1   UNITED STATES PATENT AND TRADEMARK OFFICE

2   BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 _____

4 MODERNA THERAPEUTICS, INC.,   )

) Case No. IPR2018-00680

5   Petitioner,   ) Case No. IPR2018-00739

) Patent No. 9,404,127

6 v.   ) Patent No. 9,364,435

)

7 PROTIVA BIOTHERAPEUTICS,   )

   INC.,   )

8   )

           Patent Owner.   )

9 _____

10   DEPOSITION UPON ORAL EXAMINATION

11   OF

12   DAVID H. THOMPSON, PhD - VOLUME I

   _____

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14   Taken at 701 Fifth Avenue, Suite 5100

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                    Seattle, Washington

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23 Job No: 154632

24 DATE TAKEN: February 4, 2019

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

1   A P P E A R A N C E S

2

    FOR THE PETITIONER:

3

                        MACLAIN WELLS, ESQ.

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                        1800 Avenue of the Stars

5   Los Angeles, California

6   90067

7

8

9   FOR THE PATENT OWNER:

10   MICHAEL ROSATO, ESQ.

                        SONJA GERRARD, ESQ.

11   Wilson Sonsini Goodrich &

                        Rosati

12   701 Fifth Avenue

13   Seattle, Washington 98104

14

15

16

    ALSO PRESENT:

17

                        ANDREW JANOFF, PhD

18

19   *   *   *   *   *

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1   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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