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IN THE UNITED STATES DISTRICT COURT.

IN AND FOR THE DISTRICT OF DELAWARE

- - -

ALCON RESEARCH, LTD.,)
)
Plaintiff,) C.A. No. 15-1159 (GMS) (SRF)
)
v.) CONSOLIDATED
)
WATSON LABORATORIES, INC.,)
)
Defendant.)

- - -

ALCON RESEARCH, LTD.,)
)
Plaintiff,)
)
v.)
)
LUPIN LTD. and LUPIN)
PHARMACEUTICALS, INC.,)
)
Defendants.)

- - -

Wilmington, Delaware
Tuesday, October 3, 2017
9:00 a.m.
Bench Trial - Day 2

- - -

BEFORE: HONORABLE GREGORY M. SLEET, Senior Judge, U.S.
District Court of DE

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- - -

:02:36 1 THE COURT: Good morning. Please, take your
:02:38 2 seats.

:02:38 3 MR. SCHUMAN: Good morning, Your Honor.

:02:39 4 THE COURT: Mr. Schuman.

:02:42 5 MR. SCHUMAN: We have a short statement to read
:02:44 6 into the record with your indulgence, please.

:02:46 7 THE COURT: Go ahead.

:02:47 8 MR. SCHUMAN: I have some written notes. I am
:02:49 9 going to try to get it right. My esteemed colleague will
:02:54 10 correct me if I get it wrong.

:02:56 11 Alcon sued Watson and Lupin on the '053 patent
:03:00 12 and Alcon has chosen not to assert the '053 patent against
:03:04 13 Watson and Lupin at trial in this case.

:03:06 14 The parties are working on language for a filing
:03:13 15 or stipulation to remove the '053 patent formally from the
:03:18 16 case.

:03:18 17 Alcon will not seek a final judgment against
:03:21 18 Watson or Lupin on the '053 patent in the case.

:03:27 19 Likewise, based on this representation by Alcon,
:03:30 20 Watson and Lupin will not seek final judgment on their
:03:35 21 declaratory judgment counterclaims on the '053 patent in
:03:39 22 this case.

:03:41 23 Thank you, Your Honor.

:03:43 24 THE COURT: Do we have a witness?

:03:44 25 MR. SCHUMAN: We do. Yesterday we told you

:03:46 1 about the video depositions. We worked over the night. We
:03:49 2 have good news for you.

:03:50 3 We did eliminate the one witness we said we
:03:53 4 would do by video. We have one left. And it turns out that
:03:56 5 what's left of that testimony, as we started winnowing it
:04:00 6 down, is really related to the rebuttal case. We think it
:04:02 7 makes more sense to the put that video in context with the
:04:06 8 rebuttal evidence.

:04:07 9 We are going to jump right into the last live
:04:11 10 witness in our case-in-chief, who will be Dr. Maurin. So
:04:15 11 with your permission we will go right to Dr. Maurin.

:04:18 12 Thank you.

:04:19 13 THE COURT: That's good.

:04:27 14 MS. BILEK: Good morning, Your Honor. My name
:04:30 15 is Jennell Bilek. I represent Watson.

:04:35 16 Your Honor, may it please the Court, defendants
:04:37 17 call Dr. Michael Maurin. Dr. Maurin is an expert formulator
:04:42 18 who will testify about the obviousness of the asserted
:04:45 19 claims from the perspective of a formulator.

:04:58 20 THE COURT: Mr. Buckson will get those from you.

:05:01 21 ... MICHAEL B. MAURIN, having been duly sworn as
:05:12 22 a witness, was examined and testified as follows ...

:05:26 23 THE COURT: Good morning, Doctor.

:05:28 24 THE WITNESS: Good morning.

:05:41 25 MS. BILEK: Your Honor, may I approach?

Maurin - direct

:05:47 1 THE COURT: You may.

:06:15 2 DIRECT EXAMINATION

:06:16 3 BY MS. BILEK:

:06:17 4 Q. Good morning, Dr. Maurin.

:06:19 5 A. Good morning.

:06:19 6 Q. Would you please state your full name for the record?

:06:21 7 A. Michael B. Maurin.

:06:22 8 Q. Where do you live?

:06:24 9 A. I live in Florida but I spend the summers in Delaware.

:06:27 10 Q. Did you have slides prepared to assist the Court with
:06:32 11 your testimony today?

:06:33 12 A. Yes, I did.

:06:33 13 Q. If we could turn to the Slide DDX-202, please.

:06:39 14 Briefly, what claims are you here to testify about today?

:06:44 15 A. That Claims 8, 9, and 21 through 24 of the '154 patent
:06:49 16 would have been obvious to a person of ordinary skill in the
:06:51 17 art as of October 2011.

:06:53 18 Q. Thank you. Let's talk about your background a little
:06:56 19 bit, then we will get back into your opinions in more
:06:59 20 detail.

:07:00 21 If you could please turn to the document in your
:07:03 22 binder JTX-49.

:07:16 23 What are we looking at here?

:07:17 24 A. That's my CV.

:07:19 25 Q. If we could turn to DDX-203, please. Dr. Maurin, what

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