

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

3 -----
4
5 PROLLENIUM US INC.

6 Petitioner

7 v.

8 ALLERGAN INDUSTRIE, SAS

9 Patent Owner
10 -----

11
12 DEPOSITION OF DALE P. DEVORE, PhD

13 Wednesday, August 12, 2020 - 9:00 a.m.

14 Veritext Legal Solutions

15 101 Arch Street

16 Boston, Massachusetts
17
18
19
20
21
22

23 Job no. 4198539

24 Reported by: Jill K. Ruggieri, RPR, RMR, FCRR, CRR

25 Pages 1 - 316

Page 1

Veritext Legal Solutions

1 APPEARANCES:

2

3 Meunier Carlin & Curfman LLC

4 Warren J. Thomas , Esq.

5 999 Peachtree Street, NE, Suite 1300

6 Atlanta, Georgia 30309

7 404.645.7700

8 wthomas@mcciplaw.com

9 Counsel for petitioner

10

11 Jones Day

12 S. Christian Platt, Esq.

13 Sarah Geers, Esq. (via Zoom)

14 Jennifer Hartjes, Esq. (via Zoom)

15 4655 Executive Drive, Suite 1500

16 San Diego, California 92121-3134

17 858.314.1200

18 cplatt@jonesday.com

19 sgeers@jonesday.com

20 jhartjes@jonesday.com

21 Counsel for patent owner

22

23

24

25

1 Also present (via Zoom): Linda Friedlieb
2 Ryan Coletti
3 John Harbin
4 Anthony Zuccherero

5

6 Videographer: Anthony Piccirilli

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS:

DALE P. DEVORE, PhD.

Examination by Mr. Platt 8

E X H I B I T S

Exhibit 58	Base structure of the units in hyaluronic acid	57
Exhibit 64	Two pages of chemical structures	60
Exhibit 1	Document re: 1.6 percent sodium HA	65
Exhibit 33	Part of the FDA document for PMA approval	81
Exhibit 2	Document	88
Exhibit 60	Anika Therapeutics Form 10-Q, 3/31/04	122
Exhibit 4	Document re: Class 3 device recall	131
Exhibit 46	US Patent No. 10,463,595	147
Exhibit 48	Viscoelastic Evaluation of Different Hyaluronic Acid	153

1		Based Fillers Using	
2		Vibrational Optical	
3		Coherence Tomography	
4	Exhibit 27	June 2017 abstract from	173
5		the ARVO Annual Meeting	
6	Exhibit 10	US Patent No. 6,946,551	187
7	Exhibit 28	US Patent No. 9,352,046	196
8	Exhibit 35	Mentor Reports	224
9		Third-Quarter Financial	
10		Results	
11	Exhibit 36	Form 10-Q by Mentor	226
12		Corporation	
13	Exhibit 37	Mentor Corporation,	227
14		3/31/2006	
15	Exhibit 38	Mentor Corporation 10-K,	229
16		3/31/2007	
17	Exhibit 39	Mentor Corporation 10-K,	231
18		3/31/2008	
19	Exhibit 5	Anika Form 10-K, 12/2006	244
20	Exhibit 22	Printout from the FDA for	247
21		a PMA supplement	
22	Exhibit 23	PMA supplement	249
23	Exhibit 6	Supplemental PMA, 1/4/2008	250
24	Exhibit 29	DeVore declaration in EMS	275
25	Exhibit 41	Expert Report by Dr. Dale	282

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.