

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 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 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 Q. And they were experimenting with
8 modifications at groups other than the C40
9 group; is that right?

10 A. Yes.

11 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 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 Q. Okay. And let's switch gears.
23 You can take that down.

24 You would agree that as of

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