

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. REDDY'S LABORATORIES S.A. AND

DR. REDDY'S LABORATORIES, INC.,

Petitioners,

v.

EYE THERAPIES, LLC,

Patent Owner.

Case No. IPR2024-00467

U.S. Patent No. 11,833,245

-and-

2 1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 _____ 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 _____ 5 DR. REDDY'S LABORATORIES S.A. AND 6 DR. REDDY'S LABORATORIES, INC., 7 Petitioners, 8 v. 9 EYE THERAPIES, LLC, 10 Patent Owner. 11 _____ 12 Case No. IPR2024-00563 13 U.S. Patent No. 11,596,600 14 _____ 15 16 REMOTE VIDEOTAPED DEPOSITION OF 17 REZA DANA, M.D., MSc, MPH 18 November 1, 2024 19 10:32 a.m. EST 20 21 Reported by: Janice M. Kocek, CSR, CLR 22 Job No. 56254	4 1 A P P E A R A N C E S: 2 ** ALL PARTIES APPEARING REMOTELY ** 3 ON BEHALF OF PATENT OWNER: 4 FINNEGAN, HENDERSON, FARABOW, 5 GARRETT & DUNNER, LLP 6 901 New York Avenue, NW 7 Washington, DC 20001-4413 8 202.408.4000 9 BY: CHRISTINA JI-HYE YANG, ESQ. 10 christina.yang@finnegan.com 11 BRYAN C. DINER, ESQ. 12 bryan.diner@finnegan.com 13 ON BEHALF OF DR. REDDY'S LABORATORIES S.A., 14 DR. REDDY'S LABORATORIES, INCORPORATED, AND 15 THE WITNESS: 16 GOODWIN PROCTER LLP 17 1900 N Street NW 18 Washington, DC 20036 19 202.346.4000 20 BY: CHRISTOPHER J. CASSELLA, ESQ. 21 ccassella@goodwinlaw.com 22 -and-
3 1 The videotaped deposition of 2 REZA DANA, M.D., MSc, MPH, via Zoom 3 videoconferencing, reported stenographically by 4 Janice M. Kocek, License No. 084-002871, 5 Certified Shorthand Reporter, Certified LiveNote 6 Reporter, and Notary Public for the State of 7 Illinois, commencing at the hour of 10:32 a.m. 8 EST, on the 1st day of November, 2024. 9 10 * * * 11 12 13 14 15 16 17 18 19 20 21 22	5 1 A P P E A R A N C E S: 2 GOODWIN PROCTER LLP 3 The New York Times Building, 4 620 Eighth Avenue 5 New York, New York 10018 6 212.813.8800 7 BY: LINNEA P. CIPRIANO, ESQ. (via realtime) 8 lcipriano@goodwinlaw.com 9 10 ALSO PRESENT: 11 YOKO J. BIAN, Ph.D., Goodwin Procter LLP 12 DESHAWN WHITE, Videographer 13 14 15 16 17 18 19 20 21 22

6 1 INDEX 2 3 TESTIMONY OF REZA DANA, M.D., MSc, MPH PAGE 4 Examination by Ms. Yang 10 5 6 DEPOSITION EXHIBITS 7 NUMBER DESCRIPTION PAGE 8 Exhibit 1 Declaration of 9 Reza Dana, M.D. Msc, MPH, 10 in Support of Petition for 11 Inter Partes Review of 12 U.S. Patent No. 11,833,245 13 Exhibit 2 Declaration of 14 Reza Dana, M.D. Msc, MPH, 15 in Support of Petition for 16 Inter Partes Review of 17 U.S. Patent No. 11,596,600 18 Exhibit 3 "Ocular redness - II: 19 Progress in development of 20 therapeutics for the 21 management of conjunctival 22 hyperemia"	8 1 THE VIDEOGRAPHER: Here begins Video 2 Number 1 in the videorecorded deposition of 3 Dr. Reza Dana taken in the matter of 4 Dr. Reddy's Laboratories versus Eye 5 Therapies, LLC, in the United States Patent 10:32 6 and Trademark Office before the Patent 7 Trial and Appeal Board, Case Number 8 IPR2024-00467. 9 Today's date is November 1st, 10 2024, and the time is 10:32 a.m. Eastern 10:32 11 time. 12 This deposition is being held by 13 Zoom video remote conferencing. The court 14 reporter is Janice Kocek and the 15 videographer is DeShawn White. Both are 10:32 16 presenting on behalf of Henderson Legal 17 Services. 18 Will counsel and others please 19 introduce themselves for the record, 20 followed by the court reporter 10:33 21 administering the oath. 22 MS. YANG: I just wanted to make a
7 1 DEPOSITION EXHIBITS 2 NUMBER DESCRIPTION PAGE 3 Exhibit 4 Deposition transcript of 37 4 Paul A. Laskar, Ph.D., 5 January 18, 2023 6 Slayback vs. Eye Therapies 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	9 1 quick clarification on the read on. So 2 this is not just for IPR2024-00467 but also 3 for IPR2024-00563. 4 My name is Christina Yang, 5 appearing on behalf of patent owner Eye 10:33 6 Therapies. With me is Bryan Diner also for 7 patent owner. 8 MR. CASSELLA: Good morning. Chris 9 Cassella from Goodwin Procter on behalf of 10 the petitioners and the witness. 10:33 11 (Witness remotely sworn.) 12 REZA DANA, M.D., MSc, MPH, 13 called as a witness herein, having been first 14 duly sworn, was examined and testified as 15 follows: 10:33 16 EXAMINATION 17 BY MS. YANG: 18 Q. Good morning, Dr. Dana. 19 A. Good morning. 20 Q. Would you please state your name and 10:34 21 address for the record? 22 A. Reza Dana, 538 Chestnut Street,

