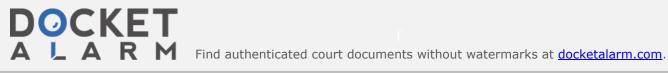
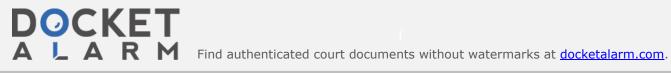
1	- VOLUME 1 -
2	IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE
3	NOVARTIS PHARMACEUTICALS : CIVIL ACTION
4	CORPORATION and NOVARTIS : AG, :
5	Plaintiffs, :
6	vs. :
7	BRECKENRIDGE : PHARMACEUTICALS INC., : NO. 14-1043 (RGA)
8	Defendant. : CIVIL ACTION
9	NOVARTIS PHARMACEUTICALS : CORPORATION and NOVARTIS :
LO	AG, : Plaintiffs, :
11	: vs. :
L2 L3	: ROXANE LABORATORIES, : INC., :
L 4	Defendant. : NO. 14-1196 (RGA)
15	NOVARTIS PHARMACEUTICALS : CIVIL ACTION CORPORATION and NOVARTIS :
L 6	AG, : Plaintiffs, :
L7	vs.
L8	PAR PHARMACEUTICAL, : INC., :
L9	Defendant. : NO. 14-1289 (RGA)
20	Wilmington, Delaware
21	Monday, August 29, 2016 8:38 o'clock, a.m.
22	
23	BEFORE: HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.
24	



1	Partridge has both a throat ailment and
2	discovered when he got to Delaware he needs a
3	root canal, and hot tea is able to soothe those
4	conditions. I just wanted the Court's
5	permission to bring a thermos of tea.
6	THE COURT: Sure.
7	MR. SORENSON: Your Honor, may I
8	approach?
9	THE COURT: Sure.
10	MR. SORENSON: Your Honor, for the
11	record, defendants call Dr. John Partridge. May
12	I approach?
13	I'm sorry. My name is Chris
14	Sorenson and I am with Merchant & Gould,
15	representing Breckenridge in this case.
16	THE COURT: All right. Dr.
17	Partridge, come on up.
18	JOHN PARTRIDGE, having
19	been duly sworn as a witness, was
20	examined and testified as follows
21	MR. SORENSON: May it please the
22	Court?
23	DIRECT EXAMINATION
24	BY MR. SORENSON:



1	the next section in five minutes.
2	Okay. Can we put up part slide
3	12, please.
4	BY MR. SOLANDER:
5	Q. And this is a patent that you said
6	in your direct testimony would have motivated a
7	person of ordinary skill in the art to make
8	changes to rapamycin; is that right?
9	A. To make changes at I believe it's
10	C40.
11	${\tt Q}.$ All right. Now, all of the
12	patents on this slide are from one company; is
13	that right? American Home Products?
14	A. Yes. And once upon a time, it was
15	Ayerst, and then it was Wyeth Ayerst, and then
16	it's was a whole bunch of names, but it
17	eventually became American Home Products, which
18	is a holding company.
19	Q. Today it's Pfizer; is that right?
20	A. Yes. And they were taken out by
21	Pfizer, so it's now Pfizer.
22	\mathbb{Q} . Okay. And those workers at
23	American Home Products were undoubtedly very
24	knowledgeable about rapamycin and making



1	derivatives of rapamycin; is that correct?
2	Scientists there?
3	A. That's an interesting question
4	because of all the chaos that went on with those
5	companies, but, yes. They would have
6	information about rapamycin and making analogs.
7	${\mathbb Q}$. And they were experimenting with
8	modifications at groups other than the C40
9	group; is that right?
10	A. Yes.
11	$\mathbb{Q}.$ And they were also making the
12	types of changes even when they were working on
13	C40 that were different than the small
14	conservative changes that you suggest; is that
15	right?
16	A. And they made large changes in C40
17	and maintained the immunosuppressant activity.
18	Q. Okay. So let's look at some of
19	these slides. If I could see some of some of
20	these patents.
21	If I could see Partridge slide 13.
22	Thank you. The Caufield patent.
23	You testified in this patent they
24	were making changes to the bottom of the



1	it.
2	$\mathbb{Q}.$ And that's an opinion that you
3	gave in this case; is that right? Part of your
4	expert report?
5	A. Yes. It starts out, I am aware.
6	Q. Yes. And when you were working in
7	the drug field and making "me too" compounds, it
8	was always the goal to get a patent; isn't that
9	right?
10	A. It was always the goal to write up
11	a body of work and hand it to someone in the
12	Patent Office of my company, and however they
13	did things, to either get a patent or not get a
14	patent, with the U.S. Patent and Trademark
15	Office. I didn't have anything to do with that.
16	Q. But the only way to make your boss
17	happy and to make money there was to have
18	obtained a patent on the compound; is that
19	right?
20	A. Yes. If those were useful
21	compounds, my boss would be happy.
22	${\mathbb Q}.$ Okay. And let's switch gears.
23	You can take that down.
24	You would agree that as of



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