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

Date: January 28, 2025

Case: Dr. Reddy's Laboratories, S.A., et al. -v- Eye Therapies, LLC (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Robert O. Williams, III, Ph.D.
Conducted on January 28, 2025

1 (1 to 4)

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1 UNITED STATES PATENT AND TRADEMARK OFFICE	1 A P P E A R A N C E S	
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	2	
3 ----- x	3 ON BEHALF OF THE PETITIONERS:	
4 DR. REDDY'S LABORATORIES S.A. and	4 ANNA ZHOU, ESQUIRE	
5 DR. REDDY'S LABORATORIES, INC.,	5 CHRISTOPHER CASSELLA, ESQUIRE	
6 Petitioners,	6 GOODWIN PROCTER LLP	
7 V.	7 100 Northern Avenue	
8 EYE THERAPIES, LLC,	8 Boston, MA 02210	
9 Patent Owner.	9 617.570.1904	
10 ----- x	10	
11 Case No. IPR 2024-00467	11 ON BEHALF OF THE PATENT OWNER:	
12 U.S. Patent No. 11,833,245	12 JUSTIN J. HASFORD, ESQUIRE	
13 Case No. IPR 2024-00563	13 KATHRYN R. JUDSON, ESQUIRE	
14 U.S. Patent No. 11,596,600	14 FINNEGAN	
15 ----- x	15 901 New York Avenue, NW	
16 Videotaped Deposition of	16 Washington, DC 20001-4413	
17 ROBERT O. WILLIAMS, III, PH.D.	17 202.408.4000	
18 Conducted Remotely	18	
19 Tuesday, January 28, 2025	19 ALSO PRESENT:	
20 10:02 A.M.	20 JULIE OUEDRAOGO, REMOTE TECHNICIAN	
21 Job No.: 569737	21 CHARLOTTE FORREST, VIDEOGRAPHER	
22 Pages: 1 - 69	22	
23 Reported By: Anita M. Trombetta, RMR, CRR,		
24 California CSR No. 14647		
2	4	
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5 1 PROCEEDINGS 2 THE VIDEOGRAPHER: Here begins Media No. 1 3 in the videotaped deposition of Dr. Robert 4 Williams III, in the matter of Dr. Reddy's 5 Laboratories S.A., et al. vs. Eye Therapies LLC, 6 in the United States Patent and Trademark Office, 7 before the Patent Trial and Appeal Board, case 8 numbers IPR 2024-00467, and IPR 2024-00563. 9 Today's date is Tuesday, January 28th, 10 2025. The time on the video monitor is 10:03 A.M. 11 Eastern Time. 12 The remote videographer today is Charlotte 13 Forrest, representing Planet Depos. All parties 14 of this video deposition are attending remotely. 15 Would counsel please voice-identify 16 themselves and state whom they represent. 17 ATTORNEY ZHOU: Good morning. This is 18 Anna Zhou on behalf of petitioners, with law firm 19 Goodwin Procter. Also on the line is my colleague 20 is Christopher Cassella. 21 ATTORNEY HASFORD: This is Justin Hasford 22 of Finnegan on behalf of patent owner, and I'm	7 1 78746. 2 Q Thank you. 3 And are you located there today? 4 A Yes, I am. 5 Q Okay. Dr. Williams, do you have any 6 documents currently in front of you? 7 A Yes, I do. 8 Q What documents do you have in front of 9 you? 10 A I have a copy of both of my declarations 11 in this matter, the declaration of -- for the '600 12 IPR and the declaration for the '245 patent IPR. 13 And then I have a copy of the '245 patent itself, 14 and I have a copy of the '600 patent. 15 Q Okay. Thank you. 16 Is there any writing on any of the 17 documents you have in front of you? 18 A There is not. 19 Q Okay. Thank you. 20 And correct me if I'm wrong, but you have 21 been deposed before; is that correct? 22 A Yes, I have.
6 1 joined by my colleague Kathryn Judson, also of 2 Finnegan. 3 THE VIDEOGRAPHER: Thank you, counsel. 4 The court reporter today is Anita 5 Trombetta representing Planet Depos. 6 The witness will now be sworn. 7 ROBERT O. WILLIAMS, III, Ph.D., 8 called as a witness, having been duly 9 sworn by a Notary Public, was examined and 10 testified as follows: 11 EXAMINATION BY 12 ATTORNEY ZHOU: 13 Q Good morning, Dr. Williams. 14 A Good morning. 15 Q So my name is Anna Zhou, and I'll be 16 taking -- and I'll be the attorney taking your 17 deposition today. 18 Would you please state your full name for 19 the record. 20 A My full name is Robert O. Williams, III. 21 Q And what is your current address? 22 A 2305 A, Westlake Drive, Austin, Texas	8 1 Q Okay. So you're relatively familiar with 2 the rules of the process of all of this? 3 A I don't know about familiar, but, you -- 4 please, you know, tell me. 5 Q Okay. 6 A Give me the rules, and I will do my best 7 to follow. 8 Q Okay. Great. 9 So you have been sworn in by a court 10 reporter. So I will be asking you questions, and 11 you have the same obligation to tell the truth as 12 you would in court. 13 Do you understand? 14 A Yes. 15 Q During the course of your deposition, your 16 counsel may make objections, but you understand 17 that you need -- that unless counsel tells you -- 18 instructs you not to answer, you have to answer 19 the question to the best of your ability. 20 Do you understand? 21 A I do understand that. 22 Q Okay. We have a court reporter taking

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9 1 down everything that is said today. 2 So that the court reporter can create an 3 accurate record, can we agree that you and I will 4 make an effort to speak slowly and clearly enough 5 so that the court reporter can take down every 6 word? 7 A Yes. 8 Q Okay. Can we also agree that when I'm 9 asking a question, you'll do your best to let me 10 finish before you respond? 11 A I will, yes. 12 Q Okay. And I will do the same when you're 13 answering the question. 14 Will you agree today to provide verbal 15 "yes" or "no" responses as opposed to head shakes 16 or nods? 17 A Yes, I will. 18 Q Okay. Thanks. 19 I'm hoping to get you out of here 20 relatively quickly today, so I don't think we'll 21 be needing any breaks. But if you do feel like 22 you need one, please let me know whenever you	11 1 I would just like the first part to be marked, 2 because the exhibit was sent to us in three parts. 3 Perfect. 4 (Williams Exhibit 1, Declaration of Robert 5 O. Williams III, Ph.D., marked for 6 identification.) 7 Q Do you see it on the screen, Dr. Williams? 8 A Yes, I do. 9 Q Okay. Do you recognize this report? 10 THE WITNESS: If you can go up a little 11 bit -- I can't see the whole page. Yeah there you 12 go -- well, I still can't. 13 ATTORNEY HASFORD: For the record, I'm 14 only seeing half the page on my screen as well. 15 THE WITNESS: Yeah. 16 ATTORNEY ZHOU: Why don't we go off the 17 record so we can figure out. 18 A I have my hard copy that I'm going to look 19 at anyway. 20 Q Okay. 21 A I do better on the hard copy. So, yeah. 22 Q Okay.
10 1 would -- when you'd like one. My only request is 2 that we do not take a break while a question is 3 pending. 4 Is that okay? 5 A Yes, that's fine. Thank you. 6 Q Okay. I would ask you to listen carefully 7 to my questions. And if you don't understand 8 something about the question, let me know and I 9 will try to make the question clear. If you do 10 answer, I will assume that you understood the 11 question. 12 Do you understand? 13 A I do, yes. 14 Q Okay. Is there any reason you can think 15 of, of why you will not be able to answer my 16 questions today truly or -- truthfully or fully? 17 A There is not a reason, no. 18 Q Okay. Great. Thank you. 19 ATTORNEY ZHOU: I would like to mark as 20 Exhibit 1, EX 2226 in IPR2024-00467, the 21 Declaration of Robert O. Williams, III, Ph.D. 22 For the remote tech, there is three parts.	12 1 A So I have in front of me a clean copy, 2 just so you -- well, somewhere on there. Sorry. 3 Q Now -- 4 A But it's -- it's my Declaration of Robert 5 O. Williams III, Ph.D., on Case Number 6 IPR2024-00467, and my hard copy agrees now with 7 now what I see on the screen. 8 Q Okay. Thank you. 9 And to confirm, this report is dated 10 November 18th, 2024; is that correct? 11 A That is correct, yes. 12 Q Okay. Would you say this document is a 13 complete statement of your opinions? 14 ATTORNEY HASFORD: Object to the form. 15 A My declaration ending in 00467 case 16 number, it's -- it's a complete set of my 17 opinions, at least as I've -- what I've been asked 18 to do at this point in time. 19 Q Okay. Thank you. 20 Are there any corrections you need to make 21 to your report today? 22 A Not that I'm aware of, no.