10 1 Waban, Massachusetts 02468. 2 Q. Today I'll ask you some questions. 3 And I'd ask that you answer my questions 4 truthfully and accurately. 5 Do you understand that? 10:34 6 A. I do. 7 Q. If you need a break, just let me 8 know. But if there's a question pending, please 9 first answer the question and we can take a 10 break. 10:34 11 Is that okay with you? 12 A. Yes. 13 Q. If for any reason you don't 14 understand a question I ask, please let me know. 15 If you answer a question, I will assume that you 10:34 16 understood the question. 17 Is that okay? 18 A. Yes. 19 Q. Is there any reason why you cannot 20 testify truthfully and accurately today? 10:34 21 A. No. 22 MS. YANG: Let's mark the first	12 1 MS. YANG: Let's mark the second 2 exhibit. And that's Exhibit 1012 in 3 IPR2024-00563. And this is a document 4 entitled Declaration of Reza Dana. 5 (Dana Deposition Exhibit 2 10:36 6 was marked for identification.) 7 BY MS. YANG: 8 Q. Dr. Dana, is Exhibit 1012 in 9 IPR2024-563 your declaration concerning U.S. 10 Patent No. 11,596,600? 10:36 11 A. Yes. 12 Q. If I refer to U.S. Patent No. 13 11,596,600 as the '600 patent, will you 14 understand what I mean? 10:36 15 A. Yes. 16 Q. And do you understand that your 17 testimony today applies to both the IPR2024 -467 18 and IPR2024-567 -- sorry, -563 proceedings? 19 A. Yes. 20 Q. Dr. Dana, who drafted the declaration 10:37 21 that you submitted in the '245 and '600 patent 22 IPR proceedings, which are deposition Exhibits 1
11 1 exhibit. That's Exhibit 1012 in 2 IPR2024-00467. And that's a document 3 entitled Declaration of Reza Dana. 4 Can we please pull that up? 5 THE VIDEOGRAPHER: Counsel, could you 10:35 6 say the exhibit number one more time 7 because I'm seeing two declarations. 8 MS. YANG: Exhibit 1012 in 9 IPR2024-00467. 10 THE VIDEOGRAPHER: Okay. Pulling 10:35 11 that up now. 12 (Dana Deposition Exhibit 1 13 was marked for identification.) 14 BY MS. YANG: 15 Q. Dr. Dana, is Exhibit 1012 in 10:35 16 IPR2024-00467 your declaration concerning U.S. 17 Patent No. 11,833,245? 18 A. Yes. 19 Q. If I refer to U.S. Patent 20 No. 11,833,245 as the '245 patent, will you 10:36 21 understand what I mean? 22 A. Yes.	13 1 and 2 we just marked? 2 A. Who drafted this, did you ask? 3 Q. Yes. 4 A. It was done in conjunction with the 5 attorneys working on behalf of DRL. I read the 10:37 6 draft, made edits, went back and forth several 7 times. And then I read it thoroughly line by 8 line. And I agree 100 percent with the content. 9 Q. Did you prepare specific portions of 10 the declaration submitted in the '245 and '600 10:38 11 patent IPR proceedings? 12 A. Yes. 13 Q. Which portions are those? 14 A. We can go through it if you wish and 15 I can tell you. 10:38 16 Q. Sure. Let's start with Exhibit 17 No. 1. 18 MS. YANG: Can we go back to Exhibit 19 No. 1, Deposition Exhibit No. 1, please. 20 BY MS. YANG: 10:38 21 Q. We can either give you control of the 22 document, Dr. Dana, or we can scroll down, we

