

1
2 UNITED STATES PATENT AND TRADEMARK OFFICE
3
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD
5

6 - - - - -x
KVK TECH, INC., :
:Case
7 Petitioner, :IPR2018-00290
:
8 - v - :Patent No.
:8,846,100
9 SHIRE PLC, :
:
10 Patent Owner. :

11 - - - - -x
KVK TECH, INC., :
:Case
12 Petitioner, :IPR2018-00293
:
13 - v - :Patent No.
:9,173,857
14 SHIRE PLC, :
:
15 Patent Owner. :

16 - - - - -x
17 January 17, 2019
9:48 a.m.
18 875 Third Avenue
New York, New York
19

20 DEPOSITION UPON ORAL EXAMINATION OF
21 JAMES E. POLLI, Ph.D., held at the
22 above-mentioned time and place, before Randi
23 Friedman, a Registered Professional Reporter,
24 within and for the State of New York.
25

J. Polli, Ph.D.

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1 J. Polli, Ph.D.

2 * * *

3 JAMES E. POLLI, Ph.D., the witness
4 herein, after first having been duly sworn,
5 was examined and testified as follows:

6 * * *

7 EXAMINATION

8 BY MR. ROTH:

9 Q Hello, Dr. Polli.

10 A Yes, good morning.

11 Q I'm Steven Roth, good morning, from
12 Lucas & Mercanti, and we represent KVK Tech, Inc.

13 Can you please state your full name
14 and address?

15 A My name is James Edward Polli. My
16 address is 12115 Frederick Road, Ellicott City,
17 Maryland, E-L-L-I-C-O-T-T City, Maryland, 21042.

18 Q You are testifying as an expert for
19 the patent owner in connection with two inter
20 partes reviews on U.S. Patent Nos. 8,846,100 and
21 9,173,857; is that right?

22 A Yes, I recognize the last three
23 numbers of those two patents, that's right.

24 Q And we'll refer to them from here on
25 as the '100 patent and the '857 patent; is that

1 J. Polli, Ph.D.

2 okay?

3 A Yes.

4 Q You also submitted a declaration in
5 both inter partes reviews which I'll abbreviate,
6 IPRs; is that right?

7 A That's correct.

8 Q And they are substantially identical?

9 A I'd say that's fair, yes.

10 Q Do you know what ADHD is?

11 A Yeah, I think I do.

12 Q What is it?

13 A Normally I hear it referred to as
14 ADHD, but just sitting here now, attention
15 deficit hyper-something disorder. I forget what
16 the H may exactly stand for.

17 Q I'm not 100 percent sure myself.
18 Hopefully we'll see a document later that will
19 inform us.

20 Are you an expert in ADHD?

21 A No, I'm not an expert in ADHD.

22 Q Have you published in the area?

23 A I don't believe so.

24 Q Do you know --

25 A I'm not sure.

1 J. Polli, Ph.D.

2 Q Okay. Do you know what Adderall is?

3 A Yes, I do.

4 Q It delivers an immediate release of
5 amphetamine?

6 A Yeah, Adderall is a tradename for a
7 product that contains, I think, mixed
8 amphetamines I think is -- maybe a little
9 slightly more correct. But an amphetamine, so to
10 speak.

11 Q And it delivers it as an immediate
12 release?

13 A Yeah, I recall Adderall is an
14 immediate release product. That's my
15 recollection, yes.

16 Q And it's effective for the treatment
17 of ADHD?

18 A I think so. I mean, if you're asking
19 me about the indication in Adderall's prescribing
20 information, sitting here, I think so. Maybe I
21 just haven't reviewed that particular recently,
22 but I would think so, yes.

23 Q It provides up to about six hours of
24 efficacy for the treatment of ADHD; is that
25 right?

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