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13 1 Q Okay. And did you draft this report? 2 A I did. The opinions in this report are my 3 opinions. 4 Q Okay. Was there anybody else involved in 5 the drafting of this report? 6 A I'm not sure exactly what you mean by 7 "drafting." But during -- I talked to counsel of 8 -- with my opinions on the questions that -- that 9 they were asking me. But, you know, this 10 declaration represents my own opinions, no one 11 else's. 12 Q Okay. Thank you. 13 About how much time did you spend writing 14 this report? 15 A Oh, I don't -- I don't recall. 16 Q Okay. 17 A Sorry. 18 Q No worries. 19 And how much time did you spend in 20 reviewing your materials considered? 21 A The materials considered in -- that are 22 listed in Exhibit B?	15 1 A Yes, I do. 2 Q Okay. And this report is dated December 3 the 3rd of 2024; is that correct? 4 A Actually, it's -- I dated it December 2nd, 5 2024 -- 6 Q That is my bad. 7 A -- on page -- 8 Q Correct. 9 A Yeah, okay. 10 Q Thank you for correcting me. 11 A You're welcome. 12 Q Would you say this document is a complete 13 statement of your opinions? 14 ATTORNEY HASFORD: Object to the form. 15 A So my opinions, based on the questions 16 that I was asked at this time, are contained in 17 this -- in this declaration for case number ending 18 00563. 19 Q Okay. And are there any corrections you 20 need to make regarding this report? 21 A None that I'm aware of. 22 Q Okay. Thank you.
14 1 Q Yes. 2 So all of the documents listed in 3 Exhibit B, how long would you say you spent 4 reviewing those documents? 5 A I really -- I don't recall. 6 Q Okay. 7 A I did review them all. I don't remember 8 how long it took. 9 Q No problem. 10 ATTORNEY ZHOU: I would like to mark as 11 Exhibit 2, Exhibit 2226 in IPR2024-00563, 12 Declaration of Robert O. Williams, III, Ph.D. 13 (Williams Exhibit 2, Report Dated December 14 3rd, 2024 in IPR2024-00563, marked for 15 identification.) 16 THE EXHIBIT TECHNICIAN: Would that be 17 Part 2? 18 ATTORNEY ZHOU: No, it would be the one 19 that's labeled 002. 20 Q Great. 21 Dr. Williams, do you recognize this 22 report?	16 1 And similarly to the previous report, did 2 you draft this report? 3 A I did in a similar manner as I described 4 for Exhibit 1. 5 Q Okay. And do you remember approximately 6 how much time this report took you to draft? 7 A I don't, no. 8 Q Okay. And similarly, all of the materials 9 considered in Exhibit B to this report, do you 10 remember approximately how much time you spent 11 looking at those? 12 A I don't, no. 13 Q Okay. Dr. Williams, you also submitted an 14 expert report in IPR2022-00142. 15 Do you recall that? 16 A You would have to show it to me. I know I 17 submitted another one, but it -- it's been a 18 while. I don't really remember it, sitting here 19 right now. 20 Q Okay. I don't have that right now, but 21 I'll pull it up in a bit. 22 And do you also -- did you also submit a

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17 1 report in the preliminary injunction hearing in -- 2 in the District of New Jersey earlier -- or in 3 2024? 4 ATTORNEY HASFORD: Object to the form. 5 A I believe I did submit a report, but I 6 don't remember when it was submitted or when 7 the -- when that hearing was -- 8 Q Okay. 9 A -- sitting here right now. 10 Q What did you do to prepare for your 11 deposition today? 12 ATTORNEY HASFORD: I just caution you -- 13 Bill, I just caution you, don't disclose the 14 substance of any communications with counsel you 15 had. 16 THE WITNESS: I understand. Thank you. 17 A To prepare for today's deposition, I 18 reviewed Exhibit 1 and Exhibit 2. And I reviewed 19 the documents that I listed in Exhibit B, except I 20 didn't -- I think in there -- in Exhibit B, for 21 both the declarations, I list that I had access to 22 papers that I published in my CV. I did not look	19 1 Q Okay. Thank you. 2 And as part of that meeting, did you 3 review any documents? 4 A Yes. 5 Q Which documents did you review? 6 A I reviewed with them my two declarations. 7 Q Okay. Did you speak with anyone else 8 outside of -- besides counsel about your 9 deposition today? 10 A I did not, no. 11 Q Okay. Thank you. 12 A Except my -- my wife knows I'm being 13 deposed because she's not allowed where I am 14 sitting in the house. So that -- that's the only 15 other -- she doesn't know any -- what it's about, 16 but she does know I'm being deposed. 17 Q Okay. Well, we will do our best to get 18 you out of here quickly. 19 Dr. Williams, would you agree that 20 generally, when formulating an ophthalmic product, 21 a formulator will try to get the formulation to 22 physiological pH of the eye as possible?
18 1 at -- at those papers. 2 And that's it -- 3 Q Okay. 4 A -- as I recall. 5 Q Okay. And did you -- did you meet with 6 counsel in preparation for this deposition? 7 A Yes, I did. 8 Q Without revealing any of the 9 conversations -- the contents of the conversations 10 you had with counsel, when did you meet with 11 counsel? 12 A I met with counsel yesterday for a few 13 hours. 14 Q Okay. And who did you meet with? 15 A I met with Mr. Hasford. I met with 16 Ms. Judson. And I met with another attorney, 17 Mr. Luneack. 18 Q Okay. And was it on Zoom? 19 A Well, it was virtual. I don't remember if 20 it was Zoom or Teams or -- that I'm -- I don't 21 think it was -- I think it was Teams, but it was 22 virtual.	20 1 ATTORNEY HASFORD: Object to the form. 2 A I'm sorry, could you -- could you say that 3 one more time, Ms. Zhou? 4 Q Sure. 5 Would you agree that generally, when 6 formulating an ophthalmic product, a formulator 7 will try to get the formulation to as close to 8 physiological pH of the eye as possible? 9 ATTORNEY HASFORD: Object to the form. 10 A In general, outside this context, when a 11 pharmaceutical formulator is formulating an 12 ophthalmic liquid eye drop, for example, in my 13 opinion, they will try to -- to have that solution 14 at a pH that is as close to physiological pH 7.4 15 as possible. 16 Q Okay. So formulators will, in general, 17 try to get an ophthalmic eye drop to a pH of 18 around 7.4; is that correct? 19 ATTORNEY HASFORD: Same objection. 20 A I think generally, unless there is some 21 countervailing reason that they -- that the 22 formulator is unable to do that, I think a goal