14 1 can have the technician scroll down each page. 2 Which method would you prefer? 3 Dr. Dana, you're on mute. 4 A. Sorry. I do not want to have control 5 so we will have you scroll. 10:38 6 MS. YANG: Okay. Can we scroll the 7 document down slowly, please? 8 Actually, let's go back to the 9 table of contents. 10 BY MS. YANG: 10:39 11 Q. Can you point out specific sections 12 that you drafted, Dr. Dana, based on the -- 13 A. It would be easier to actually scroll 14 down page by page because I don't have this 15 document by heart. 10:39 16 MS. YANG: Okay. Can we continue 17 scrolling, please. 18 Stop there for a second. 19 BY MS. YANG: 20 Q. Dr. Dana, did you draft the 10:39 21 introduction? 22 A. Yes. I mean, again, I don't remember	16 1 THE WITNESS: If you could please 2 make that page a little larger, if you can. 3 So like number 9 did not come 4 from me. You're asking about item number 5 8, Materials Considered? 10:41 6 BY MS. YANG: 7 Q. Yes. 8 A. No, that is not from me. 9 Q. Dr. Dana, you mentioned earlier that 10 you got an initial draft from the attorneys. 10:41 11 What was in that initial draft? 12 A. The initial draft contained, again, 13 what I considered largely boilerplate language 14 such as the materials considered where they had 15 put in Exhibit X/Exhibit Y language such as what 10:41 16 you see here under Roman numeral IV, Legal 17 Standards, et cetera. Priority dates, things 18 that, again, were not germane to the scientific 19 arguments. 20 Material that referred to my 10:42 21 qualifications, scientific arguments, anatomy of 22 the eye, ocular conditions, all of that was done
15 1 line by line. But yes, I remember making edits 2 and it went back and forth between us. But that 3 is largely my product. 4 Q. Did you draft the qualification and 5 background section? 10:40 6 A. Yes. 7 MS. YANG: Let's scroll down, please. 8 THE WITNESS: I'd like to clarify 9 that when you say "drafted," I'm not 10 suggesting that every single word came from 10:40 11 me. 12 Words came from me and words 13 also came -- portions that were essentially 14 templates or boilerplate language I think 15 came from the attorneys. Language that 10:40 16 pertained more to medical and scientific 17 facts came from me. 18 MS. YANG: Can you go to page 5, 19 please. 20 BY MS. YANG: 10:40 21 Q. Dr. Dana, did you draft the materials 22 considered section?	17 1 by me. The portions that, again, were more of 2 the legal nature, i.e., again, legal standards, 3 materials considered, date, specific issues 4 regarding the claims, were put by the legal 5 team. 10:42 6 Q. Was the materials considered part of 7 the draft that you received from the attorneys? 8 A. I don't follow that question. 9 Q. When you received the draft, initial 10 draft from the attorneys, did it contain the 10:42 11 materials considered section? 12 A. Yes. 13 Q. Did it have information about the 14 references that you considered for the 15 declaration? 10:42 16 A. Well, I had met with the legal team 17 beforehand, before preparation of this, multiple 18 times and we had reviewed the relevant 19 references together. I brought up references, 20 they brought up references, and we had reviewed 10:43 21 the materials in advance. So it's not like we 22 met and then the next day they sent me this

18 1 declaration. We had worked on this thing over 2 many meetings prior. 3 Q. What references were provided to you 4 from the attorneys during that initial meeting? 5 A. The -- I don't recall all of them. 10:43 6 Again, we're going back almost one year at this 7 point. 8 I would say that the Norden reference 9 was pointed out by them. The Hong reference was 10 pointed out by them. We reviewed a large number 10:43 11 of references in regards to adrenergic biology. 12 I'm quite familiar with that field, as I had 13 mentioned in my prior deposition, because I work 14 in that area of adrenergic biology. 15 So I had, again, a large body of 10:44 16 knowledge with me. They had brought some things 17 including the Norden and the Hong that I 18 remember. And we looked at other materials 19 together. But again, we had met over many hours 20 prior to preparation of this declaration. 10:44 21 Q. When the Norden reference was 22 provided to you, is it fair to say that that was	20 1 page? 2 BY MS. YANG: 3 Q. Dr. Dana, this is the list of 4 materials considered that you put in the 5 declaration that you submitted for the IPR 10:45 6 proceedings; is that correct? 7 A. Yes. 8 Q. And you've testified that some of 9 these references were provided by the attorneys 10 and some of them were from you; is that right? 10:46 11 A. I testified that when we were 12 reviewing the material prior to preparation of 13 my declaration I had brought up references and 14 they had also brought up references. 15 I mentioned to you that they 10:46 16 certainly brought up the Norden and the Hong, 17 correct. The other ones actually -- like 18 looking at this, I can tell you the Robin one 19 also they had brought to my attention. 20 Q. Is there any other references on this 10:46 21 list that you remember as being from the 22 attorneys?
19 1 the first time you saw the reference in your 2 career? 3 A. Probably. I say probably in 4 reference -- 5 MR. CASSELLA: Object to form. 10:44 6 Go ahead. 7 THE WITNESS: My reference is from 8 twenty-plus years ago. I review more than, 9 you know, 1500 manuscripts a year so I 10 don't really recall. But I did not 10:44 11 remember the exact content of the Norden 12 reference until I looked at it in late 13 2023. 14 BY MS. YANG: 15 Q. And also for the Hong reference is it 10:45 16 fair to say that when the Hong reference was 17 provided to you by the attorneys, that was the 18 first time you saw that reference? 19 A. Most likely, yes. 20 MR. CASSELLA: Object to form. 10:45 21 MS. YANG: Let's go to -- go to PDF 22 page 140, please. Can we go to the next	21 1 A. I can't comment really one way or the 2 other definitively beyond the ones that I 3 mentioned to you, the Norden, Robin that I see 4 here. Most likely the Wikberg as well. 5 Q. What about Exhibit 1007? That's the 10:47 6 U.S. Patent No. 6,242,442, and in this 7 proceeding we've been referring to that as the 8 Dean patent. 9 Was that the reference that the 10 attorneys provided to you? 10:47 11 A. Yes. 12 Q. And you haven't seen the '442 patent 13 before this -- before you began working on this 14 litigation; is that right? 10:47 15 A. Correct. 16 Q. Dr. Dana, are you familiar with 17 U.S. Patent No. 6,294,553, which in this 18 proceeding we've been referring to as the Gil 19 patent? 20 A. Yes. That was provided by the 10:48 21 attorneys to me prior. 22 Q. And is it fair to say that you

