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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS VIII LLC

Petitioner,

v.

THE TRUSTEES OF THE UNIVERSITY OF

PENNSYLVANIA

Patent Owner.

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Case IPR2015-01835 & IPR2015-01836

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

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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  
Attorneys for Coalition for Affordable Drugs  
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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