

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. REDDY'S LABORATORIES SA, et al.,

Petitioner,

v.

EYE THERAPIES LLC,

Patent Owner.

Case No. IPR2024-00467

US Patent No. 11,833,245

Case No. IPR2024-00563

US Patent No. 11,596,600

Tuesday, April 1, 2025

1:32 p.m. CDT

REMOTE DEPOSITION OF JOHN GALANIS, MD, FACS

(This proceeding was conducted via Zoom.

All participants appeared remotely.)

STENOGRAPHICALLY REPORTED BY:

Deanna J. Dean, RDR, CRR

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	2 Tuesday, April 1, 2025 1:32 p.m. CDT Remote deposition of JOHN GALANIS, MD, FACS, held via Zoom videoconference, before Deanna J. Dean, a Registered Diplomate Reporter, Certified Realtime Reporter, and licensed court reporter of the state of New Hampshire.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	4 INDEX ExaminationPage JOHN GALANIS, MD, FACS By Attorney Diner6 EXHIBITS GalanisDescriptionPage Exhibit 1US Patent No. 11,596,60018
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	3 APPEARANCES GOODWIN PROCTER LLP Attorneys for Petitioner 1900 N Street NW Washington, DC 20036 (202) 346-4358 BY: CHRISTOPHER J. CASSELLA, ESQ. ccassella@goodwinlaw.com FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP Attorneys for Patent Owner 901 New York Avenue, NW Washington, DC 20001-4413 (202) 408-4116 BY: BRYAN C. DINER, ESQ. bryan.diner@finnegan.com BY: CHRISTINA JI-HYE YANG, ESQ. christina.yang@finnegan.com ALSO PRESENT: ALICIA PETTYJOHN, legal video specialist
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	5 PROCEEDINGS THE VIDEOGRAPHER: We are now on the record. This is the video deposition of Dr. John Galanis, MD, taken in the matter of Dr. Reddy's Laboratories SA and Dr. Reddy's Laboratories Inc., Petitioners, v. Eye Therapies LLC, Patent Owner, before the United States Patent and Trademark Office, before the Patent Trial and Appeal Board, in reference to IPR2024-00467, with Patent '245, and IPR 2024-00563, Patent '600. Today's date is April 1, 2025, and the time is 1:32 p.m. Central Time. This deposition is being held remotely by Zoom videoconferencing. The court reporter is Deanna Dean and the videographer is Alicia Pettyjohn. Both are presenting on behalf of Henderson Legal Services. Will counsel please introduce themselves and state whom they represent and the court reporter swear in the witness after. ATTORNEY DINER: This is Bryan Diner. I'm joined with my colleague, Christina Yang, and we represent the patent owner.

6 1 ATTORNEY CASSELLA: Good afternoon. This 2 is Chris Cassella from the law firm Goodwin 3 Procter on behalf of the petitioners and the 4 witness, Dr. Galanis. 5 JOHN GALANIS, MD, FACS, 6 a witness called for examination, having been first 7 duly sworn according to law, was deposed and 8 testified as follows: 9 EXAMINATION 10 BY ATTORNEY DINER: 11 Q. Good afternoon, Dr. Galanis. 12 A. Good afternoon. 13 Q. If we can, I'd like to start with dropping 14 the declarations, the reply declarations that you 15 submitted in these IPRs, so that you could just 16 authenticate them quickly. 17 ATTORNEY DINER: So, Alicia, can 18 you just -- there should be two of them, both of 19 them Exhibits 1147. 20 Q. Okay, Dr. Galanis. You should be able to 21 see on your screen your reply declaration in the 22 IPR dealing with the '245 patent. 23 Do you see that in front of you? 24 A. I do. 25 Q. And did you submit this reply declaration	8 1 document name for the '600 patent? 2 ATTORNEY DINER: Oh, it's not in there. 3 Okay. 4 One second, please. 5 THE VIDEOGRAPHER: Sure. 6 ATTORNEY DINER: Alicia, do you have the 7 '245 patent there in front of you? 8 THE VIDEOGRAPHER: Yes. 9 Would you like me to bring that up while 10 we wait? 11 ATTORNEY DINER: Sure. Both. The '600 12 patent is going to be in there as well, so we'll 13 bring that up next. 14 BY ATTORNEY DINER: 15 Q. Okay. Dr. Galanis, do you recognize the 16 '245 patent that's before you on the screen? 17 A. I do. 18 Q. And I believe it's -- I don't know if you 19 can scroll down, but I believe it's in the IPR -- 20 there it is. It's Exhibit 1001. 21 Do you see that? 22 A. I do see that. 23 Q. Okay. 24 ATTORNEY DINER: And, Alicia, can we bring 25 up the '600 patent quickly.
7 1 as part of the IPR for the '245 patent? 2 A. I did. 3 Q. Could you go to the signature page and 4 just verify that that is your signature on page 47 5 of the document. 6 A. That is my signature. 7 Q. Could we do the same thing, then, with 8 regard to the reply declaration in the '600 patent. 9 Do you recognize this document that's in 10 front of you, Dr. Galanis, on the screen? 11 A. I do. 12 Q. What is it? 13 A. That is my reply declaration for the '600 14 patent. 15 Q. Okay. And can you go to page 39 and 16 verify that that is your signature on that page. 17 A. Yes, that is my signature. 18 Q. Anything in these declarations that you 19 wish to change at this point, correct, et cetera? 20 A. No. 21 ATTORNEY DINER: Okay. Alicia, can you 22 bring up the '245 patent. 23 And you might as well bring up the '600 24 patent as well. 25 THE VIDEOGRAPHER: What's the full	9 1 Q. Okay. Dr. Galanis, do you have a document 2 in front of you? 3 A. I do. 4 Q. Okay. Can you tell me what it is? 5 A. Sure. It's the '600 patent dated March 7, 6 2023. 7 Q. And does it have an exhibit number? It 8 may not. 9 A. I don't see one immediately on the screen. 10 Q. That's okay. 11 I'll represent to you that it is Exhibit 12 1001 in the IPR pertaining to the '600 patent. 13 Is that okay? 14 A. That's perfectly fine. 15 Q. Is it your understanding that the 16 specifications of these two patents are 17 substantially the same? 18 A. Substantially the same. I mean, I think 19 there's different languages in the claims. But, I 20 mean, they're very similar. I can't give you a 21 legal opinion on the substantial similarity, but 22 from a person of ordinary skill in the art, they 23 seem very similar. 24 Q. Okay. When I speak of substantially the 25 same, I mean the specification not including the