22 1 haven't seen the '553 patent before you began 2 working in this -- for this litigation? 3 A. Correct. 4 Q. Dr. Dana, how did you prepare for 5 today's deposition? 10:48 6 MR. CASSELLA: I'll just caution the 7 witness not to reveal the substance of any 8 communications with attorneys. 9 THE WITNESS: I'm not sure how to 10 answer that given the caution of Attorney 10:49 11 Cassella. I'm not sure what the caution 12 really means. 13 BY MS. YANG: 14 Q. Did you meet with anyone in 15 preparation for your deposition today? 10:49 16 A. We had two Zoom conferences prior to 17 today's deposition, yes. 18 Q. And when were those Zoom conferences 19 with -- I assume those Zoom conferences were 20 with the attorneys; is that right? 10:49 21 Was there anybody else present? 22 A. No.	24 1 couple of reviews that I had looked at before. 2 The one by Ruffolo and Langer I had looked at as 3 well. And the other materials is what I 4 mentioned, the transcripts of my own deposition 5 and testimony. 10:51 6 Q. In formulating your opinions that are 7 in the declarations that you submitted for the 8 IPR proceedings, did you first review the '245 9 and '600 patents? 10 A. Yes. 10:52 11 Q. When you first reviewed the '245 and 12 '600 patents, did you review the claims in their 13 entirety? 14 A. Yes. 15 MR. CASSELLA: Objection. Vague. 10:52 16 THE WITNESS: I'm sorry. I missed 17 Attorney Cassella. Sorry. 18 MR. CASSELLA: I just said objection. 19 Vague. 20 BY MS. YANG: 10:52 21 Q. After reviewing the claims of the 22 '245 and '600 patents, did you review the
23 1 Q. And when were those Zoom conferences 2 held? 3 A. In the last two weeks. 4 Q. And how long were each of those Zoom 5 conferences? 10:50 6 A. About an hour-and-a-half or so, hour 7 -- hour-15, hour-and-a-half each. 8 Q. Did you review any documents in 9 preparation for today's deposition? 10 A. Yes, the attorneys provided me with 10:50 11 copies of my prior deposition in January of 12 2024, a transcript of my court testimony also. 13 And then the relevant patents and the relevant 14 references that I had used in my discussions 15 with -- with the courts and in my deposition. 10:50 16 Q. Did you review any documents in 17 preparation for today's depositions that are -- 18 in preparation for today's deposition that are 19 not listed in the list of materials considered? 20 A. Let me take a look. Norden I looked 10:51 21 at, Wikberg, Robin. Is Hong listed here? I 22 looked at the Hong as well. I also looked at a	25 1 specifications in their entirety? 2 MR. CASSELLA: Same objection. 3 THE WITNESS: I had done that last 4 year prior to preparation of the 5 declarations and my testimonies. I did not 10:52 6 go back and reread all of the claims this 7 time. 8 I focused on the material that I 9 had prepared and the material, the 10 testimonies that I had provided earlier 10:53 11 since my understanding was that this 12 deposition today would be limited to the 13 material and the arguments that I had made 14 earlier in my deposition and testimony. 15 BY MS. YANG: 10:53 16 Q. But it's fair to say that when you 17 drafted the declarations you had reviewed the 18 specifications of the '245 and '600 patents in 19 their entirety, correct? 20 A. Yes. 10:53 21 Q. When you drafted the declarations 22 submitted in the '245 and '600 patent IPR

26 1 proceedings, did you also review the prosecution 2 histories of the '245 and '600 patents? 3 A. I'm not sure that I follow your -- 4 the question by the prosecution history. 5 Q. Are you familiar with the term 10:54 6 "prosecution history"? 7 A. No. I can surmise the meaning but 8 I'm not sure of the precise meaning. The 9 attorneys -- maybe I can try to answer your 10 question. And if it's inadequate, you can tell 10:54 11 me. 12 When we began the engagement back in 13 the fall of 2023, fourth quarter, when we began 14 to meet and discuss the case, they reviewed with 15 me the history of the case briefly before we 10:54 16 began to focus on the patents in question and 17 the formulation of the argument based on my 18 understanding of biology of alpha-1 and alpha-2 19 adrenergic receptor function. 20 So I have a very general, I would 10:55 21 say, and nonspecific understanding of what had 22 transpired before but not the details.	28 1 BY MS. YANG: 2 Q. Which part of the question is 3 confusing you? 4 A. When you say did you refer -- did you 5 review any prior art, be more specific. I don't 10:56 6 follow what that means. 7 I reviewed references and 8 publications. I don't know if that is prior art 9 or not prior art. So that's why -- that's why 10 I'm confused. 10:56 11 Q. After reviewing the '245 and '600 12 patents, did you review the Norden reference? 13 A. Yes. 14 Q. After -- 15 A. I thought we established that. I 10:56 16 apologize. I thought we had talked about that 17 earlier. That's why I was confused. 18 Yes, I reviewed the Norden paper, 19 yes. 20 Q. After reviewing the '245 and '600 10:56 21 patents, did you review the '442 patent? 22 A. Yes.
27 1 Q. After reviewing the '245 and '600 2 patents, including their claims, did you review 3 any prior art references? 4 MR. CASSELLA: Objection. Vague. 5 THE WITNESS: I'm sorry. I'd have to 10:55 6 ask you to be more specific as to what that 7 question is referring to. 8 BY MS. YANG: 9 Q. After reviewing the '245 and '600 10 patents, did you review any references that are 10:55 11 considered to be prior art to those patents? 12 MR. CASSELLA: Objection. Vague. 13 Calls for a legal conclusion. 14 THE WITNESS: Attorney Finnegan [sic], 15 I'd like to answer you. I just don't know 10:55 16 how to answer that question. If you can 17 maybe make it more granular and you ask me 18 did you review X or Y I can say yes or no. 19 But I honestly don't know how to answer 20 that question. To me it sounds rather 10:56 21 general. 22	29 1 Q. After reviewing the '245 and '600 2 patents, did you review the Gil patent? 3 A. Yes. 4 Q. After reviewing the '245 and '600 5 patents, did you review the Hong reference? 10:57 6 A. Yes. 7 Q. After reviewing the '245 and '600 8 patents, did you review the Robin reference? 9 A. Yes. 10 Q. Dr. Dana, you mentioned that you 10:57 11 provided some references to the attorneys. 12 Do you recall that? 13 A. Yes. 14 Q. How did you find those references 15 that you provided to the attorneys? 10:57 16 A. Well, the conversation, again, that 17 we were having, and we were having multiple 18 meetings before the preparation of the 19 declaration, was around pharmacological agents 20 that regulate ocular redness or hyperemia. 10:58 21 So I was drawing on my own 22 experience, as well as my own publications, as

