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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

- - -

PFIZER INC., PHARMACIA & UPJOHN) Civil Action
COMPANY, PHARMACIA & UPJOHN)
COMPANY LLC, SUGEN INC., C.P.)
PHARMACEUTICALS INTERNATIONAL)
C.V., PFIZER PHARMACEUTICALS LLC,)
and PF PRISM C.V.,)
Plaintiffs,)
v.)
MYLAN PHARMACEUTICALS INC.,)
Defendant.) No. 10-528-GMS

- - -

Wilmington, Delaware
Thursday, November 29, 2012
8:30 a.m.
Trial Day 4

- - -

BEFORE: HONORABLE GREGORY M. SLEET, Chief Judge

APPEARANCES:

MARYELLEN NOREIKA, ESQ.
Morris Nichols Arsht & Tunnell, LLP
-and-
THOMAS H.L. SELBY, ESQ.,
WILLIAM E. McDANIELS, ESQ.,
STANLEY E. FISHER, ESQ.,
JESSAMYN A. BERNIKER, ESQ.,
SCOTT DASOVICH, ESQ., and
JESSICA STOLL, ESQ.
Williams & Connolly LLP
(Washington, D.C.)

Counsel for Plaintiffs

Par Pharm., Inc.
Exhibit 1095
Par Pharm., Inc. v. Novartis AG
Case IPR2016-01479

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APPEARANCES CONTINUED:

PHILIP A. ROVNER, ESQ.
Potter Anderson & Corroon, LLP

-and-

DOUGLAS H. CARSTEN, ESQ., and
JOSH A. MACK, ESQ., and
BOBBY DELAFIELD, ESQ.
Wilson Sonsini Goodrich & Rosati
(San Diego, CA)

Counsel for Defendant

- - -

1 THE COURT: Good morning.

2 Please, take your seats.

3 (Counsel respond "Good morning.")

4 THE COURT: Let's resume.

5 MR. SELBY: Thank you, Your Honor.

6 A couple of housekeeping matters. First, we had
7 this demonstrative that was up yesterday. And the parties
8 have conferred and agreed that it can be marked as
9 Plaintiffs' Exhibit 640 and admitted, if Your Honor will
10 accept it.

11 MR. CARSTEN: That is correct, Your Honor.

12 THE COURT: That is fine.

13 (Plaintiffs' Exhibit No. 640 received in
14 evidence.)

15 MR. SELBY: Second, Your Honor, we have, on
16 behalf of Pfizer -- we are going to present speedy testimony
17 from three witnesses today. We did put the outlines to the
18 chopping block last night. I think we are going to move
19 through them fairly quickly. The second two witnesses
20 address economic issues that may involve current proprietary
21 and sensitive financial information of Pfizer.

22 We have tried to limit the extent to which any
23 of that is discussed in their testimony. But, of course,
24 the cross-examination may wander into that. And counsel has

1 away his outline, they do intend to address some of those
2 issues.

3 So there may be a point at which today we will
4 ask if the Court will be willing to close the courtroom.

5 THE COURT: I don't favor that. We will cross
6 the bridge if we come to it. I am decidedly opposed to
7 closing an American courtroom.

8 MR. SELBY: I appreciate that, Your Honor. We
9 don't ask lightly.

10 There are a few exhibits that will be discussed
11 along with that testimony, and ultimately we would like to
12 ask that those be sealed as well.

13 THE COURT: We will cross the bridge when we
14 come to it.

15 MR. SELBY: Thank you, Your Honor.

16 MS. STOLL: Good morning, Your Honor. Jessica
17 Stoll of Williams & Connolly on behalf of plaintiffs. At
18 this time plaintiffs call Dr. Matthew Kulke.

19 ... MATTHEW KULKE, having been duly sworn as a
20 witness, was examined and testified as follows ...

21 THE COURT: You may proceed, counsel.

22 DIRECT EXAMINATION

23 BY MS. STOLL:

24 Q. Dr. Kulke, would you please introduce yourself to the

1 A. My name is Matthew Kulke. I am a medical oncologist.
2 I practice at Dana Farber Cancer Institute. And I have a
3 special interest in neuroendocrine tumors.

4 Q. When did you start focusing your practice in treating
5 patients with neuroendocrine tumors?

6 A. I started my focus right after completing my
7 fellowship in 1997. At that time I was seeing patients with
8 neuroendocrine tumors. I wrote an initial review article on
9 carcinoid tumors, which is a subtype of neuroendocrine
10 tumors. That was published in the New England Journal of
11 Medicine in 1999.

12 Q. What clinical positions do you currently hold?

13 A. I am an attending physician at Dana Farber Institute.
14 I also direct the program in neuroendocrine and carcinoid
15 tumors at Dana Farber.

16 Q. On average, how many patients with pancreatic
17 neuroendocrine tumors do you personally treat each year?

18 A. In my practice, I will see about 150 neuroendocrine
19 tumor patients. About a third of those will have pancreatic
20 neuroendocrine tumors. So it would be about 50 new patients
21 a year. Many of those patients will also then subsequently
22 stay for treatment.

23 Q. Roughly how many other physicians in the United States
24 see that many patients with this disease each year?

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