

1 A P P E A R A N C E S :

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I N D E X

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2
3 BY MR. ZOLAN PAGE
4 4

EXHIBITS PREVIOUSLY MARKED

5
6 NUMBER Description Page
7
8 Exhibit 1001 U.S. Patent 8,268,299, 19 pages 47
9
10 Exhibit 1059 Statista, Percentage of the 38
11 Glaucoma Prescription Market in
12 the U.S. as of 2015 by Product
13 Type, 5 pages
14 Exhibit 1060 Independent Research Update, 41
15 Nicox, 20 pages
16
17 Exhibit 1061 July 2016 Corporate 41
18 Presentation, 21 pages
19 Exhibit 1094 Declaration of John C. Staines, 11
20 Jr. in Support of Petitioner's
21 Reply to Patient Owner's
22 Response, 90 pages
23
24 Exhibit 2046 Travatan Z and Other 88
25 Prostaglandin Analog Drugs Share
of New Prescriptions, 1 page
Exhibit 2051 Travatan Z and Other 80
Prostaglandin Analog Drugs Share
of Voice Excluding Retail Value
of Samples, 1 page
Exhibit 2052 Travatan Z and Other 80
Prostaglandin Analog Drugs Share
of Voice Including Retail Value
of Samples, 1 page

1 WASHINGTON, D.C., TUESDAY, MAY 8, 2018; 9:12 A.M.

2 - - -

3
4 JOHN C. STAINES, JR.,

5 having been first duly sworn,

6 was examined and testified as follows:

7
8 EXAMINATION

9 BY MR. ZOLAN:

10 Q. Good morning, Dr. Staines.

11 A. Good morning.

12 Q. Can you -- excuse me. "Mr. Staines."

13 A. Thank you.

14 Q. Good morning, Mr. Staines.

15 A. Good morning.

16 Q. Could you state your name and spell it for
17 the record, please.

18 A. Sure. John Christopher Staines, Jr. Staines
19 is S-t-a-i-n--e-s.

20 Q. Have you ever concluded that a product was --
21 a pharmaceutical product was commercially successful?

22 A. So concluded -- I've concluded it. Not as an
23 expert, but I have concluded that they have been, yes.

24 Q. So in the Hatch-Waxman context, have you ever
25 written an expert report that concluded that a

1 pharmaceutical product was commercial and successful?

2 A. No. I haven't written that many expert
3 reports, so that -- right. So the ones I've written
4 have not concluded that.

5 Q. How many expert reports have you written in
6 the Hatch-Waxman context?

7 A. Four.

8 Q. Did you -- in any of those reports, did you
9 conclude that the product was not commercially
10 successful because it lacked a nexus?

11 MR. CHESLOCK: Objection to form.

12 THE WITNESS: Let me preface this. One of
13 them was a -- it was Hatch-Waxman, but it was in the
14 context of a preliminary injunction, and so that
15 didn't come up. So the three other ones -- so one of
16 them, I think it was both nexus and commercial
17 success. I didn't find it was commercial success,
18 No. 1.

19 No. 2, even if it were a commercial success,
20 that there wasn't a nexus to the patents. I think I
21 found that in the second one as well. And I can't
22 recall the third one.

23 Q. You've written other declarations in the IPR
24 context; right?

25 A. Yes, two others.

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