30 1 well as other people's publications in regards 2 to what is hyperemia, how is it measured, what 3 causes it, what pharmaceutical agents do we use, 4 my own experience with alpha-1 adrenergic 5 agents, my own experience with alpha-2 10:58 6 adrenergic agents, brimonidine, my own work. 7 As I had mentioned earlier in my 8 prior deposition, I work in the area of alpha-2 9 agonist as it pertains to regulation of -- of 10 inflammation and immune tolerance. 10:58 11 So there was a wide body of knowledge 12 that I had already had about this but did not 13 include the references that I cited earlier, 14 like the Hong and the Robin and the Norden. 15 Q. Do you recall what those references 10:59 16 are that you provided to the attorneys? 17 A. No. That was a year ago. 18 Q. Did you -- 19 A. I assume -- pardon me. Go ahead. 20 Q. No, no. Go ahead. 10:59 21 A. I was going to say, you know, we used 22 to have Zoom meetings. And so I would be	32 1 can. But this is like thousands of 2 searches ago. So I don't remember all the 3 details. But surely I must have. That is 4 the only way that you can do a search is to 5 use key terms. 11:00 6 BY MS. YANG: 7 Q. What key terms did you use? 8 MR. CASSELLA: Objection. Vague. 9 THE WITNESS: Ocular redness, ocular 10 hyperemia, conjunctiva, episclera, anatomy 11:00 11 of the eye to bring up images to review 12 with the attorneys, et cetera. I cannot, 13 again, recall the specific terms at this 14 point. 15 BY MS. YANG: 11:01 16 Q. Would brimonidine have been one of 17 the key terms that you used to search for the 18 references that you provided to the attorneys? 19 A. I can't recall that one way or the 20 other. 11:02 21 Q. Did you use the '245 and '600 patents 22 as a guide to help you determine what key terms
31 1 bringing things up on the screen, showing them. 2 It wasn't like I had a collection of articles 3 that I would email them. You know, I would just 4 educate them about certain things that I knew 5 and show them certain things that I would search 10:59 6 on the screen and share with them during the 7 Zoom conference. 8 Q. Did you search for those references 9 that you provided to the attorneys? 10 A. Some I did. I mean, I have published 10:59 11 hundreds of articles. So even my own work, I 12 need to search for them to remember what year it 13 was or where it was published in some cases. So 14 yeah. 15 Q. When you did that search for the 11:00 16 references, did you use any key terms? 17 A. I must have. 18 MR. CASSELLA: Objection. Vague. 19 THE WITNESS: Every day of my 20 academic life I am searching for articles. 11:00 21 I hope you realize that I'm trying to 22 answer your question as specifically as I	33 1 are relevant to your search? 2 A. No. 3 MS. YANG: Let's go to PDF page 38. 4 That's Exhibit A to the declaration. Can 5 we scroll down to the next page? Next 11:02 6 page. 7 BY MS. YANG: 8 Q. Dr. Dana, is Exhibit A your 9 curriculum vitae? 10 A. Yes, from last year. 11:03 11 Q. Is there anything that you need to 12 add to make Exhibit A up to date? 13 A. We have likely had another 30 or 40 14 publications since that time. But beyond that, 15 what is in that document that you're looking at 11:03 16 must be true as of December 6th, 2023. 17 Q. So as of the date that you signed the 18 declaration or as of the date that's actually 19 indicated on Exhibit A, which is December 6th, 20 2023, Exhibit A lists all the publications that 11:03 21 you've published to that date, correct? 22 A. Probably. We publish 20, 25, 30

