

CONFIDENTIAL TESTIMONY

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Transcript of **Stuart Allen Jones**

Friday, February 21, 2020

Nalox-1 Pharmaceuticals, LLC v. Adapt Pharma Operations Ltd.

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

3 - - - - - X

4 NALOX-1 PHARMACEUTICALS, LLC :
5 Petitioner, : Case No.
6 v. : IPR2019-00685
7 ADAPT PHARMA OPERATIONS LTD., and : IPR2019-00688
8 OPIANT PHARMACEUTICALS, INC., : IPR2019-00694
9 Patent Owners. :

10 - - - - - X

11 Friday, February 21, 2020
12 Washington, DC

13 CONFIDENTIAL TESTIMONY

14 Deposition of STUART ALLEN JONES, a
15 witness herein, called for examination by the
16 Petitioner in the above-entitled matter, pursuant to
17 notice, the witness being duly sworn by Desirae S.
18 Jura, a Notary Public in and for the District of
19 Columbia, taken at Williams & Connolly LLP, at 9:33
20 a.m., Friday, February 21, 2020, and the proceedings
21 being taken down by stenotype by Desirae S. Jura,
22 RPR, and transcribed under her direction.

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1 PROCEEDINGS

2 Whereupon,

3 STUART ALLEN JONES

4 was called as a witness by counsel for the

5 Defendants, and having been duly sworn, was examined

6 and testified as follows:

7 EXAMINATION BY COUNSEL FOR THE PETITIONER

8 BY MR. BERMAN:

9 Q. Good morning, Dr. Jones. My name is Rich

10 Berman. I'm counsel for petitioner Nalox-1

11 Pharmaceuticals, LLC.

12 Can you recite your full name and home

13 address for the record.

14 A. Stuart Allen Jones. 42 Fairlawns Langley

15 Road, Watford, United Kingdom.

16 Q. We'll go over some ground rules. Let me

17 know if you don't hear or understand the question.

18 If you answer, we'll assume you heard and understood

19 the question. Okay?

20 A. Okay.

21 Q. Let me know if you don't know or can't

22 remember the information sought by the question. If

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1 you answer, we will assume that you know and remember

2 the information sought. Okay?

3 A. Okay.

4 Q. We have a court reporter who is making a

5 transcript, so be sure to answer in a way that the

6 court reporter can record in the transcript. And

7 you'll need to answer out loud. The court reporter

8 cannot record nodding or shaking of the head. Also,

9 please say yes rather than uh-huh. Okay?

10 A. Yes.

11 Q. And let me know if you want to take a

12 break for any reason. Okay?

13 A. Yes.

14 Q. And let me know if you realize that an

15 answer you previously gave is inaccurate or

16 incomplete. Just say that you want to correct or

17 supplement a previous answer. Okay?

18 A. Okay.

19 Q. Is there any reason why you cannot give

20 full and complete answers today?

21 A. No.

22 Q. You submitted declarations in connection

Page 8

1 with certain IPRs, correct?

2 A. Yes.

3 Q. I'm showing you what's been previously

4 marked as Exhibit 2201 for the IPRs in the '253,

5 '747, and '965 patent matters.

6 Do you see that?

7 MR. KRINSKY: And I'd like to note for the

8 record that you've passed out copies marked

9 Protective Order Material. We can sort out

10 confidentiality designations afterwards, but at least

11 on an interim basis, let's mark the transcript

12 confidential.

13 MR. BERMAN: Sure.

14 BY MR. BERMAN:

15 Q. Do you see that?

16 A. Yes.

17 Q. I am going to use for questioning today

18 the '253 IPR. Okay?

19 A. Okay.

20 Q. And if any answer you give today would be

21 different for either of the other two IPRs, the '747

22 or '965, will you let me know that?

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1 MR. KRINSKY: Objection to form.

2 THE WITNESS: Can you repeat the question,

3 please?

4 BY MR. BERMAN:

5 Q. Sure. I'm going to use the '253 as the

6 basis of going through and asking you some questions.

7 But if, in the context of answering those questions,

8 if your answer would be different depending on which

9 of the three patents we're talking about, can you let

10 me know the difference?

