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# Transcript of Robert O. Williams, III, Ph.D.

**Date:** November 15, 2022

**Case:** Slayback Pharma LLC -v- Eye Therapies LLC (PTAB)

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**Fax:** 888-503-3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

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Transcript of Robert O. Williams, III, Ph.D.  
November 15, 2022

1 (1 to 4)

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 ----- 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 ----- 5 SLAYBACK PHARMA LLC, 6 Petitioner 7 v. 8 EYE THERAPIES, LLC, 9 Patent Owner 10 ----- 11 Case IPR2022-00142 12 Patent No. 8,293,742 13 ----- 14 15 REMOTE VIDEOTAPED ORAL DEPOSITION OF 16 ROBERT O. WILLIAMS, III, Ph.D. 17 Austin, Texas 18 November 15, 2022 - 8:51 a.m. 19 20 Reported by: 21 Micheal A. Johnson, RDR, CRR 22 Job No. 471475</p>	<p>1 REMOTE APPEARANCES 2 ON BEHALF OF THE PETITIONER 3 SLAYBACK PHARMA LLC: 4 Linnea P. Cipriano 5 GOODWIN PROCTER LLP 6 620 Eighth Avenue 7 New York, New York 10018 8 (212) 459-7258 9 lcipriano@goodwinlaw.com 10 11 ON BEHALF OF THE PATENT OWNER 12 EYE THERAPIES, LLC: 13 Caitlin E. O'Connell 14 Justin J. Hasford 15 FINNEGAN HENDERSON FARABOW GARRETT &amp; DUNNER LLP 16 901 New York Avenue, NW 17 Washington, D.C. 20001-4413 18 (202) 408-4000 19 caitlin.o'connell@finnegan.com 20 justin.hasford@finnegan.com 21 22 VIDEOGRAPHER: 23 Kollin Casarez 24 25 ALSO PRESENT: 26 Emily Dunn, PlanetDepos Tech</p>
<p>1 REMOTE VIDEOTAPED ORAL DEPOSITION OF 2 ROBERT O. WILLIAMS, III, Ph.D., produced at the 3 instance of the Petitioner, in the above-styled 4 and numbered cause on the 15th day of 5 November, 2022, at 8:51 a.m., before Micheal A. 6 Johnson, RDR, CRR, Notary Public in and for the 7 State of Texas, reported by realtime stenographic 8 means, at the offices of Wittliff Cutter, PLLC, 9 1209 Nueces Street, Austin, Texas. 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 INDEX 2 ROBERT O. WILLIAMS, III, Ph.D. 3 November 15, 2022 4 APPEARANCES 3 5 PROCEEDINGS 6 6 EXAMINATION OF ROBERT O. WILLIAMS, III, Ph.D.: 7 BY MS. CIPRIANO 6 8 CERTIFICATE OF SHORTHAND REPORTER 51 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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<p style="text-align: center;">5</p> <p>1 DEPOSITION EXHIBITS 2 ROBERT O. WILLIAMS, III, Ph.D. 3 November 15, 2022</p> <p>4 Exhibit 1001 U.S. Patent 8,293,742 42 5 Exhibit 1025 2013 Pasquali Article, 6 Dilute Brimonidine to 7 Improve Patient Comfort and 8 Subconjunctival Hemorrhage 9 After LASIK 10 Exhibit 2018 July 8, 2002 Press Release, 11 Allergan to focus on 12 Alphagan-P, discontinue 13 Alphagan 14 15 16 17 18 19 20 21 22 Exhibit 2021 Declaration of Robert O. Williams, III, Ph.D. 11</p>	<p style="text-align: center;">7</p> <p>1 <b>A Yes. My name is Robert, middle initial O,</b> 2 <b>Williams, III.</b> 3 Q Have you ever been deposed before? 4 <b>A Yes, I have.</b> 5 Q About how many times? 6 <b>A Oh, I don't count. I mean, I've been</b> 7 <b>7 serving as a consultant for most of my academic</b> 8 <b>8 career, so -- but I don't know an exact number.</b> 9 Q And have most of those been associated 10 with patent infringement cases or patent validity 11 cases? 12 <b>A Most have, yes.</b> 13 Q Okay. Have you served as a formulation 14 expert in those cases? 15 <b>A Yes, I have.</b> 16 Q Have -- can you give me some examples of 17 the types of formulations that you've given 18 opinions on in patent cases? 19 <b>A The types of formulations have been liquid</b> 20 <b>20 formulations, sterile formulations, dry products</b> 21 <b>21 like capsules, tablets. It's really been a</b> 22 <b>22 variety of different delivery systems and dosage</b></p>
<p style="text-align: center;">6</p> <p>1 PROCEEDINGS 2 THE VIDEOGRAPHER: Here begins the media 3 No. 1 in the videotaped deposition of Dr. Robert 4 Williams. We are on the record at 8:51 a.m. 5 (Witness sworn.) 6 MS. CIPRIANO: This is Linnea Cipriano of 7 Goodwin representing petitioner. 8 MS. O'CONNELL: Caitlin O'Connell from 9 Finnegan on behalf of the patent owner and the 10 witness. And with me is my colleague Justin 11 Hasford. 12 ROBERT O. WILLIAMS, III, Ph.D., 13 called as a witness, having been duly sworn, was 14 examined and testified as follows: 15 EXAMINATION 16 BY MS. CIPRIANO: 17 Q Good morning, Dr. Williams. Thank you for 18 your patience this morning. 19 <b>A Good morning.</b> 20 Q As I said, my name is Linnea Cipriano and 21 I'm going to be taking your deposition today. 22 Could you please state your name for the record.</p>	<p style="text-align: center;">8</p> <p>1 <b>forms.</b> 2 Q Have you ever provided expert testimony on 3 an eye drop formulation prior to this case? 4 <b>A Yes, I have.</b> 5 Q And in what case was that? 6 <b>A Well, I don't remember the case number or</b> 7 <b>7 anything, but the product was Prolensa.</b> 8 Q Was that the only time you've given an 9 opinion in a patent case about an eye drop? 10 <b>A Sitting here, that's all I recall right</b> 11 <b>11 now.</b> 12 Q Okay. This deposition will likely go in 13 line with your previous depositions, but to make 14 sure we're on the same page, I'd like to go over a 15 few ground rules. 16 As you know, I'm going to be asking you 17 questions today and your answers to those 18 questions will be under oath as if you were 19 testifying in court. Do you understand that? 20 <b>A Yes.</b> 21 Q And during the course of the deposition, 22 your counsel may make objections; but unless</p>