10 1 claims. 2 So the text, the examples, et cetera, do 3 you understand all that to be substantially the 4 same between the two patents? 5 A. I do. 6 Q. Okay. 7 If I refer to the '245 patent and speak to 8 any of the text in the '245 patent other than the 9 claims, you would understand in that would also 10 apply to the '600 patent. Is that fair? 11 A. I think that's fair. 12 Q. Okay. Thank you. 13 Dr. Galanis, were you involved in 14 preliminary injunction proceedings that occurred 15 with respect to the '245 patent back in December of 16 2023 into January of 2024? 17 A. Preliminary injunction? I -- to be honest 18 with you, I don't specifically recall being 19 involved in those particular discussions, although 20 I could be corrected if you have some evidence to 21 the contrary. 22 Q. No worries. Let me give you more 23 information. 24 Do you recall being involved in a 25 proceeding in the District Court for the District	12 1 '245 patent. Correct? 2 A. I believe so, yes. 3 Q. Okay. 4 ATTORNEY DINER: Alicia, can you pull up 5 from the place where the documents are stored 6 the opening Markman brief. It's dated 7 September 30, 2024, I believe. 8 Oh, it may be called claim construction 9 brief. 10 THE VIDEOGRAPHER: You said opening claim 11 construction? 12 ATTORNEY DINER: Yeah. It may be called 13 that in the folder. It has a date on it. It 14 may have a date associated with it of 15 September 30th. 16 THE VIDEOGRAPHER: Yes, I see it. Thank 17 you. 18 ATTORNEY DINER: Okay. 19 BY ATTORNEY DINER: 20 Q. Okay. Dr. Galanis, do you have in front 21 of you a document that is entitled "Defendants' 22 Opening Markman Submission"? 23 A. I do. 24 Q. And do you see at the top of the page 25 where it says US -- "United States District Court,
11 1 of New Jersey in Trenton, that -- 2 A. That, I do. That's right. 3 Q. And that proceeding involved the '245 4 patent. Correct? 5 A. I do remember that, yes. 6 Q. And recognizing, of course, you're not a 7 lawyer, I'll represent to you that that dealt with 8 a preliminary injunction motion. Is that fair? 9 A. Thank you. 10 Q. Okay. 11 Do you recall submitting a declaration as 12 part of those preliminary injunction proceedings 13 relating to the '245 patent? 14 A. I do. 15 Q. And I believe you were deposed on those 16 opinions in your declaration by me. Isn't that 17 correct? 18 A. I do remember that, yes. 19 Q. And do you recall providing in court 20 testimony on your opinions in your declaration as 21 they related to the '245 patent as part of those 22 proceedings? 23 A. I do. 24 Q. Okay. And in terms of your opinions, they 25 included interpreting the scope of Claim 1 of the	13 1 District of New Jersey"? 2 A. I do. 3 Q. Do you see that? 4 I'll represent to you that this was a 5 submission that was made by defendants in that 6 court action to the District Court of the District 7 of New Jersey. 8 Is that okay? 9 A. That's fine. 10 Q. Okay. Can you go to the last page of this 11 document. It should be page 25. 12 Okay. There, you should see a signature 13 page. 14 Do you see that there in front of you? 15 A. No, I don't see a signature page. 16 Q. There should be something that says "of 17 counsel," top left. To the right there's a name. 18 A. I do see that, yes. Mm-hmm. 19 Q. Okay. That's what I mean by the signature 20 page. 21 A. Sorry. 22 Q. No worries. 23 Now, there's a date stamp on this, if you 24 look. Do you see where it says filed September 30, 25 2024?

14 1 A. I do see that. 2 Q. Okay. You see the signature is there 3 electronically by Mr. Frank D. Rodriguez. 4 Do you see that? 5 A. I do. 6 Q. Who is Mr. Rodriguez? 7 A. I don't believe I'm familiar with 8 Mr. Rodriguez. 9 Q. Okay. How about to the left? There's a 10 name Robert Frederickson III. A little bit further 11 down, you'll see Linnea Cipriano. 12 Do you see those names? 13 A. Yes, I do. 14 Q. Do you know who they are? 15 A. Yes. They are attorneys that are involved 16 in this litigation that I've interacted with in -- 17 on a number of occasions, in-person and via Zoom. 18 Q. And these are the attorneys that have 19 engaged you for these IPR proceedings involving the 20 '245 and the '600 patent. Is that right? 21 A. That is correct. 22 Q. Okay. 23 The petitioner in this case or in these 24 IPRs is DRL. Is that right? Dr. Reddy's 25 Laboratories?	16 1 Can we go back to the first page of this 2 document. 3 Now, you see where it says "Defendants' 4 Opening Markman Submission," Dr. Galanis? Do you 5 see that in front of you? 6 A. I do. 7 Q. Okay. I'll represent to you that as 8 patent lawyers, when we refer to a Markman 9 submission, we're talking about a submission to 10 construe the scope of patent claims, and I'll make 11 that representation to you. 12 Is that okay? 13 A. That's fine. 14 Q. Okay. 15 Now, the first page of this Markman 16 submission for claim construction purposes doesn't 17 indicate to which patent it refers to, be it the 18 '245 or the '600 patent. Correct? 19 A. I see no indication on this page, no. 20 Q. Could you -- if you turn to page 1 of this 21 document. 1 at the bottom of the page, that is. 22 Okay. Can you see the first sentence 23 under the introduction, Dr. Galanis? 24 A. I do. 25 Q. Do you see that it states that the parties
15 1 A. I believe that is correct. 2 Q. Okay. And since you were involved in the 3 District Court action as well, is it your 4 understanding that these attorneys were also 5 representing DRL in a District Court action? 6 A. I believe that's my understanding, yes. 7 Q. And you can verify that by looking on this 8 page that's in front of you beneath the signature 9 block for Frank Rodriguez. 10 Do you see where it says "attorneys for 11 defendants," and then there it identifies 12 Dr. Reddy's Laboratories? 13 A. I do see that. 14 Q. Okay. So I'm going to refer to petitioner 15 sometimes. I may refer to defendants sometimes. 16 When I do in each instance, will you 17 understand that I mean DRL? 18 A. As far as the petitioners, that's correct. 19 Mm-hmm. 20 Q. And also that DRL is a defendant when I 21 refer to the defendants. 22 Would you understand that to mean DRL as 23 well? 24 A. Yes, I do. 25 Q. Okay. Thank you.	17 1 require the court's assistance to construe the 2 meaning of four terms in US Patent No. 11,833,245 3 (the '245 patent)? 4 Do you see that? 5 A. I do. 6 Q. Does that indicate to you that this 7 Markman submission was with respect to construing 8 the claims of the '245 patent? 9 A. It does. 10 Q. Okay. 11 Now, in terms of the four terms or phrases 12 that were identified on page 1 for construction, 13 can you turn to page 7 of the document. 14 Hold that for one second, please. 15 ATTORNEY DINER: Go back, please, Alicia, 16 to page 4. Sorry. I skipped a step. 17 Q. Okay. Now, do you see Claim 1 there? 18 And if you need to have the '245 patent in 19 front of you to verify my question, please feel 20 free to do so. 21 But my question to you is, what appears 22 there on page 4 of this exhibit, does that appear 23 to you to be Claim 1 of the '245 patent? 24 A. Yes, it does. 25 ATTORNEY DINER: For the record, Alicia, I