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21 1 would be to have the -- for eye -- the ophthalmic 2 solution would be to have it at as near 3 physiological pH as possible of 7.4. 4 Q Okay. Thank you. 5 Is there a requirement to formulate an 6 ophthalmic solution to a pH of 7.4? 7 ATTORNEY HASFORD: Objection. No 8 foundation. 9 A A requirement by whom? 10 Q By the FDA, for example. 11 ATTORNEY HASFORD: Same objection. 12 A I'm not aware of a requirement by the FDA 13 that requires an ophthalmic solution be formulated 14 at pH 7.4. I think a pharmaceutical formulator 15 would use their experience and their knowledge 16 of -- of formulation attributes that are desirable 17 for ophthalmic solutions. 18 (Reporter clarification.) 19 THE WITNESS: I'm sorry. Can you read 20 back what I was saying? 21 ATTORNEY HASFORD: I believe he said a 22 formulation scientist.	23 1 ATTORNEY HASFORD: Objection. Assumes 2 facts not in evidence. Incomplete hypothetical. 3 A So outside this -- the context of the '600 4 and the '245 patents, a skilled formulator may, if 5 there is a pH stability issue, meaning that we 6 can -- a skilled formulator may do a 7 preformulation study where they determine 8 the degradation kinetics of a particular drug as a 9 function of pH. And if that drug degrades at a 10 certain pH or range of pH values, then -- and 11 doesn't degrade at others, then that would provide 12 a window that -- of -- of a pH, either unique 13 point at pH or a range of pH where the 14 pharmaceutical formulator could formulate that 15 ophthalmic solution. 16 But the formulator has to then weigh that 17 with the -- what that does if the drug is 18 un-ionizable, what it does to the -- you know, to 19 the ratio of ionized to un-ionized drug, or what 20 that particular pH might do to of solubility of 21 the API. 22 So there's factors like this, and I
22 1 THE WITNESS: Scientist, yeah. 2 A Sorry, now I lost my train of thought. 3 Could you say your question again, please? 4 Q Sure. 5 Is there any requirement by the FDA, for 6 example to formulate an ophthalmic solution to pH 7 7.4? 8 ATTORNEY HASFORD: Objection to form. No 9 foundation. 10 A So generally speaking, I'm not aware of 11 a -- of an FDA rule that requires an ophthalmic 12 solution be formulated at a physiological pH 13 of 7.4. And in my opinion, a formulation 14 scientist will formulate as close to pH 7.4, and 15 that would be the desired target for an ophthalmic 16 solution, because they understand that at that pH, 17 they would minimize the -- the irritation that the 18 solution pH would cause to the patient. 19 Q Okay. Thank you. 20 And what are some reasons that a 21 formulator would not formulate an ophthalmic eye 22 drop to physiological pH?	24 1 discussed that in both of my declarations. 2 Q Okay. 3 A But that's -- that's generally speaking, 4 so... 5 Q Okay. Thank you. 6 You cabined your answer at the beginning 7 that -- outside of the context of the '245 and the 8 '600 patents. 9 But would these principles not also apply 10 to the drug at issue at the '245 and the '600 11 patents? 12 ATTORNEY HASFORD: Objection to the extent 13 it mischaracterizes the witness's testimony. 14 A Well, I'm not aware that brimonidine has a 15 pH stability issue. I'm not aware of that. I -- 16 but -- and then, as you know, the questions that 17 I'm answering for the '600 or -- you know, Doctor 18 -- I'm really responding to Dr. Laskar's -- what I 19 was asked to respond to was Dr. Laskar's opinion 20 that the skilled person would start with Alphagan, 21 the .2 and .5 percent solutions, which had an 22 acidic pH of -- or had a pH of the solution in the

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25 1 acidic range and also contained BAK. 2 So that's -- that's really what I'm 3 responding to specifically. 4 Q Okay. But you would say those are general 5 principles that would apply in the form -- in 6 formulating in general? 7 ATTORNEY HASFORD: Objection to form and 8 object to the extent it mischaracterizes the 9 witness's testimony. 10 A I mean, what I said is just generally 11 speaking outside the context of the '245 and the 12 '600 patent. 13 In the case of the -- of the Lumify, 14 starting at -- in my -- what I've laid out in 15 my -- in my opinion in both declarations is 16 reasons why that general principle that I talked 17 about, just for ophthalmic development in general, 18 don't apply to the Lumify product. 19 Q Okay. Thank you. 20 Let's go to paragraph 63 of Exhibit 1. 21 And will you let me know when you're 22 there?	27 1 preservative-free formulation. 2 Q Okay. I'll represent to you that Zioptan 3 is produced by a company called Santen. 4 And you state in paragraph 63 that 5 Dr. Laskar has personal involvement with the 6 development of preservative-free Zioptan; is that 7 correct? 8 A Yes. 9 Q Okay. Do you know if Dr. Laskar left 10 Santen before Santen began developing the 11 preservative-free Zioptan? 12 A Well, I mean, we can look at where I cite. 13 But where I cited, I understood what Dr. Laskar 14 stated was that he was working -- well, actually, 15 if we could just pull up Exhibit 2032 -- 16 Q Sure. 17 A -- and Page 95. Thank you. 18 ATTORNEY ZHOU: I'll mark that as 19 Exhibit 3. That should be 003 in the -- 20 (Williams Exhibit 3, Laskar Deposition 21 Transcript, marked for identification.) 22 ATTORNEY ZHOU: Great. And then let's go
26 1 A Yes. 2 Paragraph 63? 3 Q 63. 4 A Yeah. Thank you. 5 Okay. I'm there. 6 Q Okay. In paragraph 63, you discussed the 7 drug, the glaucoma drug Zioptan. 8 Do you see that? 9 A Yes, I see where I mention Zioptan, yes. 10 Q Okay. And I will represent to you that 11 you also make the same discussion in paragraph 43 12 of Exhibit 2, if you'd like to take a look at it. 13 But no worries if not. If it's cumbersome with 14 the two papers. 15 But would you tell me who manufactures 16 Zioptan? 17 A I mean, I don't know off the top of my 18 head. 19 My point in here was -- was -- what 20 Dr. Laskar, his history with developing 21 preservative-free ophthalmic formulations, and 22 Zioptan was an example of a	28 1 to Page 25 of the PDF, but it's Page 95 of the 2 transcript. So if we scroll down. 3 Q And you cite to 95 -- Page 95, Line 5 to 4 96- or line 4; is that correct? 5 A Yes, that is correct. 6 Q Okay. Can you read this okay? 7 A Yes, it's good. 8 Let me just refresh my memory. 9 Q Sure. 10 (Document review.) 11 A Okay. Thank you. 12 THE WITNESS: Okay. If you could go to 13 Page 96, please. 14 ATTORNEY ZHOU: Just scroll up on the 15 page. Yeah. 16 Sorry, other direction. 17 Yeah. Thank you. 18 (Document review.) 19 A Yes. Thank you for letting me refresh my 20 memory. 21 Q Of course. 22 A So, sorry, your question is?