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<p style="text-align: right;">9</p> <p>1 you've been instructed not to answer, I expect you 2 to answer my questions; is that fair? <b>3 A Yes.</b> 4 Q As was noted previously in our 5 discussions, I'm going to try my best not to speak 6 over you and I just ask that you wait till I 7 finish my questions before starting your answer. 8 Does that make sense? <b>9 A Yes.</b> 10 Q We may take breaks from time to time. 11 Please let me know if you need a break. I just 12 ask that we will finish a question and answer 13 before we take any break. Does that make sense? <b>14 A Yes, I understand.</b> 15 Q Okay. I'm sure that my questions will not 16 be perfect today, so please ask -- if you don't 17 understand anything or if anything is confusing to 18 you about my questions, please ask. But if you 19 answer my question, I'm going to assume that you 20 understood it; is that fair? <b>21 A Yes, I understand.</b> 22 Q And you understand that while I'm asking</p>	<p style="text-align: right;">11</p> <p><b>1 A I looked at all of them.</b> 2 Q With whom did you speak regarding this 3 deposition? <b>4 A With attorneys at Finnegan, Mr. Hasford 5 and Ms. O'Connell.</b> 6 Q Did you have conversations with any of the 7 other experts that submitted declarations in 8 connection with this proceeding? <b>9 A I did not, no.</b> 10 Q You prepared a declaration in connection 11 with this IPR proceeding, correct? <b>12 A Yes, I did.</b> 13 Q Okay. 14 MS. CIPRIANO: If we could take a look at 15 Exhibit 2021. And thank you for your assistance, 16 Caitlin. 17 THE WITNESS: Can I just have the whole 18 notebook? 19 (Deposition Exhibit 2021 marked for 20 identification.) 21 MS. O'CONNELL: Just for the record, I'm 22 handing him a binder that has -- has the first</p>
<p style="text-align: right;">10</p> <p>1 you questions today, you're not permitted to 2 discuss the substance of your testimony with your 3 attorneys. Do you understand that? <b>4 A I understand that, yes.</b> 5 Q Is there any reason you would not be able 6 to answer my questions fully and truthfully this 7 morning? <b>8 A There's not, no.</b> 9 Q Did you prepare for today's deposition? <b>10 A Yes, I did.</b> 11 Q And without revealing any privileged 12 information, with -- at a high level, what did you 13 do to prepare for today's deposition? <b>14 A Yes. I reviewed my declaration. I 15 reviewed the '742 patent. I reviewed documents 16 that I cited in my declaration. I reviewed 17 Dr. Laskar's report, Dr. Sher's report, 18 Dr. Noecker's report, Dr. Davis's report. That's 19 generally what I reviewed to prepare for today.</b> 20 Q When you said you reviewed the documents 21 cited in your declaration, do you recall any 22 specific documents you looked at?</p>	<p style="text-align: right;">12</p> <p>1 exhibit -- or at the first tab his declaration, 2 which is Exhibit 2021, but it also has the other 3 materials considered, just so he doesn't have a 4 bunch of loose leaf paper floating around. 5 MS. CIPRIANO: Understood. I appreciate 6 that. 7 BY MS. CIPRIANO: 8 Q Dr. Williams, I just ask if you turn to 9 another exhibit in your binder, if you could just 10 let me know; is that fair? <b>11 A Yes, I will.</b> 12 Q Okay. So we could take a look at 13 Exhibit 2021. Do you recognize this as the 14 declaration that you signed and submitted in this 15 proceeding? <b>16 A Yes. It is my declaration, yes.</b> 17 Q And at a high level, how did you prepare 18 your declaration? <b>19 A Well, I understood what I was asked to do, 20 and then I -- in addressing some of Dr. Laskar's 21 opinions, I basically came up with, you know, 22 what -- where I agreed with him and where I</b></p>