18 1 don't think we identified this as an exhibit 2 technically in this deposition. 3 Can we call this Galanis Exhibit 1. 4 (Galanis Exhibit 1 is marked for 5 identification.) 6 Q. Dr. Galanis, I may refer to this as 7 Galanis Exhibit 1 going forward. Okay? 8 A. That's fine. 9 Q. Let's take a look at Claim 1 of the '245 10 patent as it appears in -- on page 4 of Galanis 11 Exhibit 1. Do you see that there are two instances 12 of the phrase "consisting of" recited in this 13 patent claim? 14 I can direct you to them if you need me to 15 do that. 16 A. So -- 17 ATTORNEY CASSELLA: Dr. Galanis, if you 18 need the text to be bigger, they can zoom in a 19 little bit if you need to. 20 THE WITNESS: I think I can see it. Yeah, 21 that's helpful. Right. 22 A. So I see the first "consisting of." "An 23 ocular drop consisting of." And I see the first. 24 Yes, I do see both of those. 25 Q. Okay. So let's just clarify for the	20 1 Q. Okay. 2 ATTORNEY DINER: Anyway, if we go back to 3 where we were at page 7, if you can, Alicia. 4 Yeah. 5 Q. Between pages 7 and 8, you may need to 6 scroll down to verify what's on page 8. You will 7 see the four terms that were identified on page 1 8 of the four terms or phrases that the DRL indicated 9 that they needed the court's assistance on for 10 purpose of construing those terms. 11 Do you see those four terms on those two 12 pages? 13 A. I do. 14 Q. Okay. Let's just focus on the first 15 disputed term. 16 Do you see that, in the top left of the 17 table? 18 A. The top left where it says "consisting of 19 topically administering"? 20 Q. Yeah. Would you read the first disputed 21 term into the record, please. 22 A. "Consisting of topically administering to 23 an eye of said human in need of said reduction of 24 eye redness a composition in the form of an ocular 25 drop."
19 1 record. 2 So the first "consisting of" is in the 3 second line of that claim that's in front of you. 4 Right? 5 A. That's correct. 6 Q. Okay. And that first "consisting of" 7 exists between what we call the preamble of the 8 claim, which is that first line up to the comma, 9 and the body of the claim, which is everything that 10 comes after that first "consisting of" beginning 11 with the word "topically." 12 I'll represent to you that we call that a 13 transition term. But for ease of reference here, 14 I'm going to refer to that as the first "consisting 15 of." Is that okay? 16 A. That's fine. 17 Q. Okay. And that first "consisting of," 18 that introduces or comes just right before the step 19 of topically administering. Correct? 20 A. That's correct. 21 Q. Okay. And the second "consisting of," 22 that -- that refers to the makeup of the ocular 23 drop that is described after it. 24 Do you see that? 25 A. Yes, I do.	21 1 Q. Okay. And then in the middle column, it's 2 entitled "Defendants' Proposed Construction." 3 Do you see that? 4 A. I do. 5 Q. Could you read into the record DRL or 6 defendants' proposed construction for that first 7 disputed term. 8 A. Sure. "Consisting of a single step of 9 topically administering to a human eye as covering 10 a method of reducing eye redness in which the use 11 of the claimed brimonidine eye drops is the only 12 step taken to reduce eye redness." 13 Q. Now, when referring to brimonidine drops 14 in defendants' proposed construction, defendants 15 used the plural form of "drop." 16 Do you see that? 17 A. I do. "Eye drops." I do see that. 18 Q. Okay. Do you agree that defendants 19 propose here that the first "consisting of" limits 20 the claimed administration step to multiple drops? 21 A. I'm sorry. Could you ask that question 22 again, please. 23 ATTORNEY CASSELLA: Form. 24 Q. Sure. 25 Do you agree as defendants proposed here

22 1 that the first "consisting of" limits the claimed 2 administration step to multiple drops? 3 ATTORNEY CASSELLA: Object to form. 4 A. Yeah. When you say limits it to multiple 5 drops, I'm -- that's a little ambiguous to me as 6 far as limiting to multiple drops. So -- as 7 opposed -- I guess I'm -- as opposed to limiting it 8 to something else? 9 I'm sorry. I don't mean to be -- I'm 10 trying to understand the -- the -- clarify the 11 point of your question, or the question you're 12 asking me. 13 Q. So I'll try again. 14 So in terms of defendants' proposed 15 construction, when they say that consisting of a 16 single step of topically administering to a human 17 eye as covering a method of reducing eye redness in 18 which the use of the claimed brimonidine eye drops 19 is the only step taken to reduce eye redness, is it 20 your understanding of DRL's position that Claim 1 21 has to administer multiple drops but a single drop 22 wouldn't be covered by Claim 1? 23 ATTORNEY CASSELLA: Object to form. Calls 24 for a legal conclusion. 25 A. Well, it says "eye drops," so it seems to	24 1 Q. Can you read that full sentence into the 2 record, beginning with "in the decade." 3 A. "In the decade that followed the 4 commercial release of Alphagan, brimonidine was 5 among the most well-studied and well-characterized 6 drugs on the market." 7 Q. DRL, by virtue of this statement, 8 represented to the District Court that in the 9 decade that followed the commercial release of 10 Alphagan, brimonidine was among the most 11 well-studied and well-characterized drugs on the 12 market. Is that correct? 13 A. Yes, I believe that's correct. 14 Q. Okay. Thank you. You can put that aside. 15 Dr. Galanis, I'd like to move to your 16 declaration in the '245 patent. 17 THE VIDEOGRAPHER: Is this marked Exhibit 18 1014? 19 ATTORNEY DINER: 1001, isn't it? 20 No, no, no. I want the reply declaration. 21 I'm sorry. I should have been more specific. 22 The reply declaration that we introduced 23 earlier. 24 1147. Apologies. Exhibit 1147. 25 Thank you. Okay. Thank you, Alicia.
23 1 me that would be at least one and would be open to 2 more than one. 3 Q. Okay. Now, staying with defendants' 4 proposed construction for a minute, do you agree as 5 conveyed by that construction here in the table on 6 page 7 that the claimed brimonidine eye drops are 7 used in the only step taken in Claim 1 to reduce 8 eye redness? 9 ATTORNEY CASSELLA: Object to form. Calls 10 for a legal conclusion. 11 A. Well, it states that the eye drop is the 12 only step taken to reduce eye redness. So, to me, 13 that would be the intent of that claim that the 14 step is to use the eye drop. 15 Q. Okay. Thank you. 16 Can we go to page 3 of this document. 17 Dr. Galanis, do you see the paragraph on 18 page 3 that starts with "the particular 19 vasoconstrictor"? 20 A. I do. 21 Q. Okay. Can you come down -- one, two, 22 three, four -- five lines to the sentence that 23 begins with "in the decade"? 24 Do you see that? 25 A. I do.	25 1 Q. Can we go to page 7, paragraph 15 of the 2 declaration in front of you. 3 Dr. Galanis, if you need to take a moment 4 to familiarize yourself with that paragraph, please 5 go ahead. 6 A. Okay. Thank you. 7 Okay. Thank you. 8 Q. You're welcome. 9 Now, is it your position, Dr. Galanis, 10 that the nomenclature "gtts" means drops? 11 A. That's correct. 12 Q. And as referred to in paragraph 15 of your 13 declaration, for the patients in Treatment Group 3 14 of example 2, you say that they were administered 15 0.02 percent brimonidine "applied topically i-ii 16 gtts per eye." Is that correct? 17 A. That's correct. 18 Q. In your opinion, a POSA would have 19 understood that the lowercase Roman numerals i-ii 20 means one to two. Correct? 21 A. That's correct. 22 Q. Example 2 explicitly discloses the 23 administration of one or two drops of 0.02 percent 24 brimonidine. Correct? 25 A. Yes, I believe that's correct.