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29 1 Q Do you know if Dr. Laskar left Santen 2 before Santen began developing preservative-free 3 Zioptan? 4 ATTORNEY HASFORD: Object to the extent it 5 mischaracterizes. 6 A Yeah, I mean, he says -- if you go down to 7 95, he was asked -- okay. He was involved in the 8 product Zioptan. He's -- he was asked, "Does 9 Zioptan contain benzalkonium chloride?" 10 He said, "Not as currently marketed. The 11 product at the time I was involved in, it was a 12 preservative product employing benzalkonium 13 chloride." 14 He was asked, "Was Zioptan modified to 15 become the first preservative-free prostaglandin 16 glaucoma drug?" 17 He says, "It was modified to be..." 18 THE WITNESS: If you go to the-- scroll 19 up, please to the top of the page. Thank you. 20 A He says "...first preservative-free 21 packaged in the unit dose." 22 Whether it's first or not, he didn't know.	31 1 Argumentative. 2 A Well, I mean that -- he says he's 3 speculating, but he -- I read it like he has some 4 authority there to -- to have an understanding, 5 so... 6 Q Okay. So would you agree that Dr. Laskar 7 was in fact not personally involved with the 8 development of a preservative-free formulation of 9 Zioptan? 10 ATTORNEY HASFORD: Object to the extent it 11 mischaracterizes the record. 12 A I don't know whether he was personally -- 13 I mean, I read this and he had some involvement in 14 -- in the product Zioptan, which he says he 15 started, you know, he would -- benzalkonium 16 chloride, and then it -- it was converted 17 apparently to preservative-free. 18 So he had involvement in -- along that 19 way. I'd have to ask -- ask him more specifically 20 about exactly what he did in the process. 21 Q Okay. Thank you. 22 And you would agree with me that
30 1 So that -- I understand that, that he was 2 involved in -- in Zioptan. So that -- that's the 3 basis of my statement here. 4 Q Okay. And then if we look at Line 5 of 5 96, the question was, "Why was Zioptan modified 6 from a formulation containing benzalkonium 7 chloride to preservative-free formulation?" 8 Do you see that? 9 A Yes. 10 Q And then do you see, also in Line 10, he 11 says, "I have no personal knowledge about why that 12 was done. That was done subsequent to my leaving 13 Santen"? 14 A Yes. And then he goes on to state -- he 15 speculates that the development proceeded more 16 rapidly in Europe because there was a preference 17 for new drugs to be either without preservative in 18 some fashion or another. 19 Q Right. 20 But he also says that was his speculation; 21 is that correct? 22 ATTORNEY HASFORD: Objection.	32 1 benzalkonium chloride is a preservative; is that 2 correct? 3 A Benzalkonium chloride is used as a 4 preservative in ophthalmic products. 5 Q Okay. And if I refer to it as "BAK," will 6 you understand that I'm -- I mean benzalkonium 7 chloride? 8 A Yes, that's fine. 9 Q Okay. What is the role of a preservative 10 in a formulation? 11 A It's to reduce or eliminate microbial 12 contamination within a product. Typically, the 13 product contains an aqueous or it's all water. 14 Q So would you agree with me that a 15 preservative reduces or eliminates microbial 16 contamination and it kills the contamination? 17 ATTORNEY HASFORD: Object to the form. 18 A Yeah, I mean, I -- that -- that -- my 19 understanding and from my experience, that -- 20 that -- just in general, preservatives work by 21 either preventing contamination, or if it's 22 already contaminated, they will kill the --

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33 1 whatever the microbe -- if they're effective 2 against that particular microbe, they -- they 3 would kill that microbe. 4 Q Okay. And what makes a chemical a strong 5 preservative? 6 ATTORNEY HASFORD: Object to the form. 7 A Sorry, I'm not -- I don't -- what makes a 8 chemical a strong preservative? I'm not -- I'm 9 not sure about that. 10 Q Would you say that the chemical's ability 11 to eliminate contamination is what makes a strong 12 preservative? 13 ATTORNEY HASFORD: Object to the form. 14 A Well, I mean, what -- what makes a -- a 15 good preservative is that it's effective at 16 reducing or eliminating a particular microbe that 17 it -- that happens to be active against at -- at a 18 low concentration. So, you know -- so it's -- 19 it's efficient, based on my experience. 20 Q Okay. In paragraph 62 of Exhibit 1, you 21 mention a handful of articles that discuss BAK's 22 toxicity in the eye; is that correct?	35 1 pharmaceutical formulator. I don't know about the 2 ophthalmologist doing LASIK surgery, but -- so I 3 think they probably would have been familiar with 4 these papers. 5 Q Okay. Thank you. 6 And the FDA has approved products with BAK 7 before 2008; is that correct? 8 A Yes, that's correct. 9 Q Okay. And those products are still 10 available today; is that correct? 11 ATTORNEY HASFORD: Objection. Assumes 12 facts not in evidence. 13 A When you say "those products" -- you -- so 14 are you -- what -- so FDA has approved products, 15 not just ophthalmic, but nonophthalmic products as 16 well that contain benzalkonium chloride. But are 17 you -- I'm sorry, I'm just not sure what those 18 are, and I'm not sure I would know if it gets much 19 beyond -- yeah, so... 20 Q Let me clarify the question. 21 Are the ophthalmic products containing BAK 22 that the FDA approved before 2008, do you know if
34 1 A Yes. 2 Q Okay. And these articles were all 3 published before 2008; is that correct? 4 A So talking about Debbasch was published in 5 2000. Pisella was published in 2002. Noecker was 6 published in 2001. Madhu, I don't state 7 what year, but I am pretty sure it was published 8 before 2008. 9 Q Okay. 10 A So I believe they all were. 11 Q Okay. Thank you. 12 And these are -- publications were all 13 available to the FDA; is that correct? 14 ATTORNEY HASFORD: Object to the form. 15 A Well, these -- these publications were -- 16 they were published, so they're in the public 17 domain. So they would have been available to a 18 person of ordinary skill in the art. So I'm 19 assuming the FDA folks that would have been 20 reviewing this would have probably fit the person 21 of ordinary skill in the art definition, either 22 definition -- sorry -- at least from a	36 1 those are still available today? 2 ATTORNEY HASFORD: Objection. Assumes 3 facts not in evidence. And object to the extent 4 it mischaracterizes the record. 5 A I don't know. I mean, what I responded to 6 was Dr. Laskar listed a certain number, I don't 7 remember exactly how many, but a certain number of 8 ophthalmic products that he said contained 9 benzalkonium chloride. And I responded to that 10 that -- that most of those products that he cited 11 were reported to cause ocular irritation. So -- 12 but I don't know if -- if they're still available 13 today or not. 14 Q Okay. And as of 2008, BAK was a 15 well-known preservative in ophthalmic products; is 16 that correct? 17 ATTORNEY HASFORD: Object to form. 18 A Benzalkonium chloride as of 2008 was used 19 in ophthalmic products as a preservative. 20 Q Okay. And the benzalkonium chloride 21 recited in the patent claims and in the product 22 Lumify is being used as a preservative; is that

