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1                     - VOLUME 2 -

2           IN THE UNITED STATES DISTRICT COURT

3           IN AND FOR THE DISTRICT OF DELAWARE

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    NOVARTIS PHARMACEUTICALS    :    CIVIL ACTION
6   CORPORATION, and            :
    NOVARTIS AG,                :
7                               :
                Plaintiffs,     :
8                               :
      vs.                       :
9                               :
    WEST-WARD                   :
10  PHARMACEUTICALS             :
    INTERNATIONAL LIMITED,      :
11                              :
                Defendant.      :    NO. 15-474 (RGA)
12

13                         - - -

14                  Wilmington, Delaware
                    Thursday, September 14, 2017
15                  8:30 o'clock, a.m.

16                         - - -

17  BEFORE:  HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

18                         - - -

19  APPEARANCES:

20
            McCARTER & ENGLISH
21          BY:  DANIEL M. SILVER, ESQ.

22
                    -and-
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 1    APPEARANCES (Continued):

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 3                    FITZPATRICK, CELLA, HARPER & SCINTO
                      BY:  NICHOLAS KALLAS, ESQ.,
 4                         CHARLOTTE JACOBSEN, ESQ. and
                           CHRISTINA SCHWARZ, ESQ.
 5                         (New York, New York)

 6

                            Counsel for Plaintiffs
 7


 8

                      POTTER, ANDERSON & CORROON LLP
 9                    BY:  DAVID E. MOORE, ESQ. and
                           BINDU A. PALAPURA, ESQ.
10

11                            -and-

12

                       GOODWIN PROCTER LLP
13                     BY:  KEITH A. ZULLOW, ESQ.,
                            MICHAEL B. COTTLER, ESQ.,
14                          MARTA E. GROSS, ESQ.,
                            NATASHA DAUGHTREY, ESQ. and
15                          CINDY CHANG, ESQ.
                            (New York, New York)
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17                          Counsel for Defendant

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 1                    P R O C E E D I N G S

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 3                    (Proceedings commenced in the

 4          courtroom beginning at 8:30 a.m.)

 5

 6                    THE COURT:  All right.  Good

 7       morning.  Everyone, please be seated.

 8                    Dr. Cho, wherever you are.

 9                    MS. JACOBSEN:  Good morning, your

10       Honor.  We have cross-examination booklets for

11       the Court and for the witness.

12                    THE COURT:  All right.

13                    MS. JACOBSEN:  May we approach?

14                    THE COURT:  Sure.

15                    (Binders handed to the Court and

16          to the witness.)

17                    ... DR. DANIEL CHANG CHO,

18              having previously been duly sworn as a

19              witnesses, was examined and testified as

20              follows ...

21                         CROSS-EXAMINATION4.

22       BY MS JACOBSEN:

23              Q.   Good morning, Dr. Cho.

24              A.   Hello.
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1   Q.   Dr. Cho, as of February 2001,

2   there was a need for new treatments for advanced

3   RCC; is that right?

4   A.   Yes, I would agree with that

5   statement.

6   Q.   And you agree that attempts to use

7   cytotoxic chemotherapy to treat advanced RCC had

8   failed prior to 2001; is that right?

9   A.   I don't actually know what the

10   word "failed" means. There were responses seen

11   to different cytotoxic chemotherapy regimens. I

12   think the sense in the field was it was not

13   effective.

14   Q.   And attempts to use hormonal

15   therapy to treat advanced RCC had been

16   unsuccessful prior to February 2001; is that

17   correct?

18   A.   Yes, hormonal therapy had not been

19   successful.

20   Q.   All right. And I would like to

21   discuss your definition of a POSA, so let's have

22   a look at your slide No. 6, and we've added some

23   highlighting.

24   Now, in your opinion, a POSA would

1   have had experience conducting preclinical,

2   clinical and/or laboratory research relating,

3   among other things, to rapamycin and its

4   analogs. Right, Dr. Cho?

5   A.   That is correct.

6   Q.   And the only class of drugs you

7   identified in your POSA definition was rapamycin

8   and its analogs; is that right?

9   A.   Yes, in the context of this

10   definition, what we're referring to as this

11   amongst other things as an example.

12   Q.   Right. But that's the only

13   example you provided in your definition of a

14   POSA; right?

15   A.   Yes, that's the only example we

16   included.

17   Q.   Several novel classes of therapies

18   were being developed for cancer therapy in

19   February 2001; right?

20   A.   Yes, several classes were being

21   developed.

22   Q.   And more specifically, many

23   approaches were being considered to find new

24   treatments for advanced RCC in February 2001;

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