26 1 Q. Could we go to paragraph 16 of your 2 declaration, next page, page 8. 3 Let me know when you're ready. 4 A. Yes, I'm ready. 5 Q. Okay. In paragraph 16, it's your position 6 that example 4 is silent on the number of drops. 7 Right? 8 A. That's correct. 9 Q. And just for the record, you understand 10 when I say example 4, I'm talking example 4 of the 11 '245 patent. Correct? 12 A. That's my understanding, yes, sir. 13 Q. And for the previous series of questions, 14 when I asked the question with regard to example 2, 15 you understood that was example 2 of the '245 16 patent. Correct? 17 A. Correct. 18 Q. Okay. Okay. Let's continue. 19 Okay. So then after saying that example 2 20 is silent on the number of drops administered, you 21 then say that -- 22 A. It's -- excuse me -- example 4. I'm sorry 23 to interrupt. 24 Q. Thank you for that correction. I'll start 25 again.	28 1 Donnenfeld's testimony with regard to Norden. 2 Do you see that, kind of halfway into that 3 paragraph? 4 A. I do. 5 Q. Okay. And you rely on Dr. Donnenfeld's 6 testimony that Norden administered a dose of 7 0.4 percent brimonidine because Norden administered 8 two drops of 0.2 percent brimonidine within a 9 10-minute period. Right? 10 A. Correct. 11 Q. Now, Norden is not silent on the number of 12 drops administered. Right? 13 A. No. That's correct: he is not. 14 Q. And he administered two drops of 15 brimonidine as part of his dosing regimen for the 16 ocular effect he was seeking in his study. 17 Correct? 18 A. That's correct. 19 Q. So where Dr. Norden wanted to communicate 20 that he administered multiple drops as part of his 21 dosing regimen, he explicitly stated that two drops 22 were administered. Right? 23 A. That's correct. 24 Q. Okay. Could we go to paragraph 56 of your 25 declaration.
27 1 So after saying that example 4 is silent 2 on the number of drops administered, you then say 3 that a single dose as used in example 4 could be -- 4 strike that. 5 You see further down in that paragraph, 6 Dr. Galanis, where you refer to single dose and you 7 have it in quotes? 8 A. I see where it says, "Single dose is not 9 equivalent to a single drop." I do see that. 10 Q. Okay. And that -- that single dose 11 language, that comes out of example 4 of the '245 12 patent. Correct? 13 A. That's correct. 14 Q. Okay. A single dose as used in example 4 15 of the '245 patent could be understood to embrace 16 the installation of one drop, two drops, et cetera. 17 Correct? 18 A. I think dose is -- would be -- could be 19 one drop. Could be two drops. Could be more than 20 that, potentially. 21 Q. Okay. Instilling just one drop would be 22 embraced by the term "single dose." Correct? 23 A. Again, it could be one drop; could be two 24 drops; could be more. 25 Q. Now, in paragraph 16 you rely on Dr.	29 1 Let me know when you're ready, Dr. 2 Galanis. 3 A. Yes, sir, I'm ready. 4 Q. Okay. 5 In paragraph 56 of your declaration for 6 the '245 patent, you say -- you state that the 7 volume of a drop is not standard. 8 Do you see that? 9 A. I do. 10 Q. And in support, you cite Exhibit 1069. 11 Do you see that? 12 A. I do. 13 ATTORNEY DINER: Okay. Alicia, can we 14 bring up Exhibit 1069. 15 Wow, that's small print. 16 Q. Do you need to make that larger, Dr. 17 Galanis? 18 A. If you could, please. 19 Q. Yeah. Because I need it, too. 20 Now, Exhibit 1069 is an article written by 21 Sklupalova, et al. Is that right? 22 A. That's correct. 23 ATTORNEY DINER: Does the court reporter 24 have that in front of her so she can get the 25 correct spelling?

30 1 THE REPORTER: (Nodding.) 2 ATTORNEY DINER: Okay. 3 Q. Now, if you look at the abstract, about 4 halfway down, you'll see it says "In this study." 5 Maybe a little less than halfway. 6 Do you see that in the abstract, "In this 7 study"? 8 I'm looking for the sentence. Let me see. 9 It's one, two -- 10 A. "In this study." Yes, sir, I see that. 11 Q. Yeah. It's seven lines down. Okay. 12 The abstract of Exhibit 1069 indicates 13 that the study investigated the properties of two 14 dropper tips frequently used in the Czech Republic. 15 Right? 16 A. Yes, sir. 17 Q. And those two dropper tips were made of 18 rubber and plastic as indicated in the abstract. 19 Is that right? 20 A. That's correct. 21 Q. The study of Exhibit 1069 did not 22 investigate any Alphagan solution or any 23 brimonidine-containing solution. Correct? 24 A. I don't believe it did, no. 25 Q. The study was not investigating the tested	32 1 right-hand column. 2 A. Yes. If we could proceed to that, I would 3 appreciate that. 4 Q. Would you like me to repeat the question, 5 Dr. Galanis? 6 A. If you would, please. 7 Q. Two solutions were prepared for use in the 8 study described in Exhibit 1069. Correct? 9 A. Could you help me identify that particular 10 part? Where it says "preparation of the 11 solutions," is that where you're referring to? 12 Q. I am. 13 A. It says "two different antimicrobial 14 preservatives." I would assume that would be the 15 solutions you're referring to. Yes. Mm-hmm. 16 Q. So there were two separate aqueous 17 solutions of antimicrobial preservatives that were 18 looked at in this study. Correct? 19 A. I believe that's correct. 20 Q. And those antimicrobial preservatives 21 were, one, thimerosal, and benzalkonium chloride? 22 A. That is correct. 23 ATTORNEY DINER: For the court reporter, 24 that first one is spelled t-h-i-m-e-r-o-s-a-l. 25 Q. So, Dr. Galanis, continuing on, other than
31 1 droppers for approval by the FDA for use with any 2 Alphagan product. Correct? 3 A. Not specifically the Alphagan product, but 4 it did address the fact that it's really well known 5 in ophthalmology that the volume of a drop is very 6 variable. Depends on the composition of the drop. 7 Depends on the viscosity. Depends on the 8 dispensing angle. 9 So that's a fairly well known phenomenon 10 in our field. 11 Q. Okay. But the study was not investigating 12 the tested droppers for approval by the FDA for use 13 with an Alphagan product. Correct? 14 A. That's correct. 15 Q. Nor does the study indicate that the FDA 16 approved this study in Exhibit 1069 for any 17 particular API for ophthalmic use. Correct? 18 ATTORNEY CASSELLA: Object to form. 19 A. I don't know specifically the answer to 20 that question, but it's not indicated here that 21 I've read. 22 Q. Now, two solutions were prepared for use 23 in the study described in Exhibit 1069. Correct? 24 And if you need help before answering that 25 question, you can refer to page 4 of 5 on the	33 1 water and the preservative, nothing else was added 2 to those two solutions. Right? 3 A. I don't see any other additives listed 4 there, no. 5 Q. All right. And that would include neither 6 solution contained any active pharmaceutical 7 ingredient. Right? 8 ATTORNEY CASSELLA: Object to form. 9 A. Well, I suppose benzalkonium chloride 10 would be considered antibacterial. So, in a sense, 11 that could be a pharmaceutical agent. But, yes. I 12 guess if we're talking about antibacterials as 13 pharmaceutical agents, then that would be 14 considered one of them. 15 Q. But any other active pharmaceutical 16 ingredient besides an antimicrobial, there was no 17 other active pharmaceutical ingredient other than 18 these preservatives in those aqueous solutions. 19 Correct? 20 A. That's correct. 21 Q. Now, Dr. Galanis, you cited in support of 22 your opinions in these IPRs Exhibit 1030. Is that 23 correct? 24 Now, I'm sure you don't know what Exhibit 25 1030 is.

