

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ELI LILLY AND COMPANY,)
) Cause No.
Plaintiff,) 1:10-CV-01376-TWP-DKL
) Indianapolis, Indiana
vs.) August 23, 2013
) 9:06 a.m.
TEVA PARENTERAL MEDICINES,)
INC., APP PHARMACEUTICALS,)
LLC, PLIVA HRVATSKA D.O.O.,)
TEVA PHARMACEUTICALS USA,)
INC., BARR LABORATORIES, INC.,)
)
Defendants.)

V O L U M E V

**Before the Honorable
TANYA WALTON PRATT**

OFFICIAL REPORTER'S TRANSCRIPT OF
BENCH TRIAL

Court Reporter:	David W. Moxley, RMR, CRR, CMRS
	United States District Court
	46 East Ohio Street, Room 340
	Indianapolis, Indiana 46204

PROCEEDINGS TAKEN BY MACHINE SHORTHAND
TRANSCRIPT CREATED BY COMPUTER-AIDED TRANSCRIPTION

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1 (In open court.)

2 THE COURT: If you would remain standing and raise
3 your right hand, I will swear you in for the day.

4 (The witness is sworn.)

5 THE COURT: You may have a seat. And we are back on
6 the record. This is Eli Lilly versus Teva Parenteral.

7 And, Mr. Genderson, I see you're ready.

8 MR. GENDERSON: Just some housekeeping, Your Honor,
9 from yesterday.

10 THE COURT: You may.

11 MR. GENDERSON: We had agreed that Exhibit 2158,
12 which was that long PowerPoint, we would only have in the
13 exhibit the slides that we actually used. There were the
14 three slides. So, we've done that. I've given a copy to
15 counsel, and if you would like a copy of them.

16 MR. WIESEN: And, Your Honor, we discussed yesterday
17 whether it would be demonstrative or whether it would be
18 actually an exhibit just because I'm not sure we set the
19 business record foundation, but either way, you're going to
20 have it, so I'm not sure it makes a big deal to us. If you
21 want to just take it into the record, that's fine.

22 THE COURT: Okay. Let's take it into the record.

23 MR. WIESEN: And I will say, just for the record,
24 that the third slide was the one that Mr. Genderson
25 represented was from the ASCO abstract in 2002, and he did

1 show that to me this morning, so it is included.

2 THE COURT: Okay. All right. Exhibit 2158 is
3 admitted into the record without objection.

4 (Trial Exhibit 2158 was
5 received in evidence.)

6 MR. GENDERSON: And, Your Honor, then just for the
7 record, I have a list of exhibits to move in from the
8 examination, and I've shared the list with counsel, and these
9 are all -- there's no objection to any of these.

10 THE COURT: You may.

11 MR. GENDERSON: Exhibits 22, 60, 64, 74, 80, 312,
12 313, 314, 326, 327, 393, 394, 913, 1463, the revised 2058
13 (sic) that we just discussed, 2100, 2102, 2110, 2120, 2123 --
14 I'm sorry, I apologize. 2058 is -- was not the one we
15 discussed. That one is -- is not objected. It's 2158, not
16 2058, is the one that was shortened, I apologize.

17 THE COURT: Okay. So the revised 21 --

18 MR. GENDERSON: -- 58. And 2058 is -- we move in,
19 as well. And then 2257, 2263 (sic), and 3011.

20 THE COURT: Do you agree?

21 MR. WIESEN: We do. We checked it ahead of time,
22 because it's a long list.

23 THE COURT: It is a long list. Okay, and those
24 exhibits that have just been read into the record are admitted
25 without objection.

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