34 1 publication a year. So I don't update my CV on 2 a daily basis. I don't have the time to do 3 that. But yes, more or less it would include 4 the vast majority of publications that I had as 5 of the end of 2023. 11:04 6 Q. You do not have any publication 7 related to brimonidine in Exhibit A; is that 8 right? 9 A. Specifically brimonidine, no. 10 Q. Dr. Dana, you've done some work 11:04 11 related to the development of treatments for 12 ocular hyperemia due to dry eye; is that right? 13 A. Not only. We have published and done 14 work on agents to reduce hyperemia in allergic 15 eye disease, in nonallergic eye disease, as well 11:04 16 as development of technologies for measurement 17 of redness in different type of pathologies. We 18 also have published extensively on therapies for 19 dry eye, which is one of the principal causes of 20 the red eye. 11:05 21 Q. So you have done some work related to 22 the development of treatments for ocular	36 1 MS. YANG: Let's turn to page 69 of 2 the publication. And that's PDF page 4. 3 BY MS. YANG: 4 Q. I'd like to direct your attention to 5 the right-hand column, section named 3.1.3.1, 11:06 6 Corticosteroids. 7 Right after the section heading, it 8 states that (as read): Corticosteroids are 9 among the most potent medications available for 10 the treatment of noninfectious ocular 11:07 11 inflammatory disease. 12 Do you see that? 13 A. Yes. 14 Q. And further it further states (as 15 read): Numerous studies have demonstrated the 11:07 16 efficacy of corticosteroids in the treatment of 17 conjunctival hyperemia. 18 Do you see that? 19 A. Sorry. Can you use your mouse? 20 Where? 11:07 21 Q. The next sentence. (As read): 22 Numerous studies have demonstrated the efficacy
35 1 hyperemia, correct? 2 A. Yes. 3 Q. You do not have any publications 4 dated before August of 2008 on using brimonidine 5 as a treatment for ocular hyperemia, correct? 11:05 6 A. Correct. 7 MS. YANG: Let's mark Exhibit 3 to 8 Dr. Dana's deposition. And that's a 9 publication -- it should be labeled as 10 Exhibit 3 in the files actually. Can we 11:05 11 bring that up, please? 12 (Dana Deposition Exhibit 3 13 was marked for identification.) 14 BY MS. YANG: 15 Q. And it's a publication entitled 11:06 16 Ocular Redness - II: Progress in development of 17 therapeutics for the management of conjunctiva 18 hyperemia. 19 Dr. Dana, on the first page you are 20 listed as one of the authors of this 11:06 21 publication, correct? 22 A. Yes.	37 1 of corticosteroids in the treatment of 2 conjunctiva hyperemia. 3 A. Yes, yes. 4 Q. The fact that corticosteroids are 5 among the most potent treatments for 11:07 6 conjunctival hyperemia was known for a long 7 time; is that right? 8 MR. CASSELLA: Objection. Vague. 9 THE WITNESS: It has been known for a 10 long time, yes. 11:07 11 BY MS. YANG: 12 Q. It was known well before 2008, 13 correct? 14 A. Yes. 15 Q. Prednisolone is a corticosteroid, 11:08 16 right? 17 A. Yes. 18 Q. Prednisolone can be administered 19 topically in the eye, correct? 20 A. Yes. 11:08 21 Q. So topical prednisolone 1% is a 22 potent treatment for ocular hyperemia, correct?

38 1 A. It should not be used for the 2 treatment of ocular hyperemia in and of itself. 3 We have cautioned against it. There are some 4 physicians who use it. But the side effects and 5 the safety profile would not be appropriate for 11:08 6 use of just reduction of ocular redness. 7 This paragraph, depending on where 8 you're heading, really should be put in the 9 context of how it begins, that corticosteroids 10 are potent for the treatment of noninfectious 11:09 11 inflammatory disease. 12 So they are used frequently for the 13 treatment of inflammatory eye disease, which is 14 a common cause of redness. But when possible we 15 try to treat the underlying cause of the redness 11:09 16 as opposed to just the redness itself. 17 So we strongly caution against the 18 use of long-term chronic or even long-term 19 intermittent use of corticosteroids just for the 20 management of redness. 11:09 21 Q. If topical prednisolone 1% is used to 22 reduce redness due to inflammation, it would be	40 1 the right-hand column, section named 3.1.3.2, 2 Topical nonsteroidal anti-inflammatory drugs. 3 Let's look at three sentences in 4 where it begins (as read): Topical NSAIDs may 5 therefore be an effective therapeutic option for 11:11 6 the treatment of conjunctival hyperemia. 7 Do you see that? 8 A. Yes. 9 Q. A little further down it also states 10 (as read): There are several studies suggesting 11:11 11 that NSAIDs are effective in the treatment of 12 conjunctival hyperemia secondary to allergic 13 conjunctivitis. 14 Do you see that? 15 A. Yes. 11:11 16 Q. And let's look at the second-to-last 17 sentence in the same section. It states (as 18 read): Numerous studies have also reported that 19 ketorolac .5%, diclofenac .09% [sic] are 20 effective in reducing conjunctival hyperemia in 11:11 21 vernal keratoconjunctivitis. 22 Do you see that?
39 1 a potent treatment for reducing that eye 2 redness, correct? 3 MR. CASSELLA: Objection. Vague. 4 Incomplete hypothetical. 5 THE WITNESS: Yes, but as I 11:10 6 qualified. I just want to be clear because 7 I don't want on the record anything that I 8 state to be construed as me advocating for 9 the use of corticosteroids for redness. 10 We can use corticosteroids for 11:10 11 allergies that causes redness or for severe 12 dry eye. But we certainly would not use it 13 long term or use prednisolone 1%, which is 14 a fairly potent type of steroid which 15 induces hypertension, glaucoma, cataracts 11:10 16 and potentially lead to infection. So 17 those side effect profile and safety 18 profile does not fit the intended use. 19 MS. YANG: Let's turn to the next 20 page, page 70. It's PDF page 5. 11:10 21 BY MS. YANG: 22 Q. I'd like to direct your attention to	41 1 A. Yes. 2 Q. What is very vernal 3 keratoconjunctivitis? 4 A. It is a form of atopy, or allergy, 5 seen primarily in younger patients, typically 11:12 6 male patients who are young, during the spring 7 season, hence called vernal, associated with 8 significant inflammation. So it's a form of 9 allergic eye disease. 10 Q. And patients who have vernal 11:12 11 keratoconjunctivitis have red eyes, correct? 12 A. They also can get red eyes, yes. 13 Q. The fact that topical NSAIDs are 14 effective in the treatment of ocular hyperemia 15 was known before 2008, correct? 11:12 16 A. Yes. 17 MR. CASSELLA: Objection. Vague. 18 THE WITNESS: But similar to 19 corticosteroids, as that last sentence in 20 the paragraph states, (as read): We 11:12 21 caution against the long-term use of NSAIDs 22 or steroidal simply for the management of