34 1 A. That's correct. 2 Q. But if you refer to your reply 3 declaration, 1147, we can start there and go to 4 materials considered at the back. And I'll reask 5 the question once you get there. 6 A. So I am at Exhibit 1030: United States 7 Center of Drug Evaluation and Research. 8 Q. Yes. 9 ATTORNEY DINER: Alicia, can you bring up 10 Exhibit 1030. 11 Q. While she's doing that, do you recall 12 relying on Exhibit 1030 in support of your opinions 13 in this matter, Dr. Galanis? 14 A. I do. It's been a while, but I do. Sure. 15 Q. Well, we'll put it in front of you so you 16 can get familiar with it again. 17 A. I appreciate that. Fair enough. 18 Q. You may recognize this as a very large 19 document, over 280 pages. If you need to take a 20 quick perusal of it, you can let me know. 21 A. Yeah. I'm not sure I'm going to be able 22 to peruse all 284 pages or 85 pages. 23 Q. You can -- oh, I'm sorry to interrupt you, 24 Doctor, but I just wanted to stop the court 25 reporter there, or Alicia there. You can hold that	36 1 rather -- the name Joanne Holmes? 2 A. I do. 3 Q. Who is Joanne Holmes? 4 A. I don't know Joanne Holmes. I'm not 5 familiar with her. 6 Q. Is she a clinical investigator? Do you 7 know? 8 A. I do not know. 9 Q. Dr. Galanis, you were not a clinical 10 investigator in any of the clinical trials for the 11 Alphagan products. Correct? 12 A. I was not. 13 ATTORNEY DINER: Okay. Can we go to 14 page 20 of this -- the PDF of this document. 15 Can we make that larger, please, Alicia. 16 Q. Dr. Galanis, could you read into the 17 record what it says at the top of the page of 18 page 20, the PDF, for Exhibit 1030. 19 A. Sure. "Applicant's rationale for dose and 20 regimen." 21 Q. Okay. 22 A. "A three-day" -- should I continue, or is 23 that good? 24 Q. No, no, no. That's fine. 25 So, first off, "applicant's," the
35 1 page there because I'm going to ask you a question 2 on that page. 3 A. All right. 4 Q. The questions I ask you, feel free to look 5 at whatever you want in the document. I'm going to 6 be focused on a couple things. Okay? 7 A. If you want me to refer to any specific 8 part of the document, I'd appreciate you pointing 9 my direction, my attention there. 10 Q. I will. 11 A. Thank you. 12 Q. I will do that, Dr. Galanis. No worries. 13 Okay. So Exhibit 1030 is the United 14 States Center for Drug Evaluation and Research for 15 NDA 20-613, Alphagan 0.2 percent sterile. 16 Do you see that? 17 A. I do. 18 Q. Okay. Now, is it your understanding that 19 this submission was made by the sponsor, Allergan, 20 for FDA approval of the Alphagan product 21 0.2 percent? 22 A. That would stand to reason to me. I 23 believe so. 24 Q. Okay. Do you see on the first page 25 there -- or on the page that's in front of you,	37 1 reference there to "applicant's," would you 2 understand that to be Allergan? 3 A. That would be my understanding. 4 Q. Okay. So let's skip down to the fourth 5 paragraph. 6 Do you see the paragraph that begins with 7 "one small additional study"? 8 A. Yes, I do. 9 Q. Okay. So in this paragraph, on page 20 of 10 Exhibit 1030, it indicates that Allergan was 11 considering a smaller dropper size of 26 12 microliters rather than 35 microliters of 13 brimonidine for Alphagan 0.2 percent. Is that 14 fair? 15 A. It seems to be the case, yes. 16 Q. Can you read the first sentence of that 17 paragraph into the record, please. 18 A. Beginning with "one small additional 19 study"? 20 Q. Yes, please. 21 A. "One small additional study 22 (A342-116-8042) was conducted to ascertain whether 23 a smaller drop size (26 microliters) of brimonidine 24 would be as effective as the standard drop size (35 25 microliters) while enhancing the safety profile

38 1 (A342-110-7831)." 2 Q. So this study referred to on page 20 of 3 Exhibit 1030 is stating that 35 microliters is the 4 standard drop size for the Alphagan product. 5 Correct? 6 A. That would be my understanding from 7 reading this. 8 Q. Okay. And it indicates that the smaller 9 drop size did not enhance the safety profile and 10 therefore the 35 microliter drop size was used for 11 all future studies relating to the Alphagan 12 product. Is that fair? 13 A. I think that would be fair, reading the 14 remainder of the paragraph. That seems to be the 15 conclusion. 16 Q. Okay. And you remember the Norden article 17 that is at issue in these proceedings. Correct? 18 A. I remember that reference, yes. 19 Q. Dr. Norden instilled two drops of Alphagan 20 0.2 percent to the patients in his study. Right? 21 A. That's correct. 22 Q. Would you agree that 1 cc of a solution by 23 volume equals 1 milliliter? 24 A. I believe that's correct. 25 Q. Okay. Would you agree that at the	40 1 A. So I'm going to use my thumb here. And 1 2 divided by 0.035, about 28 and a half. I would 3 agree with that. 4 Q. Okay. Thank you. 5 I have no further questions for you, Dr. 6 Galanis. 7 A. Thank you very much. 8 ATTORNEY CASSELLA: I have no questions 9 for Dr. Galanis. 10 ATTORNEY DINER: Okay. Well, Dr. Galanis, 11 I guess this is the fourth time that we've met. 12 THE WITNESS: Yes, we have. 13 ATTORNEY DINER: You have a very nice day. 14 THE WITNESS: You too. 15 ATTORNEY DINER: And thank you for your 16 time. 17 THE WITNESS: Thank you very much. 18 THE VIDEOGRAPHER: The time is 2:24 p.m. 19 on April 1, 2025. And this will conclude the 20 deposition for today. 21 We are now off the record. 22 THE WITNESS: And I do not waive 23 signature, so please send me a copy. 24 THE REPORTER: Counsel, would you both 25 like a rough?
39 1 standard drop size of 35 microliters, a milliliter 2 of a brimonidine solution would contain about 28 or 3 29 drops, just by doing the math? 4 ATTORNEY CASSELLA: Object to form. 5 A. I would have to do that math first. But 6 the other point I would make is that standard drop 7 size of 30 microliters, I'm not convinced 8 personally that that's an exact amount. I think 9 that would be probably the average amount. 10 But, again, my understanding and the 11 understanding of my colleagues is that drop size is 12 variable and the amount of drops and therefore the 13 amount of medication applied is varied -- variable. 14 Q. Well, working with the average drop size, 15 to use your language that you said a moment ago, 16 would you agree that the average drop size of 35 17 microliters in a milliliter of solution would 18 contain approximately 28 or 29 drops, just based on 19 the math? 20 ATTORNEY CASSELLA: Object to form. 21 A. I -- I'm sorry. I -- maybe you could walk 22 me through the math, before I make that conclusion. 23 Q. Okay. You would divide 1 by 0.035. One 24 milliliter divided by 0.035 milliliters for the 25 average drop size.	41 1 ATTORNEY DINER: Yes, please. 2 ATTORNEY CASSELLA: We'll take a rough. 3 I'll have Alex, our paralegal, email with 4 our standard order. 5 THE REPORTER: Okay. Thank you. 6 (Witness excused and deposition concluded 7 at 2:24 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

42 1 J U R A T 2 3 I, John Galanis, MD, FACS, do hereby 4 certify that I have read the foregoing transcript 5 of my testimony, and is an accurate record of said 6 testimony (except for the following corrections 7 listed below): 8 Page Line Correction 9 10 11 12 13 14 15 16 17 18 _____ John Galanis, MD, FACS 19 20 Sworn to and subscribed before me this _____ 21 day of _____, 2025. 22 23 24 _____ Notary Public/Justice of the Peace 25 My commission expires:	
43 1 C E R T I F I C A T E O F R E P O R T E R 2 3 I, Deanna J. Dean, Registered Diplomate 4 Reporter, Certified Realtime Reporter, and New 5 Hampshire licensed court reporter, the officer 6 before whom the proceedings were taken, do hereby 7 certify that the foregoing transcript is a true and 8 accurate record of these proceedings; that said 9 proceedings were taken in Stenotype note by me on 10 Tuesday, April 1, 2025, commencing at 1:32 p.m. CDT 11 and ending at 2:24 p.m. CDT. 12 I further certify that present on behalf of 13 Party Dr. Reddy's Laboratories SA, et al., was 14 Christopher J. Cassella of Goodwin Procter LLP, and 15 on behalf of Party Eye Therapies LLC was Bryan C. 16 Diner of Finnegan, Henderson, Farabow, Garrett & 17 Dunner LLP. 18 I further certify that I am not related to, nor 19 associated with any of the parties or their 20 attorneys, nor do I have any disqualifying interest, 21 personal or financial, in the actions within. 22 23 Dated this 4th day of April, 2025, at Hillsborough 24 County in the State of New Hampshire. 25 _____	

