patent infringement cases.

25 Q. Did you give trial testimony in

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