

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

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

-----x

ALTAIRE PHARMACEUTICALS, INC.,
Petitioner,

vs.

PARAGON BIOTECK, INC.,
Patent Owner.

Case PGR2015-00011

Patent 8,859,621

-----x

C O N F I D E N T I A L

DEPOSITION OF ASSAD SAWAYA
Wednesday, January 20, 2016
Riverhead, New York

REPORTED BY:

Christina Diaz, CRR, RMR, CSR, CLR

Job Number: 102291

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

January 20, 2016
9:00 a.m.

Deposition of ASSAD SAWAYA, at the
Holiday Inn Express, 1707 Old Country Road,
Riverhead, New York, before Christina Diaz, a
Certified Realtime and Registered Merit
Reporter and Notary Public within and for the
State of New York.

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

A P P E A R A N C E S

DICKSTEIN SHAPIRO

Attorneys for Petitioner

1825 Eye Street NW

Washington, DC 20006

BY: DIPU DOSHI, ESQ.

BY: JONATHAN ENGLAND, ESQ.

WILSON SONSINI GOODRICH & ROSATI

Attorneys for Patent Owner

701 Fifth Avenue

Seattle, WA 98104

BY: ANDREW BROWN, ESQ.

BY: SONJA GERRARD, ESQ.

ALSO PRESENT:

MICHAEL S. SAWAYA;

Altaire Pharmaceuticals, Inc.

1 A. Sawaya - Confidential

2 MR. BROWN: Andy Brown of Wilson
3 Sonsini Goodrich & Rosati on behalf of
4 Paragon. And with me is Sonja Gerrard.

5 MR. DOSHI: Dipu Doshi from
6 Dickstein Shapiro on behalf of the
7 petitioner, Altaire Pharmaceuticals.
8 With me is John England, also of
9 Dickstein Shapiro, and Michael Sawaya of
10 Altaire Pharmaceutical.

11 A S S A D S A W A Y A,

12 having been duly sworn by a Notary
13 Public, was examined and testified as
14 follows:

15 EXAMINATION

16 BY MR. BROWN:

17 Q. Good morning, Mr. Sawaya.

18 A. Good morning.

19 Q. What's your full legal name?

20 A. A-S-S-A-D, S-A-W-A-Y-A.

21 Q. Is that Assad Sawaya?

22 A. Right.

23 Q. Do you also go by the name Al?

24 A. Well, most people around call me Al
25 for short.

1 A. Sawaya - Confidential

2 Q. Have you ever been deposed before?

3 A. Sure.

4 Q. How many times?

5 A. I don't remember. A couple of
6 times.

7 Q. In connection with what sort of
8 matters were those depositions?

9 A. I don't -- I'm not going to recall
10 that at this point.

11 Q. Were they patent disputes?

12 A. No.

13 Q. So you are likely familiar with some
14 of the rules, and I expect that your attorneys
15 have explained them to you as well, but I'm
16 just going to cover a few things briefly.

17 Is that okay?

18 A. Please. Be my guest.

19 Q. The first thing is the court
20 reporter is taking down everything we say, and
21 so please try to answer verbally and do your
22 best not to talk over me, and I'll do my best
23 not to talk over you.

24 Okay?

25 A. I'm going to be myself and I'm going

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.