A	ahead 25:5 al 1:5 29:21 43:13 Alex 41:3 Alicia 3:23 5:17 6:17 7:21 8:6,24 12:4 17:15 17:25 20:3 24:25 29:13 34:9,25 36:15 Allergan 35:19 37:2,10 Alphagan 24:4 24:10 30:22 31:2,3,13 35:15,20 36:11 37:13 38:4,11,19 ambiguous 22:5 amount 39:8,9 39:12,13 angle 31:8 answer 31:19 answering 31:24 antibacterial 33:10 antibacterials 33:12 antimicrobial 32:13,17,20 33:16 Anyway 20:2 API 31:17 Apologies 24:24 Appeal 1:3 5:10 appear 17:22 appeared 1:22 appears 17:21	18:10 applicant's 36:19,25 37:1 applied 25:15 39:13 apply 10:10 appreciate 32:3 34:17 35:8 approval 31:1 31:12 35:20 approved 31:16 approximately 39:18 April 1:16 2:3 5:13 40:19 43:10,23 aqueous 32:16 33:18 art 9:22 article 29:20 38:16 ascertain 37:22 aside 24:14 asked 26:14 asking 22:12 assistance 17:1 20:9 associated 12:14 43:19 assume 32:14 attention 35:9 Attorney 4:5 5:23 6:1,10 6:17 7:21 8:2 8:6,11,14,24 12:4,12,18 12:19 17:15 17:25 18:17 20:2 21:23 22:3,23 23:9	24:19 29:13 29:23 30:2 31:18 32:23 33:8 34:9 36:13 39:4 39:20 40:8 40:10,13,15 41:1,2 attorneys 3:4 3:13 14:15 14:18 15:4 15:10 43:20 authenticate 6:16 Avenue 3:14 average 39:9 39:14,16,25	Board 1:3 5:10 body 19:9 bottom 16:21 brief 12:6,9 brimonidine 21:11,13 22:18 23:6 24:4,10 25:15,24 28:7,8,15 37:13,23 39:2 brimonidine... 30:23 bring 7:22,23 8:9,13,24 29:14 34:9 Bryan 3:17 5:23 43:15 bryan.diner... 3:18
		B	B	C
		B 4:9 back 10:15 16:1 17:15 20:2 34:4 based 39:18 beginning 19:10 24:2 37:18 begins 23:23 37:6 behalf 5:18 6:3 43:12,15 believe 8:18 8:19 11:15 12:2,7 14:7 15:1,6 24:13 25:25 30:24 32:19 35:23 38:24 beneath 15:8 benzalkonium 32:21 33:9 bigger 18:18 bit 14:10 18:19 block 15:9	back 10:15 16:1 17:15 20:2 34:4 based 39:18 beginning 19:10 24:2 37:18 begins 23:23 37:6 behalf 5:18 6:3 43:12,15 believe 8:18 8:19 11:15 12:2,7 14:7 15:1,6 24:13 25:25 30:24 32:19 35:23 38:24 beneath 15:8 benzalkonium 32:21 33:9 bigger 18:18 bit 14:10 18:19 block 15:9	C 3:1,17 5:1 43:15 call 18:3 19:7 19:12 called 6:6 12:8 12:12 Calls 22:23 23:9 case 1:11,13 14:23 37:15 Cassella 3:8 6:1,2 18:17 21:23 22:3 22:23 23:9 31:18 33:8 39:4,20 40:8 41:2 43:14 cc 38:22 ccassella@... 3:9 CDT 1:17 2:4

43:10,11 Center 34:7 35:14 Central 5:14 CERTIFICATE 43:1 Certified 2:10 43:4 certify 42:4 43:7,12,18 cetera 7:19 10:2 27:16 change 7:19 chloride 32:21 33:9 Chris 6:2 Christina 3:19 5:24 christina.ya... 3:20 Christopher 3:8 43:14 Cipriano 14:11 cite 29:10 cited 33:21 claim 11:25 12:8,10 16:16 17:17 17:23 18:9 18:13 19:3,8 19:9 22:20 22:22 23:7 23:13 claimed 21:11 21:20 22:1 22:18 23:6 claims 9:19 10:1,9 16:10 17:8 clarify 18:25 22:10 clinical 36:6,9 36:10 colleague 5:24	colleagues 39:11 column 21:1 32:1 come 23:21 comes 19:10 19:18 27:11 comma 19:8 commencing 43:10 commercial 24:4,9 commission 42:25 communicate 28:19 composition 20:24 31:6 conclude 40:19 concluded 41:6 conclusion 22:24 23:10 38:15 39:22 conducted 1:21 37:22 considered 33:10,14 34:4 considering 37:11 consisting 18:12,22,23 19:2,6,10,14 19:17,21 20:18,22 21:8,19 22:1 22:15 construction 12:8,11 16:16 17:12 21:2,6,14 22:15 23:4,5	construe 16:10 17:1 construing 17:7 20:10 contain 39:2 39:18 contained 33:6 continue 26:18 36:22 continuing 32:25 contrary 10:21 conveyed 23:5 convinced 39:7 copy 40:23 correct 7:19 11:4,17 12:1 14:21 15:1 15:18 16:18 19:5,19,20 24:12,13 25:11,16,17 25:20,21,24 25:25 26:8 26:11,16,17 27:12,13,17 27:22 28:10 28:13,17,18 28:23 29:22 29:25 30:20 30:23 31:2 31:13,14,17 31:23 32:8 32:18,19,22 33:19,20,23 34:1 36:11 38:5,17,21 38:24 corrected 10:20 correction 26:24 42:8	corrections 42:6 counsel 5:20 13:17 40:24 County 43:24 couple 35:6 course 11:6 court 2:11 5:16,21 10:25 11:19 12:25 13:6,6 15:3,5 24:8 29:23 32:23 34:24 43:5 court's 17:1 20:9 covered 22:22 covering 21:9 22:17 CRR 1:25 Czech 30:14 D D 4:1 5:1 14:3 date 5:13 12:13,14 13:23 dated 9:5 12:6 43:23 day 40:13 42:21 43:23 DC 3:6,15 dealing 6:22 dealt 11:7 Dean 1:25 2:9 5:17 43:3 Deanna 1:25 2:9 5:17 43:3 decade 23:23 24:2,3,9 December 10:15 declaration 6:21,25 7:8	7:13 11:11 11:16,20 24:16,20,22 25:2,13 26:2 28:25 29:5 34:3 declarations 6:14,14 7:18 defendant 15:20 defendants 13:5 15:11 15:15,21 21:14,18,25 defendants' 12:21 16:3 21:2,6,14 22:14 23:3 Depends 31:6 31:7,7 deposed 6:7 11:15 deposition 1:19 2:7 5:4 5:15 18:2 40:20 41:6 described 19:23 31:23 32:8 Description 4:11 different 9:19 32:13 Diner 3:17 4:5 5:23,23 6:10 6:17 7:21 8:2 8:6,11,14,24 12:4,12,18 12:19 17:15 17:25 20:2 24:19 29:13 29:23 30:2 32:23 34:9 36:13 40:10
---	---	--	--	--