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1 correct? 2 A The benzalkonium chloride that is cited in 3 the -- in Claim 1 of the '245 patent and it's used 4 in Lumify, it -- as far as I understand it, it's 5 being used at -- at least for a -- as a 6 preservative. 7 Q Okay. So would you agree with me that the 8 BAK is functioning in the formulation of Lumify 9 and in the patent claims in the same way it had 10 been known to function in other eye drops 11 available in 2008? 12 ATTORNEY HASFORD: Objection to the form. 13 And object to the extent it mischaracterizes. 14 A I -- I -- I'm not sure I know. I -- I 15 mean, if it's acting solely as a preservative, if 16 that's why it's being used in the other products, 17 then it is functioning as a preservative. But -- 18 but I'm not sure I know the -- the full answer to 19 that question. I wouldn't really ask to -- to -- 20 to offer an opinion on that -- that question. 21 Q Okay. Thank you. 22 Would you say that the use of benzalkonium	37 1 A So as -- as I answered before, that -- a 2 skilled person is going to do a study to figure 3 out what concentration of any preservative, 4 including benzalkonium chloride, is going to 5 provide sufficient preservative efficacy in that 6 particular formulation. 7 So they're going to-- they have to do that 8 study in order to determine what level of 9 benzalkonium chloride or any preservative is 10 efficacious or -- as a preservative. 11 Q Okay. Thank you. 12 And other than functioning as a 13 preservative, are you aware of any other functions 14 that BAK has in the claims of the '245 patent or 15 Lumify? 16 (Reporter clarification.) 17 ATTORNEY HASFORD: Objection to form. 18 ATTORNEY ZHOU: The '245. 19 ATTORNEY HASFORD: Same objection. 20 A My understanding and based on the 21 specification in the '245 patent is benzalkonium 22 chloride is acting as a preservative in the Lumify
38 1 chloride had the predictable outcome of reducing 2 contamination? 3 ATTORNEY HASFORD: Objection to the form 4 of the question. No foundation. 5 A I think in the development, a skilled 6 pharmaceutical formulator would do studies. For 7 example, one study is a preservative efficacy 8 study that would determine what level of 9 benzalkonium chloride in a formulation would -- 10 would be -- would provide sufficient activity as a 11 preservative. 12 They would determine that in order to -- I 13 think the goal of a formulator would be to -- to 14 try and minimize the level of -- of any -- any of 15 the excipients, including the preservative, and 16 including benzalkonium chloride. 17 Q So if a formulator were to use BAK as a 18 preservative in an ophthalmic product, it would 19 not be surprising if the BAK reduced 20 contamination; is that correct? 21 ATTORNEY HASFORD: Objection to form. 22 Incomplete hypothetical.	39 1 product. 2 Q Okay. Thank you. 3 ATTORNEY ZHOU: I'd like to mark as 4 Exhibit 4 the drug facts for an eye drop Systane 5 Complete lubricant eye drops. Just give it a 6 moment to show up on your screen. 7 THE EXHIBIT TECHNICIAN: Can you repeat 8 that exhibit? 9 ATTORNEY ZHOU: 4. 004. 10 (Williams Exhibit 4, Systane Complete Drug 11 Facts, marked for identification.) 12 ATTORNEY HASFORD: Counsel, does this 13 document have a -- an exhibit number already in 14 the IPR separate from what it's marked? 15 ATTORNEY ZHOU: It does not. It is, 16 however, publicly available on the FDA website. 17 Q Dr. Williams, are you able to see the 18 document okay? 19 A I do, yes. 20 Q Okay. Are you familiar with these eye 21 drops? 22 A I have heard of them, yes. I haven't

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41 1 looked at them in a while, but I have heard of 2 them. 3 Q Okay. 4 ATTORNEY ZHOU: Can we go to Page 4 of the 5 document, please, where it shows the product 6 carton. 7 Q Okay. The -- the text is a little bit 8 blurry, but the actual text appears elsewhere in 9 the document. So if you can't read it, let me 10 know. 11 A I cannot read it. I cannot read it. 12 Q Okay. So let's go to -- I think it's 13 Page 2 -- or can you see it now or would you like 14 to -- 15 A No. It's blurry. 16 ATTORNEY ZHOU: Okay. Then let's go to 17 Page 2 of the PDF, please. Actually, scroll up a 18 little bit. 19 Q Okay. Do you see the section that 20 says "Warnings"? 21 A Yes. 22 Q Okay. Can you tell me what it says in the	43 1 from my experience, that has preservative. It 2 functions as a preservative as well. 3 And there may be other ingredients in here 4 that are -- that are also functioning -- 5 contributing to the preservative. 6 And so you -- a skilled person would, if 7 they want to understand which of these inactive 8 ingredients as well as the propylene glycol active 9 ingredient, they are functioning as a 10 preservative, they would -- they would do kind of 11 a -- a -- a study to look at each one to see what 12 their contribution is to preservative efficacy. 13 Q Okay. Thank you. 14 But BAK is not listed in this group; is 15 that correct? 16 ATTORNEY HASFORD: Objection. No 17 foundation. Assumes facts not in evidence. 18 A I mean, I don't see the words 19 "benzalkonium chloride" -- 20 Q Okay. 21 A -- listed in the inactive ingredients. 22 Q Thank you.
42 1 section that starts with, "Stop and" -- "Stop use 2 and ask a doctor if..."? 3 A Okay. Where you are reading, it says, 4 "Stop use and ask a doctor if you experience any 5 of the following: eye pain, changes in vision, 6 continued redness or irritation of the eye, 7 condition worsens or persists for more than 8 72 hours." 9 Q Okay. Thank you. 10 ATTORNEY ZHOU: And let's go to Page 2, 11 top of Page 2 of the document. 12 Q And it lists -- here it lists all the 13 inactive ingredients. 14 Do you see that? 15 A Yes. 16 Q Okay. Are you able to tell me what the 17 preservative that is used in Systane Complete 18 lubricant eye drops is? 19 ATTORNEY HASFORD: Objection. No 20 foundation. Assumes facts not in evidence. 21 A Well, one preservative is polyquad, but 22 the active is propylene glycol .6 percent. And	44 1 ATTORNEY ZHOU: I'd like to mark as 2 Exhibit 5, Visine Red Eye Hydrating Comfort drops, 3 the drug information. 4 (Williams Exhibit 5, Visine Red Eye 5 Hydrating Comfort Drops, Drug Facts, marked for 6 identification.) 7 ATTORNEY ZHOU: And to answer, 8 preemptively answer Attorney Hasford's question, 9 no this is not an exhibit, but it is publicly 10 available on the FDA website. 11 Q Dr. Williams, are you able to see this 12 document all right? 13 A Yes. 14 Q Are you familiar with the Visine Red Eye 15 Hydrating Comfort eye drops? 16 A I am familiar with them. I haven't looked 17 at this in a while, but I am familiar with them. 18 Q Okay. No problem. 19 ATTORNEY ZHOU: Let's go to page -- I 20 think it's Page 3 that has a product carton. 21 BY ATTORNEY ZHOU: 22 Q Okay. Are you able to read this okay?

