

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

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3 MODERNA THERAPEUTICS, )  
4 INC., )  
5 Petitioner, )  
6 vs. ) NO. IPR2019-00554  
7 ARBUTUS BIOPHARMA ) PATENT NO. 8,058,069  
8 CORPORATION, )  
9 Patent Owner. )

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11 DEPOSITION UPON ORAL EXAMINATION OF  
12 DAVID H. THOMPSON, Ph.D.  
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15 WEDNESDAY, JANUARY 15, 2020  
16 9:04 A.M.  
17 701 5TH AVENUE, SUITE 5100  
18 SEATTLE, WASHINGTON  
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22 REPORTED BY: VICKY L. PINSON, RPR-CCR Washington 2559  
23 California No. 9845; Oregon No. 16-0442  
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25 PAGES 1 - 211

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A P P E A R A N C E S

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Seattle, Washington; January 15, 2020

9:04 a.m.

\* \* \*

DAVID H. THOMPSON, Ph.D.,  
sworn as a witness by the Certified Court Reporter,  
testified as follows:

EXAMINATION

BY MR. WELLS:

Q. Good morning, Dr. Thompson. Welcome back. We've been through this a couple of times. Do you remember the general rules of a deposition?

A. Yes.

Q. You understand that you're under oath and obligated to tell the truth and the whole truth?

A. Yes.

Q. And if you'll allow me to finish my questions before you answer, I'll try to make sure that you can finish your answers before I begin the next question and make sure we don't talk over each other.

A. Yes.

Q. And if you don't understand any of my questions, I'll see if I can clarify them. Any reason you can't give your best testimony here today?

1 A. No.

2 Q. Now, you submitted a declaration in the IPR  
3 relating to the '069 Patent. Is that correct?

4 A. Yes.

5 Q. And when I said '069 Patent, you understand  
6 that I'm referring to U.S. Patent No. 8.058,069?

7 A. Yes.

8 MR. WELLS: And so let's go ahead and mark  
9 as Exhibit 1 a copy of your Declaration.

10 (Exhibit 1 was marked for identification.)

11 MR. ROSATO: It's Exhibit 23 already  
12 entered.

13 MR. WELLS: And let's go ahead and mark as  
14 Exhibit 2 to your deposition, which is Exhibit 2032 to  
15 the IPR, a copy of your CV.

16 (Exhibit 2 was marked for identification.)

17 Q. Okay. And is your CV current and up-to-date?

18 A. I'm just checking that. Yes.

19 Q. Now, when I was looking through your CV, I  
20 think I noticed that you had published nine additional  
21 articles since you had provided testimony previously in  
22 the IPR relating to the '435 and the '127 patents.  
23 Does that sound right?

24 A. Let me get the timeline here. I'm sorry,  
25 could you repeat the question? I want to make sure I

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