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13	<p><b>1 disagreed with him. And so that's generally how I</b></p> <p><b>2 came about writing my declaration.</b></p> <p>3 Q Did you draft your declaration?</p> <p><b>4 A Yes, I did.</b></p> <p>5 Q Are there any corrections or changes that</p> <p>6 you'd like to make to your declaration at this</p> <p>7 point?</p> <p><b>8 A I mean, there was a couple of clerical</b></p> <p><b>9 errors that I noted in my review. They were --</b></p> <p><b>10 they're not substantial. One's I think in</b></p> <p><b>11 paragraph 104 and paragraph 115, but other than</b></p> <p><b>12 that, I don't have any changes.</b></p> <p>13 Q And these changes would not change the</p> <p>14 meaning of the substance of your testimony?</p> <p><b>15 A Not at all, no.</b></p> <p>16 Q You understand you're being presented as</p> <p>17 an expert in this proceeding; is that right?</p> <p><b>18 A Yes.</b></p> <p>19 Q And what is your area of expertise?</p> <p><b>20 A My area of expertise is in drug delivery</b></p> <p><b>21 and drug product formulation and pharmaceutical</b></p> <p><b>22 technology. That's the area that I've worked in</b></p>	15	<p><b>1 And then from a research standpoint, I</b></p> <p><b>2 conduct research. I have a research laboratory</b></p> <p><b>3 that has graduate students and postdoctoral</b></p> <p><b>4 fellows and visiting scholars from around the</b></p> <p><b>5 world. And we -- I have a -- I oversee a research</b></p> <p><b>6 program, we publish -- we file intellectual</b></p> <p><b>7 property and conduct research. And, again --</b></p> <p>8 Q I'm -- things have frozen on my end.</p> <p><b>9 A No. I still -- y'all are still moving and</b></p> <p><b>10 I hear you.</b></p> <p>11 Q Okay.</p> <p>12 MS. DUNN: You did freeze in the middle of</p> <p>13 your last answer, Doctor. My apologies. Are you</p> <p>14 able to hear us, Doctor?</p> <p>15 THE WITNESS: I do. I'm not sure what I'm</p> <p>16 supposed to do, so...</p> <p>17 BY MS. CIPRIANO:</p> <p>18 Q Okay. So what I heard -- the last thing I</p> <p>19 heard was that you oversee a research program that</p> <p>20 you publish and you follow intellectual property</p> <p>21 and conduct research. I don't know if you had</p> <p>22 more to your answer.</p>
14	<p><b>1 for my professional career.</b></p> <p>2 Q You are currently employed, correct?</p> <p><b>3 A I am, yes.</b></p> <p>4 Q What is your current title?</p> <p><b>5 A I'm a professor of pharmaceuticals at the</b></p> <p><b>6 College of Pharmacy at The University of Texas at</b></p> <p><b>7 Austin.</b></p> <p>8 Q And what are your responsibilities in that</p> <p>9 role?</p> <p><b>10 A So in that role I have a teaching</b></p> <p><b>11 responsibility, so I teach graduate-level courses,</b></p> <p><b>12 graduate to -- to graduate students, and I teach a</b></p> <p><b>13 course in -- to our PharmD students in the</b></p> <p><b>14 professional curriculum. That's teaching. And</b></p> <p><b>15 the subject that I teach is dealing with drug</b></p> <p><b>16 delivery, drug delivery systems, pharmaceutical</b></p> <p><b>17 formulations and pharmaceutical technology.</b></p> <p><b>18 Then I have a service role. I serve as</b></p> <p><b>19 division head and chair of our -- the molecular</b></p> <p><b>20 pharmaceuticals and drug delivery division within</b></p> <p><b>21 our college. And I serve on a variety of</b></p> <p><b>22 different committees within the college.</b></p>	16	<p><b>1 A No. I finished the part of research</b></p> <p><b>2 with -- the research is, you know, obviously all</b></p> <p><b>3 within my area of expertise.</b></p> <p>4 Q Okay. If we could turn to Appendix A to</p> <p>5 Exhibit 2021. Which I believe starts on</p> <p>6 page 56 --</p> <p><b>7 A Okay. I'm -- sorry, I'm there.</b></p> <p>8 Q Okay. Great. And Appendix A to your</p> <p>9 declaration is your CV; is that correct?</p> <p><b>10 A It is a copy of my CV, yes.</b></p> <p>11 Q Okay. And at the bottom of the first page</p> <p>12 of your CV, you have a section called Positions</p> <p>13 Held. Do you see that?</p> <p><b>14 A I'm sorry, what -- a section -- oh, for</b></p> <p><b>15 Positions Held?</b></p> <p>16 Q Yes.</p> <p><b>17 A Yes, I see it. Yes.</b></p> <p>18 Q Okay. So I just want to go through a</p> <p>19 couple of your positions in the companies that you</p> <p>20 list here. So No. 2 listed on your list of</p> <p>21 positions held is a group leader for Eli Lilly &amp;</p> <p>22 Company. What were your responsibilities in that</p>

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