42 1 redness because of their known toxicities. 2 MS. YANG: Let's take the exhibit 3 down. Let's pull up Exhibit 4 in the 4 folder, please. 5 (Dana Deposition Exhibit 4 11:13 6 was marked for identification.) 7 BY MS. YANG: 8 Q. Exhibit 4 is a publication entitled 9 Determinants of Ocular Pain Severity in Patients 10 With Dry Eye Disease. 11:13 11 Dr. Dana, on the first page you're 12 listed as one of the authors of this 13 publication, correct? 14 A. Yes. 15 MS. YANG: Let's turn to page 202 of 11:13 16 the publication. It's PDF page 5. 17 BY MS. YANG: 18 Q. I'd like to direct your attention to 19 the last sentence on the left-hand column, the 20 very last sentence where it begins with 11:14 21 "therefore." 22 It says (as read): Therefore, in a	44 1 A. Yes. 2 Q. Eye redness can be a symptom of 3 neurogenic pain; is that right? 4 MR. CASSELLA: Objection. Vague. 5 THE WITNESS: Well, by definition the 11:15 6 neuronal system regulates a vascular tone. 7 So all sorts of neuropathies, including 8 neuroinflammatory disorders or neuropathic 9 pain, may also lead to redness or it may 10 not. Many patients with neuropathic pain 11:15 11 do not have eye redness and some do. 12 BY MS. YANG: 13 Q. A few sentences down it says (as 14 read): Diagnosing the neuropathic origin of the 15 ocular pain can be of significant management 11:16 16 value, as these patients have poor response to 17 the conventional treatment of tear film 18 abnormalities and may have associated systematic 19 -- systemic pain syndromes that may need to be 20 addressed as well. 11:16 21 Do you see that? 22 A. Yes.
43 1 subset of patients with -- 2 MS. YANG: Let's move to the next 3 column. 4 THE WITNESS: I apologize. I need 5 you to go back to the previous column so I 11:14 6 can go begin to read the whole paragraph in 7 its entirety before we jump to the last 8 sentence of that paragraph. 9 MS. YANG: Please. Go ahead. 10 THE WITNESS: So please give me a 11:14 11 moment to read that. 12 (Witness reviewing document.) 13 THE WITNESS: Okay. 14 BY MS. YANG: 15 Q. So the last sentence begins (as 11:15 16 read): Therefore, in a subset of patients 17 with -- and then the next column continues -- 18 DED symptoms, particularly in those with normal 19 tear and ocular surface findings, the origin of 20 pain symptoms may be neurogenic, so-called 11:15 21 neuropathic pain. 22 Do you see that?	45 1 Q. So for patients who have eye redness 2 due to ocular neurogenic pain, conventional 3 treatments would not be effective, correct? 4 MR. CASSELLA: Objection. Vague. 5 Incomplete hypothetical. 11:16 6 THE WITNESS: No. I'm sorry. I -- 7 you're pointing out to -- you're pointing 8 out this particular paragraph to me that 9 really does not even address the issue of 10 redness. So I'm -- I'm not following the 11:17 11 trajectory of your logic here, with all due 12 respect. 13 So we're not talking about 14 redness here. We're talking about abnormal 15 pain perception, which is what neuropathic 11:17 16 pain means. It means that you have a 17 combination of either hyperalgesia or 18 allodynia. That's spelled a-l-l-o-d-y-n-i-a. 19 So that's really what this 20 paragraph is about. It's about abnormal 11:17 21 excitation of afferents or abnormal 22 integration of sensory input in the central

