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NED H. KALIN, M.D.

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

NEPTUNE GENERICS, LLC,) IPR No.
Petitioner,) 2018-01494
vs.)
CORCEPT THERAPEUTICS, INC.,) U.S. Patent No.
Patent Owner.) 8,921,348

VIDEOTAPED DEPOSITION OF NED H. KALIN, M.D.
Madison, Wisconsin
July 30, 2019

REPORTED BY:

Deborah Habian, RMR, CRR, CBC, CLR

Job No. 163993

NED H. KALIN, M.D.

JULY 30, 2019
8:34 A.M. CST

Videotaped Deposition of
NED H. KALIN, M.D., held at the law offices of
Husch Blackwell, LLP, 33 East Main Street,
Madison, Wisconsin, 53701, taken pursuant to
notice before Deborah Habian, RMR, CRR, CBC,
CLR, Illinois Certified Shorthand Reporter,
Missouri Certified Court Reporter.

NED H. KALIN, M.D.

APPEARANCES:

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ON BEHALF OF THE PATENT OWNER:
LATHAM & WATKINS
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New York, NY 10022

ALSO PRESENT:
Jon Hansen, Certified Legal Video Specialist

NED H. KALIN, M.D.

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1 NED H. KALIN, M.D.
2 THE VIDEOGRAPHER: Good morning. We're
3 on the record. This is the start of tape
4 labeled No. 1 of the videotaped deposition of
5 Dr. Ned H. Kalin in the matter of Neptune
6 Genetics [sic], LLC vs. Corcept Therapeutics,
7 Inc., United States Patent and Trademark Office,
8 Case No. IPR2018-01494.
9 This deposition is being held in
10 Madison, Wisconsin. Today's date, July 30th,
11 2019. The time is 8:34.
12 My name's Jon Hansen, CLVS from TSG
13 Reporting, Inc., and I am the legal
14 videographer.
15 At this time if counsel can please
16 state their appearances for the record, after
17 which our reporter will swear in the witness and
18 we can proceed.
19 MR. MAY: Christopher May of
20 Massey & Gail for the Petitioner Neptune
21 Generics, and with me is Ken Goldman.
22 MS. ERNST: Michelle Ernst from
23 Latham & Watkins on behalf of Corcept
24 Therapeutics and the witness.
25 THE REPORTER: Raise your right hand,

1	NED H. KALIN, M.D.	
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1 NED H. KALIN, M.D.
2 Doctor.
3 THE WITNESS: (Complying.)
4 (Oath administered.)
5 THE WITNESS: I do.
6 THE REPORTER: Thank you.
7
8 NED H. KALIN, PH.D.,
9 called as a witness herein by the petitioner,
10 having been first duly sworn, was examined and
11 testified as follows:
12 EXAMINATION
13 BY MR. MAY:
14 Q. Dr. Kalin, have you had your deposition
15 taken before?
16 A. For this?
17 Q. No. In any matter.
18 A. Yes.
19 Q. How many times?
20 A. I don't know.
21 Q. Okay. 10, 20?
22 A. Oh, no. I would say maybe five --
23 Q. Okay.
24 A. -- something like that.
25 Q. Okay. So you're something of an old

NED H. KALIN, M.D.

hand at this. I mean, I'm sure your attorney has talked with you about this, but just to kind of give you the ground rules for today, I'm going to be asking you a series of questions and I'd like for you to answer them as fully and completely as you can.

The court reporter and the videographer here will be taking down my questions and your answers for the record. If I happen to answer -- ask you a yes-or-no question, try to answer "yes" or "no." Nods, "um-hums," they don't show up very well on the record.

Unless your attorney actually says "Please don't answer the question," I'd ask you to answer the question. She may object periodically. That's something that we'll all work out far in the future from here other than her saying "Please don't answer the question."

We're using either 60- or 90-minute tapes. I don't know which one it is. So we'll be naturally taking a break at those points. I also understand that you need a break at 11 o'clock. I'm fine with that. If you need a break at any other time, please let me know.

NED H. KALIN, M.D.

A. Okay.

Q. I can give you a break at any point. The one thing I would ask is that if I have a question pending, you go ahead and answer that question and then we can take a break.

A. Sure.

Q. If you don't answer -- oh, excuse me. If you don't understand one of my questions, please let me know. I'll try and rephrase it. But if you don't tell me you don't understand the question, I have to assume that you understood it.

A. Okay.

Q. Other than that, I think we're pretty much ready to go.

I believe you mentioned that you brought your declaration with you today?

A. Yes.

Q. Okay. Did you bring any other documents with you today?

A. No.

Q. Okay. Have you ever been convicted of a crime other than a traffic offense?

A. No.

NED H. KALIN, M.D.