11 MR. KRINSKY: If I could just state for

12 the record, I believe these are all the same exact

13 documents under the cover sheet.

14 MR. BERMAN: Right. I understand that.

15 BY MR. BERMAN:

16 Q. What I'm saying is, inartfully, if an

17 answer you're going to give would be different if we

18 were talking about the '253 patent declaration versus

19 the '747 or the '965 patent, will you let me know if

20 there's any difference in your answer?

21 MR. KRINSKY: Object to the form of the

22 question. Vague.

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Page 10

1 THE WITNESS: I believe the three
2 documents are identical.
3 BY MR. BERMAN:
4 Q. Okay. Let's go to paragraph 7 of your
5 declaration. And you see, there is a summary of the
6 asserted grounds of obviousness for all three of the
7 IPRs?
8 MR. KRINSKY: Counsel, did you mean page
9 7?
10 MR. BERMAN: Paragraph 7.
11 MR. KRINSKY: Thank you.
12 THE WITNESS: In paragraph 7, it says, "I
13 understand that each proceeding Nalox-1 argues that
14 the challenged claims of the Adapt patents are
15 obvious over a combination of references, as set
16 forth in the charts below."
17 And the charts below mention asserted
18 grounds of obviousness. Yes.
19 BY MR. BERMAN:
20 Q. And you see the main reference is the Wyse
21 reference?
22 A. Can you explain what you mean by "main"?

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1 Q. Well, under the asserted grounds of
2 obviousness, it says Wyse and HPE, Wyse, Djupesland,
3 and HPE, and so on and so forth. Do you see that?
4 A. I can see there's four references
5 mentioned in those tables.
6 Q. You're familiar with the Wyse patent, are
7 you not?
8 A. Yes.
9 Q. Can you turn to paragraph 22 on page 13.
10 And the last sentence there says, "The Adapt patents
11 disclose formulations, devices, and methods for nasal
12 delivery of pharmaceutical compositions comprising
13 naloxone." Do you see that?
14 A. I see those words at the bottom of the
15 page 13, yes.
16 Q. And turning onto paragraph 27, here you
17 recite three categories of claims covered by the
18 Adapt patents. Do you see that?
19 A. At the bottom of page 15, I note, "In
20 general, the claims of the Adapt patents fall into
21 three categories: (1) claims directed to
22 pharmaceutical formulations for intranasal

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1 administration of an opioid antagonist - in
2 particular, naloxone; (2) claims directed to
3 single-use, pre-primed devices adapted for nasal
4 delivery of such pharmaceutical formulations; and,
5 (3) methods of treating opioid overdose and symptoms
6 thereof by nasally administering naloxone using
7 those" -- and it continues on the next page --
8 "devices and formulations." Yes.
9 Q. And in paragraph 28, you recite what the
10 formulations in the Adapt patents generally comprise.
11 Do you see that?
12 A. Yes.
13 Q. In your opinion, which of the features
14 distinguish the Adapt patents from the prior art?
15 MR. KRINSKY: Object to the form of the
16 question. Vague.
17 THE WITNESS: Can you explain what you
18 mean by the word "distinct"?
19 BY MR. BERMAN:
20 Q. What features, in your opinion, are
21 different between the Adapt patents and the prior
22 art?

Page 13

1 MR. KRINSKY: Object to the form of the
2 question. Vague.
3 THE WITNESS: Can you explain what you
4 mean by "features," please?
5 BY MR. BERMAN:
6 Q. Let's do it this way. I'm showing you
7 what's been previously marked as Exhibit Nalox 1007.
8 This is the Wyse '570 patent. Do you see that?
9 A. Yes, I see that.
10 Q. You're familiar with this reference?
11 You've seen it before?
12 A. Yes, I believe I've seen it before.
13 Q. So Wyse discloses intranasal
14 administration of a composition to reverse opioid
15 overdose, correct?
16 A. Yes. That's correct.
17 Q. And Wyse discloses an aqueous solution
18 containing naloxone hydrochloride, correct?
19 A. Yes. That's correct.
20 Q. And Wyse discloses sodium chloride as an
21 isotonicity agent, correct?
22 A. Wyse uses sodium chloride, but I can't

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