

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

4 MODERNA THERAPEUTICS, INC.,)
5) Case No. IPR2018-00680
6 Petitioner,) Case No. IPR2018-00739
7) Patent No. 9,404,127
8 v.) Patent No. 9,364,435
9)
10 PROTIVA BIOTHERAPEUTICS,)
11 INC.,)
12)
13 Patent Owner.)

10 DEPOSITION UPON ORAL EXAMINATION
11 OF
12 DAVID H. THOMPSON, PhD - VOLUME I

13
14 Taken at 701 Fifth Avenue, Suite 5100
15

16 Seattle, Washington
17
18
19
20
21
22

23 Job No: 154632

24 DATE TAKEN: February 4, 2019

25 REPORTED BY: KATHLEEN HAMILTON, RPR, CRR, CCR 1917

A P P E A R A N C E S

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ALSO PRESENT:

ANDREW JANOFF, PhD

* * * * *

DEPOSITION OF DAVID H. THOMPSON, PhD

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1 DAVID H. THOMPSON, PhD

2 SEATTLE, WASHINGTON; FEBRUARY 4, 2019

3 10:54 a.m.

4 -o0o-

5
6 DAVID H. THOMPSON, PhD, witness herein, having been
7 first duly sworn on oath,
8 was examined and testified
9 as follows:

10
11 E X A M I N A T I O N

12 BY MR. WELLS:

13 Q. And for the record, I am counsel for petitioner
14 Moderna, and with me is Dr. Andrew Janoff.

15 Can you state your name and your home address
16 for the record, please?

17 A. Sure. David H. Thompson. 230 Spring Valley
18 Lane, West Lafayette, Indiana 47906.

19 Q. And have you been deposed before?

20 A. Yes.

21 Q. How many times?

22 A. Once.

23 Q. Once.

24 And was that a case where you were retained as
25 an expert?

1 DAVID H. THOMPSON, PhD

2 A. Yes.

3 Q. And generally, I don't want you to get into the
4 specifics of the technology, but generally what did that
5 case involve?

6 A. PEGylation of lipid -- PEGylation of liposomes.

7 MR. ROSATO: Counsel, do you want us to just
8 announce ourselves for the record real quick?

9 MR. WELLS: Sure.

10 MR. ROSATO: Mike Rosato on behalf of
11 Arbutus, Protiva. And I have Sonja Gerrard with me as
12 well both from Wilson Sonsini.

13 BY MR. WELLS:

14 Q. And who was involved in that lawsuit? Do you
15 remember the parties?

16 A. It was ALZA and PolyMask.

17 Q. And was that a federal district court case, a
18 lawsuit or was that a patent hearing, do you recall?

19 A. It was, the -- it was, what 16, 17 years ago.
20 So the details are a little bit fuzzy other than the
21 technical issues. So I don't... As I recall, that was
22 an infringement case.

23 Q. And do you recall whether you were opining about
24 the validity of the patents that were at issue in that
25 case?

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