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45 1 A You know, it -- it's blurry. I'd rather 2 if you have it like you did before in the -- 3 Q Okay. 4 A -- in the product label, that would be -- 5 that would be better. 6 Q Okay. 7 ATTORNEY ZHOU: Let's go, then, to Page 1, 8 and let's go to the section that says "Warnings." 9 Q And do you see the section that 10 says, "Stop use and ask doctor if..."? 11 A Yes. 12 Q Okay. And what is that warning that is 13 listed there? 14 ATTORNEY HASFORD: Objection. No 15 foundation. Assumes facts not in evidence. 16 A So in this label, the -- under "Warnings," 17 it says, "Stop use and ask doctor if you feel eye 18 pain, changes in vision occur, redness or 19 irritation of the eye lasts, conditions worsens or 20 lasts more than 72 hours." 21 Q Okay. Thank you. 22 ATTORNEY ZHOU: And let's go to the	47 1 to preservative effectiveness. 2 Q Okay. Is polyquaternium-42, is that a 3 preservative? 4 A It might be. I -- yeah, I mean, it may 5 be. 6 Q Okay. Thank you. 7 But similarly as the last exhibit, BAK is 8 not listed in the inactive ingredients section; is 9 that correct? 10 ATTORNEY HASFORD: Objection to form, no 11 foundation. Assumes facts not in evidence. 12 A In this section of -- of this -- this 13 Visine product label under "inactive ingredients," 14 I don't see the words "benzalkonium chloride." 15 Q Okay. Thank you. 16 ATTORNEY ZHOU: I'd like to mark as 17 Exhibit 6 the Rohto Optic Glow drops drug facts 18 document, please. 19 (Williams Exhibit 6, Rohto Optic Glow Drug 20 Facts, marked for identification.) 21 ATTORNEY ZHOU: Thank you. 22 Q Dr. Williams, are you familiar with these
46 1 section entitled, "Inactive ingredients." I think 2 it's also at the top of Page 2. Page 2 of the 3 document. Thank you. Yeah, right there. 4 Q Do you see that section, Dr. Williams? 5 A Yes. 6 Q Okay. Do you know what the preservative 7 used in Visine Red Eye Hydrating Comfort eye drops 8 is? 9 ATTORNEY HASFORD: Objection. No 10 foundation. Assumes facts not in evidence. 11 A Well, I don't -- I mean, just from the -- 12 the inactive ingredient names there, I don't 13 recognize a preservative. But from my experience, 14 this -- this product also has polyethylene glycol 15 400 in it. And I know that can function as a -- 16 as a preservative. 17 And, again, a skilled person would -- if 18 they want to know what is contributing to 19 preservative effectiveness, they would do a study 20 as I -- as I described before for the Systane 21 product and figure out what -- what exactly is 22 contributing or a combination that's contributing	48 1 eye drops? 2 A I've heard of them, yes. 3 Q Okay. Thank you. 4 ATTORNEY ZHOU: Can we turn to page -- 5 let's go to Page 3 where the product carton is, 6 please? 7 Q Are you able to read this? 8 A Yeah, no. Same answer -- 9 Q All right. 10 A -- as with the other two. 11 Q Okay. No worries. 12 Let's go back to Page 1. 13 And then do you see the "Warning" section 14 on Page 1? 15 A Yes. 16 Q Okay. And do you see the section that 17 says, "Stop use and ask doctor" -- "ask a doctor 18 if..."? 19 A I do, yes. 20 Q And it says, "Stop use and ask a doctor if 21 you experience eye pain, changes in visions occur, 22 redness or irritation of the eyes lasts, condition

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49 1 worsens or lasts more than 42" -- or "72 hours"; 2 is that correct? 3 A Yes, it is. 4 Q Okay. 5 ATTORNEY ZHOU: And then let's go to 6 Page 2, where there will be a panel that says 7 "Inactive ingredients." 8 Q Do you see that, Dr. Williams? 9 A Yes, I do. 10 Q Okay. What is the preservative that is 11 used in the Rohto Optic Glow eye drops? 12 ATTORNEY HASFORD: Objection. No 13 foundation. Assumes facts not in evidence. 14 A Well, there's probably several ingredients 15 that are functioning as preservatives. One is the 16 chlorobutanol. Another one may be the polysorbate 17 80. And this product had -- I think it was 18 propylene glycol 2 percent. 19 And from my experience, that -- that can 20 contribute to preservative efficacy. So -- and 21 again, like the other products, a skilled person, 22 if they want to know which of these ingredients in	51 1 We're going to skip the product carton 2 this time. 3 ATTORNEY ZHOU: Let's go to the section 4 that says "Warnings." 5 Q And these warnings also say under, "Stop 6 use and ask a doctor if you experience any of the 7 following: eye pain, changes in vision, continued 8 redness or irritation of the eye, condition 9 worsens or persists for more than 72 hours." 10 Is that correct? 11 A Yes, it is. 12 Q Okay. Thank you. 13 ATTORNEY ZHOU: Let's go to the panel that 14 says, "Inactive ingredients." 15 Thank you. 16 Q Dr. Williams, is there a preservative 17 listed in this list? 18 ATTORNEY HASFORD: Objection. No 19 foundation. Assumes facts not in evidence. 20 A Well, like previous labels, this is 21 product contains propylene glycol and polyethylene 22 glycol 400 at .4 and .3 percent. And from my
50 1 this combination are contributing to preservative 2 efficacy, they would do a study and actually do 3 the preservative efficacy testing to -- to figure 4 that out. 5 Q Okay. Thank you. 6 And BAK is not listed as an inactive 7 ingredient in this section; is that correct? 8 ATTORNEY HASFORD: Same objections. 9 A I -- in -- in this label "inactive 10 ingredients," I don't see the word "benzalkonium 11 chloride." 12 Q Okay. Thank you. 13 ATTORNEY ZHOU: I'd like to mark as 14 Exhibit 7, the Systane Hydration PF 15 Preservative-Free eye drops drug facts, please. 16 (Williams Exhibit 7, Systane Hydration PF 17 Preservative-Free Drug Facts, marked for 18 identification.) 19 Q Dr. Williams, are you familiar with these 20 eye drops? 21 A I've heard of them, yes. 22 Q Okay. Thank you.	52 1 experience, those function or can function as a -- 2 as a preservative. 3 In this list of inactive ingredients, I 4 don't -- at least from just the names that are 5 stated there, I don't recognize one as 6 particularly having antimicrobial or preservative 7 efficacy. But, again, a skilled person would -- 8 would figure that out experimentally what -- what 9 is providing the preservative efficacy for this -- 10 for this particular product, combination of 11 ingredients. 12 Q Okay. 13 ATTORNEY ZHOU: Let's scroll back to the 14 first page, if you don't mind. All the way to the 15 top, please. 16 Q The title of -- or the name of this 17 product is Systane Hydration PF Preservative-Free; 18 is that correct? 19 A Yes. 20 ATTORNEY HASFORD: Objection. 21 Q So presumably there is no preservative in 22 this product --