Q. All right. Is there any reason you can't give truthful or complete testimony today?

A. No.

Q. So can you tell me what your occupation is, please?

A. I'm a psychiatrist.

Q. And what exactly is the kind of research that you do as a psychiatrist?

A. So I --

MS. ERNST: Dr. Kalin, just give me an opportunity to object.

THE WITNESS: Okay.

MS. ERNST: I'm going to object to form.

BY MR. MAY:

Q. You can answer.

A. I -- the research that I do is related to understanding why some children are at risk to develop anxiety and depression and others are not.

Q. Okay. And how long have you been doing that kind of research?

A. Let's see, probably for about 35, 40 years.

NED H. KALIN, M.D.

Q. So do you -- does your research involve adults at any point?

A. It does.

Q. Okay. How long have you been doing research involving adults?

A. Probably about the same amount of time.

Q. Okay. Have you prepared an expert declaration before?

A. No.

Q. Okay. And you said you've been deposed about five times or so?

A. It's hard for me to be specific over the years.

Q. Can you give me any specific cases that you were deposed in?

A. I can't give you the specifics. I can tell you that it was related mostly to mental illness, competency types of things.

Q. Okay. So you've never been deposed in a patent case before?

A. No.

Q. Have you ever testified in court before?

A. Yes.

1 NED H. KALIN, M.D.

2 Q. Okay. About how many times?

3 A. Oh, maybe three or four.

4 Q. Okay.

5 A. Actually, it may be more than that.

6 Q. Has your opinion ever been rejected or
7 not credited by a judge in a court case?

8 MS. ERNST: Objection, foundation.

9 THE WITNESS: Probably.

10 BY MR. MAY:

11 Q. Okay. Do you remember what that was?

12 A. No.

13 Q. Okay. When did you agree to serve as
14 an expert witness in this case?

15 A. I'm not sure. I believe in April or
16 May.

17 Q. Okay. And about how long did you spend
18 preparing your declaration? Just for the
19 record, that's Exhibit 2016, which you've
20 already been handed.

21 A. I'm not exactly sure of that either.

22 Q. Can you give me an estimate, 10,
23 20 hours?

24 A. I would say maybe five to -- five
25 hours, seven hours, something like that.

1 NED H. KALIN, M.D.

2 Q. And you're being paid \$500 an hour for
3 your time in this project?

4 A. That's correct.

5 Q. Okay. So you made somewhere between
6 2,500 and 3,500 dollars preparing this
7 deposition?

8 A. That's my estimate.

9 Q. Okay. Have you ever owned stock in
10 Corcept?

11 A. I've had stock op- -- yes.

12 Q. Okay. Do you still own stock in
13 Corcept?

14 A. No.

15 Q. Okay. When did you sell the stock that
16 you have in Corcept?

17 A. I'm not sure.

18 Q. Okay. Was it more than a few years --
19 a couple -- earlier than 2016?

20 A. Ah, I'm not sure.

21 Q. Okay.

22 A. I also had stock options.

23 Q. Okay. And do you remember the total
24 number of stock options that you had?

25 A. No.

1 NED H. KALIN, M.D.

2 Q. Okay. Do you remember when the stock
3 options were exercised?

4 A. They never were exercised.

5 Q. So -- so do you still have them or do
6 you not have them?

7 A. They expired.

8 Q. Okay. You are a member of Corcept's
9 Scientific Advisory Board?

10 A. At some point I was.

11 Q. Okay. Do you remember when you were on
12 the board?

13 A. No.

14 Q. Okay. Do you remember when you left
15 the board?

16 A. No.

17 Q. Okay.

18 A. I'm not even sure I was a member of the
19 scientific advisory board. I may have been.

20 Q. Was being on the scientific advisory
21 board a paid position?

22 A. I'm not sure I was on it. I was paid
23 to consult.

24 Q. Okay. And how much were you paid to
25 consult?

1 NED H. KALIN, M.D.

2 A. Over the last ten years, roughly
3 \$5,700.

4 Q. Okay. Do you have any ongoing
5 consulting projects with Corcept?

6 A. I'm involved with -- yes.

7 Q. And to the extent that you can tell me,
8 that you're not bound by a secrecy agreement,
9 what are those?

10 A. I'm involved in a safety advisory board
11 for a drug addiction study.

12 Q. Okay. And is -- are you being paid for
13 that consulting?

14 A. Yes.

15 Q. Okay. How much?

16 A. I'm not sure.

17 Q. Are you the head of University of
18 Wisconsin Psychiatry Department?

19 A. I'm the chair.

20 Q. Okay. What -- what are your
21 responsibilities as the chair of the department?

22 A. My responsibilities are to oversee the
23 operations of the department.

24 Q. Okay. And what are the operations of
25 the department?

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