

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES PATENT AND TRADEMARK OFFICE

- - -

BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - -

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

POZEN INC. AND HORIZON PHARMA USA, INC.,
Patent Owners.

- - -

Case No. IPR2017-01995
Patent 9,220,698

- - -

Videotaped Deposition of DAVID C. METZ,
M.D., taken at the Hilton Philadelphia City Avenue,
4200 City Avenue, Philadelphia, Pennsylvania 19131,
on Friday, May 25, 2018, commencing at 8:58 a.m.,
before Jennifer Mann, a Shorthand Reporter and
Notary Public.



800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES :

PERKINS COIE LLP
BY: ROBERT D. SWANSON, ESQUIRE
700 13th Street, NW
Suite 600
Washington, D.C. 20005
Attorney for Mylan Pharmaceuticals Inc. and
Dr. Metz
RSwanson@perkinscoie.com
(202) 654-1729

COOLEY LLP
BY: ELLEN A. SCORDINO, ESQUIRE
500 Boylston Street
14th Floor
Boston, Massachusetts 02116
Attorney for Patent Owner Horizon Pharma USA,
Inc.
escordino@cooley.com
(617) 937-2492

VIA TELEPHONE :

BAKER BOTTS LLP
BY: STEPHEN M. HASH, ESQUIRE
98 San Jacinto Boulevard
Suite 1500
Austin, Texas 78701
Attorney for Patent Owner Pozen, Inc.
stephen.hash@bakerbotts.com
(512) 322-2587

ALSO PRESENT :

Sean Dougherty, Videographer



800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS	INTERROGATION BY	PAGE
David C. Metz, M.D.	Ms. Scordino	6

E X H I B I T S

EXHIBIT NUMBER	DESCRIPTION	PAGE
2109	Confidential - PZ00034117 to PZ00034197	44
2110	Expert Report of David C. Metz, M.D.	68
2111	Second Declaration of Dr. Metz	71

(Previously marked exhibits,
1001, 1002, 1005, 1006, 1009, and 1010, were
referenced and attached.)



800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LITIGATION SUPPORT INDEX					
Direction to Witness Not to Answer					
Page	Line	Page	Line	Page	Line
12	10				
Request for Production of Documents					
Page	Line	Page	Line	Page	Line
(NONE)					
Stipulations					
Page	Line	Page	Line	Page	Line
(NONE)					



800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

THE VIDEOGRAPHER: This is a recorded deposition of Dr. David Metz in the matter of Mylan Pharmaceutical versus Pon- -- Pozen, Inc. -- my apologies -- being heard before the US Patent Trial and Appeal Board, Case No. IPR2017-01995. This deposition is being held at 4200 City Ave., Philadelphia, on May 25th, 2018, scheduled to start at 9:00 a.m.

My name is Sean Dougherty, and I am the videographer. The court reporter is Jennifer -- Jennifer Mann -- my apologies.

Counsel, will you please introduce yourselves for the record, at which then the court reporter will swear in the witness.

MS. SCORDINO: Ellen Scordino with Cooley LLP, on behalf of Patent Owner Horizon.

MR. HASH: Steve Hash from Baker Botts on behalf of Patent Owner Pozen.

MR. SWANSON: Robert Swanson from Perkins Coie on behalf of Mylan.

- - -

DAVID C. METZ, M.D., after



800.211.DEPO (3376)
EsquireSolutions.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.