40:13,15 41:1 43:16 Diplomate 2:9 43:3 direct 18:14 direction 35:9 discloses 25:22 discussions 10:19 dispensing 31:8 disputed 20:15,20 21:7 disqualifying 43:20 District 10:25 10:25 12:25 13:1,6,6 15:3 15:5 24:8 divide 39:23 divided 39:24 40:2 Doctor 34:24 document 7:5 7:9 8:1 9:1 12:21 13:11 16:2,21 17:13 23:16 34:19 35:5,8 36:14 documents 12:5 doing 34:11 39:3 Donnenfeld's 28:1,5 dose 27:3,6,8 27:10,14,18 27:22 28:6 36:19 dosing 28:15 28:21	Dr 1:5 5:4,5,6 6:4,11,20 7:10 8:15 9:1 10:13 12:20 14:24 15:12 16:4,23 18:6 18:17 23:17 24:15 25:3,9 27:6,25 28:5 28:19 29:1 29:16 32:5 32:25 33:21 34:13 35:12 36:9,16 38:19 40:5,9 40:10 43:13 DRL 14:24 15:5,17,20 15:22 20:8 21:5 24:7 DRL's 22:20 drop 18:23 19:23 20:25 21:15 22:21 23:11,14 27:9,16,19 27:21,23 29:7 31:5,6 37:23,24 38:4,9,10 39:1,6,11,14 39:16,25 dropper 30:14 30:17 37:11 droppers 31:1 31:12 dropping 6:13 drops 21:11 21:13,17,20 22:2,5,6,18 22:21,25 23:6 25:10 25:23 26:6 26:20 27:2	27:16,19,24 28:8,12,14 28:20,21 38:19 39:3 39:12,18 Drug 34:7 35:14 drugs 24:6,11 duly 6:7 Dunner 3:12 43:17 E E 3:1,1 4:1,9 5:1,1 earlier 24:23 ease 19:13 effect 28:16 effective 37:24 electronically 14:3 email 41:3 embrace 27:15 embraced 27:22 engaged 14:19 enhance 38:9 enhancing 37:25 entitled 12:21 21:2 equals 38:23 equivalent 27:9 ESQ 3:8,17,19 et 1:5 7:19 10:2 27:16 29:21 43:13 Evaluation 34:7 35:14 evidence 10:20 exact 39:8 examination	4:3 6:6,9 example 25:14 25:22 26:6 26:10,10,14 26:15,19,22 27:1,3,11,14 examples 10:2 excuse 26:22 excused 41:6 exhibit 4:12 8:20 9:7,11 17:22 18:1,3 18:4,7,11 24:17,24 29:10,14,20 30:12,21 31:16,23 32:8 33:22 33:24 34:6 34:10,12 35:13 36:18 37:10 38:3 Exhibits 6:19 exists 19:7 expires 42:25 explicitly 25:22 28:21 eye 1:8 5:7 20:23,24 21:9,10,11 21:12,17 22:17,17,18 22:19,25 23:6,8,11,12 23:14 25:16 43:15 F FACS 1:19 2:8 4:4 6:5 42:3 42:18 fact 31:4 fair 10:10,11 11:8 34:17	37:14 38:12 38:13 fairly 31:9 familiar 14:7 34:16 36:5 familiarize 25:4 far 15:18 22:6 Farabow 3:11 43:16 FDA 31:1,12 31:15 35:20 feel 17:19 35:4 field 31:10 filed 13:24 financial 43:21 fine 9:14 13:9 16:13 18:8 19:16 36:24 Finnegan 3:11 43:16 firm 6:2 first 6:6 16:1 16:15,22 18:22,23 19:2,6,8,10 19:14,17 20:14,20 21:6,19 22:1 32:24 35:24 36:25 37:16 39:5 five 23:22 focus 20:14 focused 35:6 folder 12:13 followed 24:3 24:9 following 42:6 follows 6:8 foregoing 42:4 43:7 form 20:24 21:15,23
--	--	---	--	--

22:3,23 23:9 31:18 33:8 39:4,20 forward 18:7 four 17:2,11 20:7,8,11 23:22 fourth 37:4 40:11 Frank 14:3 15:9 Frederickson 14:10 free 17:20 35:4 frequently 30:14 front 6:23 7:10 8:7 9:2 12:20 13:14 15:8 16:5 17:19 19:3 25:2 29:24 34:15 35:25 full 7:25 24:1 further 14:10 27:5 40:5 43:12,18 future 38:11	35:12 36:9 36:16 40:6,9 40:10 42:3 42:18 Garrett 3:12 43:16 give 9:20 10:22 go 7:3,15 13:10 16:1 17:15 20:2 23:16 25:1,5 26:1 28:24 34:3 36:13 going 8:12 15:14 18:7 19:14 34:21 35:1,5 40:1 good 6:1,11,12 36:23 Goodwin 3:3 6:2 43:14 Group 25:13 gtts 25:10,16 guess 22:7 33:12 40:11	34:25 Holmes 36:1,3 36:4 honest 10:17 human 20:23 21:9 22:16	instances 18:11 instilled 38:19 Instilling 27:21 intent 23:13 interacted 14:16 interest 43:20 interpreting 11:25 interrupt 26:23 34:23 introduce 5:20 introduced 24:22 introduces 19:18 introduction 16:23 investigate 30:22 investigated 30:13 investigating 30:25 31:11 investigator 36:6,10 involved 10:13 10:19,24 11:3 14:15 15:2 involving 14:19 IPR 5:11 6:22 7:1 8:19 9:12 14:19 IPR2024-004... 1:11 5:10 IPR2024-005... 1:13 IPRs 6:15 14:24 33:22 issue 38:17	J J 1:25 2:9 3:8 42:1 43:3,14 January 10:16 Jersey 11:1 13:1,7 JI-HYE 3:19 Joanne 36:1,3 36:4 John 1:19 2:7 4:4 5:4 6:5 42:3,18 joined 5:24
G G 5:1 Galanis 1:19 2:7 4:4,11 5:5 6:4,5,11 6:20 7:10 8:15 9:1 10:13 12:20 16:4,23 18:3 18:17 23:17 24:15 25:3,9 27:6 29:2,17 32:5,25 33:21 34:13	H H 4:9 half 40:2 halfway 28:2 30:4,5 Hampshire 2:12 43:5,24 held 2:8 5:15 help 31:24 32:9 helpful 18:21 Henderson 3:11 5:19 43:16 Hillsborough 43:23 hold 17:14	I i-ii 25:15,19 identification 18:5 identified 17:12 18:1 20:7 identifies 15:11 identify 32:9 Ill 14:10 immediately 9:9 in-person 14:17 include 33:5 included 11:25 including 9:25 indicate 16:17 17:6 31:15 indicated 20:8 30:18 31:20 indicates 30:12 37:10 38:8 indication 16:19 information 10:23 ingredient 33:7,16,17 injunction 10:14,17 11:8,12 installation 27:16 instance 15:16	K kind 28:2 know 8:18 14:14 26:3 29:1 31:19 33:24 34:20 36:4,7,8 known 31:4,9	L Laboratories 1:5 5:6,6 14:25 15:12 43:13 language 27:11 39:15 languages 9:19 large 34:18 larger 29:16 36:15 law 6:2,7 lawyer 11:7 lawyers 16:8 left 13:17 14:9 20:16,18 legal 3:23 5:19 9:21 22:24 23:10 let's 18:9,25