46 1 nervous system. There is nothing here 2 about redness. So I'm not following your 3 question at all. 4 BY MS. YANG: 5 Q. Okay. Let's go back to your earlier 11:17 6 testimony that neurogenic -- ocular neurogenic 7 pain can lead to ocular redness in some 8 patients. 9 Do you recall that? 10 MR. CASSELLA: Objection to the 11:18 11 extent it mischaracterizes. 12 THE WITNESS: I said earlier that 13 some patients with neuropathic pain may 14 have eye redness and many do not. Yes, 15 that is what I said. 11:18 16 BY MS. YANG: 17 Q. Let's focus on those patients who 18 have eye redness due to ocular neurogenic pain. 19 For those patients, conventional eye 20 redness reliever would not be appropriate 11:18 21 treatment for reducing that eye redness, 22 correct?	48 1 what was meant by conventional treatment in 2 that paragraph. 3 BY MS. YANG: 4 Q. Have you ever seen patients with eye 5 redness due to ocular pain? 11:19 6 A. I have seen pain doesn't cause 7 redness. So the premise of your question, 8 Attorney, from a biological perspective in my 9 mind is not accurate. That whatever causes pain 10 can also cause redness, if you follow what I'm 11:20 11 saying. 12 So if you have severe dry eye, let us 13 say as an example, or allergy, as an example, 14 you can get redness. And that underlying cause 15 of redness can also cause discomfort or pain. 11:20 16 But people don't get pain from redness, which is 17 what you said in your question. So I just 18 wanted to clarify that. 19 I have seen many patients with many 20 types of ocular pain and for many reasons, 11:20 21 including dry eye, allergy, trauma, and many 22 other conditions. And many of these patients
47 1 A. What do you mean by -- 2 (Simultaneous speaking.) 3 MR. CASSELLA: Vague. Incomplete 4 hypothetical. 11:18 5 (Stenographer clarification.) 6 MR. CASSELLA: Vague. Incomplete 7 hypothetical. 8 THE WITNESS: I need you to, 9 Attorney, clarify what you mean by 10 conventional treatment. I know what I 11:19 11 meant when I wrote that. 12 But what do you mean when you 13 say conventional treatments? 14 BY MS. YANG: 15 Q. So focusing again on those patients 11:19 16 who have eye redness due to ocular neurogenic 17 pain, for those patients using a Visine, for 18 example, would not be effective in relieving 19 that eye redness; is that fair? 20 MR. CASSELLA: Same objections. 11:19 21 THE WITNESS: No, it is not fair. It 22 may work in these patients. That is not	49 1 have redness, yes, I have seen them. 2 Q. So let's say -- let's stick with your 3 example of patients who have trauma and redness. 4 Are you with me? 5 A. I am with you. 11:21 6 Q. For those patients using Visine as a 7 treatment wouldn't effectively treat eye redness 8 because the patient still has trauma that's 9 causing eye redness; is that right? 10 MR. CASSELLA: Objection. Vague. 11:21 11 Incomplete hypothetical. Calls for 12 speculation. 13 THE WITNESS: It is not a binary 14 answer of yes or no. It depends on the 15 severity of the injury. So for example, if 11:21 16 someone has a corneal abrasion and the eye 17 gets red, or hyperemic, if you put in the 18 Visine the eye actually will become less 19 red for the short term. 20 On the other hand, if someone 11:21 21 has a golf ball hit them really hard and 22 they have hemorrhages, then the Visine will

50 1 have minimal effect on the redness. So it 2 all depends on the context. 3 MS. YANG: Dr. Dana, we've been going 4 for about an hour. Is this a good time for 5 a break? 11:22 6 THE WITNESS: I can easily go for 7 another half an hour if you wish. It's up 8 to you. 9 MS. YANG: Let's take a five-minute 10 break -- ten-minute break. Let's take a 11:22 11 ten-minute break, please. 12 Let's go off the record. 13 THE VIDEOGRAPHER: The time is 14 11:22 a.m. We are now off the record. 15 (Whereupon, a recess was taken 11:22 16 from 11:22 a.m. to 11:32 a.m.) 17 THE VIDEOGRAPHER: The time is 18 11:32 a.m. We are now on the record. 19 MS. YANG: Dr. Dana, thank you for 20 your time today. I don't have any more 11:32 21 questions. 22 MR. DINER: I have no questions for	52 1 CERTIFICATE OF REPORTER. 2 I, Janice M. Kocek, Certified Shorthand 3 Reporter, Certified LiveNote Reporter, and 4 Notary Public in and for the State of Illinois, 5 County of Cook, the officer before whom the 6 proceedings were taken, do hereby certify that 7 the foregoing transcript is a true and correct 8 record of these proceedings; that said 9 proceedings were taken in Stenotype notes by me 10 on the 1st day of November, 2024, video Zoom 11 videoconferencing, commencing at 10:32 a.m. EST 12 and ending at 11:33 a.m. EST. 13 I further certify that present on 14 behalf of Patent Owner was Christina Yang and 15 Bryan Diner of Finnegan, Henderson, Farabow, 16 Garrett & Dunner, LLP, and present on behalf of 17 Petitioners Dr. Reddy's Laboratories S.A. and 18 Dr. Reddy's Laboratories, Inc. Eye Therapies, 19 LLC, and the Witness was Christopher Cassella 20 and Linnea Cipriano of Goodwin Procter. 21 I further certify that I am not related 22 to, nor associated with any of the parties or
51 1 Dr. Dana. Thank you for your time. 2 THE WITNESS: Thank you very much. 3 Have a nice day. 4 MS. YANG: You, too. Bye. 5 Let's go off the record. 11:33 6 THE VIDEOGRAPHER: This concludes for 7 today's deposition. The date is November 8 1st, 2024. The time is 11:33 a.m. We are 9 now off the record. 10 (Time concluded: 11:33 a.m.) 11 12 13 14 15 16 17 18 19 20 21 22	53 1 their attorneys, nor do I have any disqualifying 2 interest, personal or financial in the actions 3 within. 4 Dated this 4th day of November, 2024, 5 at the County of Cook, State of Illinois. 6 7 8 9 10 _____ 11 Janice M. Kocek, CSR, CLR 12 License No. 084-002871 13 14 15 16 17 18 19 20 21 22

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