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53 1 ATTORNEY HASFORD: Objection. 2 Q -- is that correct? 3 ATTORNEY HASFORD: Objection. No 4 foundation. Assumes facts not in evidence. 5 A Sorry, your question, Ms. Zhou? 6 Q Yeah. The question is, presumably there 7 is no preservative in this product; is that 8 correct? 9 ATTORNEY HASFORD: Same objections. 10 A Well, I mean, "preservative-free" is in 11 the title. That doesn't necessarily mean that the 12 product doesn't exhibit preservative efficacy 13 attributes; which in my opinion, it would, based 14 on my experience with the polyethylene glycol 400 15 and the propylene glycol. 16 So anyway, yeah, that's -- that's based on 17 my experience. 18 Q Okay. Thank you. 19 ATTORNEY ZHOU: And then I'd like to mark 20 as Exhibit 8, the Refresh Digital eye drops drug 21 facts, please. It's labeled as 010 in the folder. 22 (Williams Exhibit 8, Refresh Digital Eye	55 1 And from my experience, that -- that also can 2 contribute to preservative efficacy. 3 So again, a skilled person would, if they 4 want to know what's contributing to preservative 5 efficacy, they would -- they would test -- they 6 would set up a study and -- and test the 7 contribution of -- with and without each of 8 these -- these inactive ingredients and the 9 glycerin and possibly even the polysorbate 80 that 10 was also listed up above. 11 Q So even with Purite listed as a -- a 12 potential -- or strike that. 13 Even with Purite as a potential 14 preservative in this product, and perhaps 15 polysorbate 80, this product still comes with a 16 warning label; is that correct? 17 ATTORNEY HASFORD: Objection. No 18 foundation. Assumes facts not in evidence. 19 A I mean, it seems like these are all -- 20 they're OTC products and they're -- and it seems 21 like you're getting the same label because of the 22 OTC monograph. But Dr. Noecker addresses that. I
54 1 Drops Drug Facts, marked for identification.) 2 ATTORNEY ZHOU: Great. Thank you. 3 Q Dr. Williams, are you familiar with these 4 eye drops? 5 A I've heard of them, yes. 6 Q And then let's go to -- it says under the 7 "Warning" section, "Stop use and ask a doctor if 8 you experience eye pain, changes in vision, 9 continued redness or irritation of the eye, or if 10 the condition worsens or persists for more than 11 72 hours"; is that correct? 12 A Yes, it is. 13 Q Thanks. 14 ATTORNEY ZHOU: And let's scroll down to 15 the inactive ingredient section. 16 Thank you. 17 Q And is BAK present in this formulation? 18 ATTORNEY HASFORD: Objection. No 19 foundation. Assumes facts not in evidence. 20 A So this product, in inactive ingredients, 21 it lists Purite, which is the stabilized oxychloro 22 complex. It also contains 1 percent glycerin.	56 1 don't really address that in my report. But I do 2 have a -- a bit of discussion where I -- I -- I 3 rely on Dr. Noecker. 4 Q Okay. Thank you. 5 And let's go back to one of the topics we 6 covered at the beginning. 7 ATTORNEY ZHOU: Two -- I think, Julie, 8 there should be two more documents in the link 9 now. 10 Do you see those? 11 THE EXHIBIT TECHNICIAN: Let me 12 double-check here. 13 ATTORNEY ZHOU: Yep. 14 ATTORNEY HASFORD: Actually, if you're 15 needing some time to pull up your documents, it 16 looks like we've been going about an hour. 17 Do you want to take a break now? 18 ATTORNEY ZHOU: Sure. Let's take a 19 five-minute break. 20 ATTORNEY HASFORD: Yeah. Thank you. 21 THE VIDEOGRAPHER: We are going off the 22 record. The time is 10:59 A.M.

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57 1 (Recess.) 2 THE VIDEOGRAPHER: We are back on the 3 record. The time is 11:06 A.M. 4 BY ATTORNEY ZHOU: 5 Q Welcome back, Dr. Williams. 6 A Thank you, Ms. Zhou. 7 Q Earlier we were discussing Exhibit 1 and 8 Exhibit 2, which were the declarations you 9 submitted in your report. 10 Do you recall that? 11 A Yes. 12 Q And when we -- do you recall also 13 discussing how you wrote your report, briefly? 14 A Yes. 15 Q Okay. When you were writing these two 16 reports, what did you do differently between the 17 two reports? 18 A I -- not much. This -- the questions I 19 was responding to that -- that I was asked to 20 respond to were similar. And since Dr. Laskar 21 was -- kind of his central theme was starting with 22 the Alphagan product, you know, both reports	59 1 know, include benzalkonium chloride and arrive at 2 the claim pH range. 3 And the benzalkonium chloride is -- is, 4 you know, specifically stated by name in the '245 5 patent, Claim 1, and it's -- it's not specifically 6 stated, but I read it as not excluding it in 7 the -- Claim 1 of the '600 patent. 8 But the questions that-- since he started 9 with the Alphagan product, they're -- that -- for 10 me, they were -- they were quite similar in 11 responding to -- and then I responded also to one 12 of the opinions Dr. Galanis had about a starting 13 point for the product. 14 Q Okay. Thank you. 15 ATTORNEY ZHOU: I'd like to mark as 16 Exhibit 9, it is in the -- the file folder as 17 EX2021, the Declaration of Robert O. Williams, 18 III, Ph.D., in IPR2022-00142. 19 (Williams Exhibit 9, Declaration of Robert 20 O. Williams, III, Ph.D., in IPR2022-00142, marked 21 for identification.) 22 Q Dr. Williams, do you see this exhibit?
58 1 were -- were quite similar in -- in the scope. 2 Q Okay. Thank you. 3 And we have two different patents going on 4 in the two different IPRs; is that correct? 5 ATTORNEY HASFORD: Object to the form. 6 A Yeah. My understanding is there's -- 7 there's two different IPR cases; one for the '600 8 patent and one for the '245 patent. 9 Q Okay. 10 A And they're -- my understanding is their 11 specification -- you know, except for the claims, 12 they're, if not identical, they're very, very 13 similar, and the claims are different. 14 Q Okay. And when you were writing your 15 declarations, did you consider the differences 16 between the claims of the '245 patent and the '600 17 patent? 18 ATTORNEY HASFORD: Object to the form. 19 A Well, I -- I was asked to respond to 20 Dr. Laskar's -- his points on basically starting 21 with the Alphagan .2 or .5 percent product, that a 22 skilled person would start with that, and you	60 1 A Yes, I do. 2 Q Okay. And do you recognize this 3 declaration? 4 A I mean, I recognize that I did it. I 5 haven't reviewed it. I -- it's -- I don't even 6 remember when I reviewed it, so -- but I do 7 recognize it -- that it is my declaration -- 8 Q Okay. 9 A -- for the '742 patent IPR case. 10 Q Okay. Thank you. 11 ATTORNEY ZHOU: And then I'd like to mark 12 as Exhibit 10, the Declaration of Robert O. 13 Williams, III, Ph.D., in -- that's what it's named 14 in the file, but it is in the in re Lumify case. 15 (Williams Exhibit 10, Declaration of 16 Robert O. Williams, III, Ph.D. in the Lumify Case, 17 marked for identification.) 18 Q Dr. Williams, do you see this document? 19 A I do, yes. 20 Q And this is the declaration you submitted 21 in support of plaintiffs' motion for a preliminary 22 injunction; is that correct?

