

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

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

12 DEPOSITION UPON ORAL EXAMINATION

13 OF

14 DAVID H. THOMPSON, PhD - VOLUME II
15 _____

16 Taken at 701 Fifth Avenue, Suite 5100

17 Seattle, Washington

18 DATE TAKEN: February 5, 2019

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

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* * * * *

DEPOSITION OF DAVID H. THOMPSON, PhD

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1 DAVID H. THOMPSON, PhD

2 SEATTLE, WASHINGTON; FEBRUARY 5, 2019

3 8:54?a.m.

4 -o0o-

5
6 E X A M I N A T I O N

7 BY MR. WELLS:

8 Q. You understand that you're still under oath that
9 you gave yesterday to tell the truth and the whole
10 truth?

11 A. Yes.

12 Q. And during the breaks yesterday or yesterday
13 evening, did you discuss your deposition testimony here
14 today with anybody?

15 A. No.

16 Q. With regard to the `435 patent, do you
17 understand that one of the grounds involves the 054
18 reference? Do you recall that?

19 MR. ROSATO: Objection. Form.

20 THE WITNESS: 054?

21 BY MR. WELLS:

22 Q. Oh, actually I should have said `554. I
23 apologize. That was my error. Let's try that again.

24 A. Yeah.

25 Q. With regard to the `435 patent, do you recall

1 DAVID H. THOMPSON, PhD

2 one of the references cited was the `554 patent?

3 A. Correct. Yes, I recall.

4 Q. Okay. And I'll give you a copy of the `554
5 patent should you need it. It was previously marked as
6 Exhibit 1004 to the `435 IPR.

7 (Exhibit 10 marked.)

8 BY MR. WELLS:

9 Q. Now, the `554 publication has a formulation
10 called the L054 formulation. Do you recall that?

11 A. Yes, I do recall.

12 Q. And the cationic lipid used in the L054 lipid
13 mixture is a DMOBA, do you recall that?

14 A. I recall the structure. I don't... The acronym
15 I would have to look back and refamiliarize myself, but
16 it's a -- an aerial ether dimethylamino -- benzyl
17 dimethylamino lipid.

18 Q. And if you look at paragraph 122 of your `435
19 declaration, that has a discussion where you identify
20 DMOBA as the acronym.

21 A. Paragraph...?

22 Q. 122.

23 A. 122. Yes; okay I see it.

24 Q. And do you know whether DMOBA is an ionizable
25 cationic lipid?

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