

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4  
5 KVK-TECH, INC.

Petitioner

6 v.

7 SHIRE PLC

Patent Owner(s)

8  
9 Case IPR2018-00290

Patent 8,846,100 B2

10  
11 DEPOSITION OF DIANE J. BURGESS, Ph.D.

12  
13  
14 DATE: September 24, 2018

15 TIME: 9:40 a.m.

16 HELD AT: Axinn, Veltrop & Harkrider LLP

90 State House Square

17 Hartford, Connecticut 06103

18  
19 By: Sarah J. Miner, RPR, LSR #238

20  
21  
22  
23 SHIRE EX. 2071

24 KVK v. SHIRE

25 IPR2018-00290

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

-----  
KVK-TECH, INC.

Petitioner

v.

SHIRE PLC

Patent Owner(s)

-----  
Case IPR2018-00293

Patent 9,173,857

DEPOSITION OF DIANE J. BURGESS, Ph.D.

DATE: September 24, 2018  
9:40 a.m.  
HELD AT: Axinn, Veltrop & Harkrider LLP  
90 State House Square  
Hartford, Connecticut 06103  
By: Sarah J. Miner, RPR, LSR #238

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

2 For the Patent Owner Shire PLC:

3 Joseph R. Robinson, Esq.

Troutman Sanders LLP

4 875 Third Avenue

New York, NY 10022

5 joseph.robinson@troutman.com

and

6 Tanya Leavey, Ph.D., Patent Agent

Troutman Sanders LLP

7 875 Third Avenue

New York, NY 10022

8 tanya.leavey@troutman.com

9

10 For the Petitioner KVK-Tech, Inc.:

11 Thomas K. Hedemann, Esq.

Alexander Alfano, Esq.

12 Axinn, Veltrop & Harkrider LLP

90 State House Square

13 Hartford, Connecticut 06103

thedemann@axinn.com

14 aalfano@axinn.com

15

16

17

18

19

20

21

22

23

24

25

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:	Page
DIANE J. BURGESS, Ph.D.	
Direct Examination by Mr. Robinson	5

E X H I B I T S

Deposition		
Exhibits	Description	Marked
Exhibit 200	One page typewritten	43
Exhibit 201	US Patent 6,605,300	80
Exhibit 202	US Patent Publication No. US 2004/0059002	88
Exhibit 203	PDR label	101
Exhibit 204	US Patent 6,322,819	112
Exhibit 205	US Patent 8,313,776	112
Exhibit 206	Declaration of Dr. Burgess US Patent 9,173,857	142
Exhibit 207	Declaration of Dr. Burgess US Patent 8,846,100	142
Exhibit 208	ADHD Treatment and Outcome by Dr. Kratochvil	154
Exhibit 209	US Patent 9,173,857	171
Exhibit 210	US Patent 8,846,100	171
Exhibit 211	Utility Patent Application Transmittal (The exhibits were included with the original transcript.)	213

1	DIANE J. BURGESS, Ph.D.,	09:38:58
2	having first been duly sworn by Sarah J. Miner, LSR, a	09:38:58
3	Notary Public in and for the State of Connecticut, was	09:38:58
		09:38:58
4	examined and testified as follows:	09:38:58
		09:38:58
5	DIRECT EXAMINATION	09:38:58
6	BY MR. ROBINSON:	09:38:58
7	Q. Good morning.	09:39:02
8	A. Good morning.	09:39:04
9	Q. Thank you for coming today. I will be asking	09:39:05
10	you some questions about this inter-party proceeding.	09:39:12
11	If you need any clarification or anything like that,	09:39:15
12	just feel free to ask.	09:39:18
13	A. Okay.	09:39:19
14	Q. Could you just give your name, address and	09:39:20
15	occupation?	09:39:23
16	A. Diane J. Burgess, 626 Browns Road in Storrs	09:39:24
17	Mansfield, Connecticut. And I am a distinguished	09:39:29
18	professor of pharmaceuticals at the University of	09:39:32
19	Connecticut.	09:39:36
20	Q. What are your duties as a professor?	09:39:38
21	A. Teaching, research and service.	09:39:42
22	Q. You submitted a declaration. You realize	09:39:44
23	that this is -- we are here for two IPRs, right?	09:39:46
24	A. Yes, I do.	09:39:50
25	Q. And you submitted a declaration in each.	09:39:51

# 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.