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61 1 A It appears to be, based on the title, the 2 front page here that's showing. 3 Q Okay. And do you recall which patent this 4 preliminary injunction proceeding referred to? 5 A I don't. I haven't -- I haven't reviewed 6 this since the -- the actual hearing itself, so I 7 don't recall -- 8 Q Okay. 9 A -- sitting here right now. 10 Q Okay. So I'll represent to you that 11 this -- the PI had -- related to the '245 patent. 12 And so when you were preparing your 13 declaration in these IPRs, what did you do 14 differently between the IPR declaration we saw in 15 the '742 patent proceeding and the preliminary 16 injunction proceeding? 17 ATTORNEY HASFORD: Objection. Objection 18 to the form. 19 A I mean, my -- the way I would have 20 approached would have been the same. I don't -- I 21 haven't looked at this. I haven't reviewed this 22 -- this declaration from the preliminary	63 1 yes, that -- in relation to what I'm addressing 2 from Dr. Laskar. 3 Q Take a look, if you would, at paragraph 49 4 on Page 23 of Exhibit 2. 5 A Okay. 6 Q If you would, read that paragraph to 7 yourself and let me know when you're ready. 8 (Document review.) 9 A Okay. 10 Q Toward the bottom of the-- of Page 23, you 11 write, "in fact, in its press release announcing 12 the withdrawal of the older Alphagan 0.2 percent 13 formulation, Alphagan pointed to physicians' 14 acceptance of the new Alphagan P product and 15 further explained, 'Alphagan P (brimonidine), 16 .15 percent, is comparable in efficacy to Alphagan 17 0.2 percent, but is preserved with Purite. 18 "Company officials have said their 19 research has shown that a 'vast majority' of its 20 physician customers prefer this newer formulation 21 brimonidine over the older version that did not 22 have the Purite preservative. Clinical trials
62 1 injunction hearing since whenever it was, which I 2 don't really remember sitting here now. But I 3 would have approached it in the same way, so... 4 Q Okay. Thank you. 5 ATTORNEY ZHOU: Those are all the 6 questions I have for you today. 7 THE WITNESS: Thank you. 8 ATTORNEY HASFORD: We have a few follow-up 9 questions. 10 EXAMINATION BY 11 ATTORNEY HASFORD: 12 Q Good morning, Dr. Williams. 13 A Good morning. 14 Q Would you bring up or take a look at your 15 hard copy of what Ms. Zhou marked as Exhibit 2. 16 It is your declaration on the '600 patent. 17 Okay? 18 A Okay. 19 Q Earlier today, you testified about the 20 original Alphagan products. 21 Do you remember that? 22 A I've mentioned them a couple of times,	64 1 have shown that patients who receive Alphagan P 2 have lower rates of certain adverse events, such 3 as ocular allergy, than patients receiving 4 Alphagan 0.2 percent." 5 And you cite Exhibit 2233, Alphagan press 6 release, 2002, and you add some emphases. 7 Do you see that? 8 A Yes. 9 Q How, if at all, do your opinions in 10 paragraph 49 of your declaration involving the 11 '600 patent also relate to your opinions regarding 12 the '245 patent? 13 ATTORNEY ZHOU: Objection, form. 14 Objection, leading. Objection, outside the scope 15 of the examination. 16 Q You may answer, Dr. Williams. 17 A So in this paragraph, this directly 18 relates -- it's really the same issue in the '245 19 patent. The '245 patent, Example 1, does 20 specifically list benzalkonium chloride as -- as, 21 as I understand it, being required in the 22 composition, the formulation.

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65 1 And so -- and I mentioned it in the '600 2 patent because -- and I also mentioned it in the 3 '245 patent. I just don't -- I have the -- the 4 cite, but I don't actually call out the -- this 5 quote. 6 But it's relevant because Dr. Laskar is -- 7 is -- is, as I understand his opinion and what I'm 8 addressing, is he's starting with the -- the 9 Alphagan products, the .2 and .5 percent products 10 that were discontinued in 2002, as opposed to 11 starting with the newer Alphagan P products. 12 And this is -- this is a reason of how 13 Allergan explained -- explained that, which I 14 thought was relevant to both patents. 15 Q Earlier today, Ms. Zhou asked you some 16 questions about products containing BAK that were 17 approved prior to 2008, and she asked you whether 18 those products were still on the market today. 19 Do you remember that line of questioning? 20 A Yes. 21 ATTORNEY ZHOU: Objection. 22 Mischaracterizes.	67 1 Q You may answer. 2 A Not that I'm aware of, no. 3 ATTORNEY HASFORD: Nothing further from 4 us. 5 ATTORNEY ZHOU: Okay. I think that's it. 6 Thank you very much for your time today, 7 Mr. Williams. 8 THE WITNESS: Thank you, Ms. Zhou. 9 THE VIDEOGRAPHER: This marks the end of 10 the videotaped deposition of Dr. Robert Williams, 11 III. 12 We are going off the record at 11:18 A.M. 13 14 (Time Noted: 11:18 A.M.) 15 16 17 18 19 20 21 22
66 1 A I do, yes. 2 Q Allergan's original Alphagan products 3 contained what preservative? 4 A The Alphagan .2 and .5 percent products 5 contained benzalkonium chloride. 6 Q When, if at all, were the original 7 Alphagan 0.5 and 0.2 products withdrawn from the 8 market? 9 ATTORNEY ZHOU: Objection, relevance. 10 Objection, leading. Objection, outside of the 11 scope of the examination. 12 Q You may answer, Doctor. 13 A Yeah, so on Page 22 of my -- it's -- I 14 think it's Exhibit 1. It's the -- my declaration 15 for the IPR for the '600 patent, on Page 22 in the 16 table, I list the Alphagan .2 and .5 percent were 17 both discontinued in 2002. 18 Q Are the Alphagan products that contained 19 BAK still available on the market today? 20 ATTORNEY ZHOU: Objection, form. 21 Objection, leading. Objection, outside of the 22 scope of the examination. Objection, relevance.	68 1 ACKNOWLEDGMENT OF DEPONENT 2 I, ROBERT O. WILLIAMS, III, Ph.D., do 3 hereby acknowledge that I have read and examined 4 the foregoing testimony and the same is a true, 5 correct, and complete transcription of the 6 testimony given by me and any corrections appear 7 on the attached errata sheet signed by me. 8 9 _____ 10 (SIGNATURE) (DATE) 11 12 13 14 15 16 17 18 19 20 21 22

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Transcript of Robert O. Williams, III, Ph.D.
Conducted on January 28, 2025

18 (69 to 72)

69

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC
2 I, Anita M. Trombetta, Certified Reporter and
Notary Public within and for the State of New York
3 do hereby certify: That ROBERT O. WILLIAMS, III,
Ph.D., the witness whose deposition is
4 hereinbefore set forth, was duly sworn by me
before the commencement of such deposition and
5 that such deposition was taken before me and is a
true record of the testimony given by such
6 Witness.
I further certify that the adverse party,
7 EYE THERAPIES, LLC, was represented by counsel at
the deposition.
8 I further certify that the deposition of
ROBERT O. WILLIAMS, III, Ph.D., occurred remotely
9 On Tuesday, January 28th, 2025, commencing at
10:02 A.M. to 11:18 A.M..
10 I further certify that I am not related to
any of the parties to this action by blood or
11 marriage, I am not employed by or an attorney to
any of the parties to this action, and that I am
12 in no way interested, financially or otherwise, in
the outcome of this matter.
13
IN WITNESS WHEREOF, I have hereunto set my
14 Hand this 7th day of February, 2025.
15
16 
17
18
19 NOTARY PUBLIC IN AND FOR THE STATE OF NEW YORK
20
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ability	address	64:1, 64:4,	22:5, 38:14,
8:19, 33:10	6:21, 56:1	64:5, 65:9,	39:3, 39:9,
able	addresses	65:11, 66:2,	39:13, 42:4,
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about	adverse	32:22, 40:13	13:4
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