20:14 26:18 37:4 licensed 2:11 43:5 limiting 22:6,7 limits 21:19 22:1,4 line 19:3,8 42:8 lines 23:22 30:11 Linnea 14:11 listed 33:3 42:7 litigation 14:16 little 14:10 18:19 22:5 30:5 LLC 1:8 5:7 43:15 LLP 3:3,12 43:14,17 look 13:24 18:9 30:3 35:4 looked 32:18 looking 15:7 30:8 lowercase 25:19	matter 5:5 34:13 MD 1:19 2:7 4:4 5:5 6:5 42:3,18 mean 9:18,20 9:25 13:19 15:17,22 22:9 meaning 17:2 means 25:10 25:20 medication 39:13 met 40:11 method 21:10 22:17 microliter 38:10 microliters 37:12,12,23 37:25 38:3 39:1,7,17 middle 21:1 milliliter 38:23 39:1,17,24 milliliters 39:24 minute 23:4 Mm-hmm 13:18 15:19 32:15 moment 25:3 39:15 motion 11:8 move 24:15 multiple 21:20 22:2,4,6,21 28:20	36:1 names 14:12 NDA 35:15 need 17:18 18:14,18,19 20:5,23 25:3 29:16,19 31:24 34:19 needed 20:9 neither 33:5 New 2:11 3:14 11:1 13:1,7 43:4,24 nice 40:13 Nodding 30:1 nomenclature 25:10 Norden 28:1,6 28:7,11,19 38:16,19 Notary 42:24 note 43:9 number 9:7 14:17 26:6 26:20 27:2 28:11 numerals 25:19 NW 3:5,14	oh 8:2 12:8 34:23 okay 6:20 7:15 7:21 8:3,15 8:23 9:1,4,10 9:13,24 10:6 10:12 11:10 11:24 12:3 12:18,20 13:8,10,12 13:19 14:2,9 14:22 15:2 15:14,25 16:7,12,14 16:22 17:10 17:17 18:7 18:25 19:6 19:15,17,21 20:1,14 21:1 21:18 23:3 23:15,21 24:14,25 25:6,7 26:5 26:18,18,19 27:10,14,21 28:5,24 29:4 29:13 30:2 30:11 31:11 35:6,13,18 35:24 36:13 36:21 37:4,9 38:8,16,25 39:23 40:4 40:10 41:5 once 34:5 open 23:1 opening 12:6 12:10,22 16:4 ophthalmic 31:17 ophthalmolo... 31:5 opinion 9:21	25:18 opinions 11:16,20,24 33:22 34:12 opposed 22:7 22:7 order 41:4 ordinary 9:22 owner 1:9 3:13 5:8,25
M	N	O		P
makeup 19:22 March 9:5 marked 18:4 24:17 market 24:6,12 Markman 12:6 12:22 16:4,8 16:15 17:7 materials 34:4 math 39:3,5,19 39:22	N 3:1,5 4:1 5:1 name 8:1 13:17 14:10	O 5:1 Object 22:3,23 23:9 31:18 33:8 39:4,20 occasions 14:17 occurred 10:14 ocular 18:23 19:22 20:24 28:16 Office 1:1 5:9 officer 43:5	oh 8:2 12:8 34:23 okay 6:20 7:15 7:21 8:3,15 8:23 9:1,4,10 9:13,24 10:6 10:12 11:10 11:24 12:3 12:18,20 13:8,10,12 13:19 14:2,9 14:22 15:2 15:14,25 16:7,12,14 16:22 17:10 17:17 18:7 18:25 19:6 19:15,17,21 20:1,14 21:1 21:18 23:3 23:15,21 24:14,25 25:6,7 26:5 26:18,18,19 27:10,14,21 28:5,24 29:4 29:13 30:2 30:11 31:11 35:6,13,18 35:24 36:13 36:21 37:4,9 38:8,16,25 39:23 40:4 40:10 41:5 once 34:5 open 23:1 opening 12:6 12:10,22 16:4 ophthalmic 31:17 ophthalmolo... 31:5 opinion 9:21	opinions 11:16,20,24 33:22 34:12 opposed 22:7 22:7 order 41:4 ordinary 9:22 owner 1:9 3:13 5:8,25 P P 3:1,1 5:1 p.m 1:17 2:4 5:14 40:18 41:7 43:10 43:11 page 4:3,11 7:3,4,15,16 12:24 13:10 13:11,13,15 13:20 15:8 16:1,15,19 16:20,21 17:12,13,16 17:22 18:10 20:3,6,7 23:6 23:16,18 25:1 26:2,2 31:25 35:1,2 35:24,25 36:14,17,18 37:9 38:2 42:8 pages 20:5,12 34:19,22,22 paragraph 23:17 25:1,4 25:12 26:1,5 27:5,25 28:3 28:24 29:5 37:5,6,9,17 38:14 paralegal 41:3

part 7:1 11:12 11:21 28:15 28:20 32:10 35:8 participants 1:22 particular 10:19 23:18 31:17 32:9 parties 16:25 43:19 Party 43:13,15 patent 1:1,3,9 1:12,14 3:13 4:12 5:7,8,9 5:11,11,25 6:22 7:1,8,14 7:22,24 8:1,7 8:12,16,25 9:5,12 10:7,8 10:10,15 11:4,13,21 12:1 14:20 16:8,10,17 16:18 17:2,3 17:8,18,23 18:10,13 24:16 26:11 26:16 27:12 27:15 29:6 patents 9:16 10:4 patients 25:13 38:20 PDF 36:14,18 Peace 42:24 percent 25:15 25:23 28:7,8 35:15,21 37:13 38:20 perfectly 9:14 period 28:9 person 9:22 personal	43:21 personally 39:8 pertaining 9:12 perusal 34:20 peruse 34:22 petitioner 1:6 3:4 14:23 15:14 petitioners 5:7 6:3 15:18 Pettyjohn 3:23 5:18 pharmaceuti... 33:6,11,13 33:15,17 phenomenon 31:9 phrase 18:12 phrases 17:11 20:8 place 12:5 plastic 30:18 please 5:20 8:4 17:14,15 17:19 20:21 21:22 25:4 29:18 32:6 36:15 37:17 37:20 40:23 41:1 plural 21:15 point 7:19 22:11 39:6 pointing 35:8 POSA 25:18 position 22:20 25:9 26:5 potentially 27:20 preamble 19:7 preliminary 10:14,17	11:8,12 preparation 32:10 prepared 31:22 32:7 present 3:22 43:12 presenting 5:18 preservative 33:1 preservatives 32:14,17,20 33:18 previous 26:13 print 29:15 probably 39:9 proceed 32:2 proceeding 1:21 10:25 11:3 proceedings 10:14 11:12 11:22 14:19 38:17 43:6,8 43:9 Procter 3:3 6:3 43:14 product 31:2,3 31:13 35:20 38:4,12 products 36:11 profile 37:25 38:9 properties 30:13 propose 21:19 proposed 21:2 21:6,14,25 22:14 23:4 providing 11:19	Public/Justice 42:24 pull 12:4 purpose 20:10 purposes 16:16 put 24:14 34:15 Q question 17:19,21 21:21 22:11 22:11 26:14 31:20,25 32:4 34:5 35:1 questions 26:13 35:4 40:5,8 quick 34:20 quickly 6:16 8:25 quotes 27:7 R R 3:1 5:1 42:1 rationale 36:19 RDR 1:25 read 20:20 21:5 24:1 31:21 36:16 37:16 42:4 reading 38:7 38:13 ready 26:3,4 29:1,3 really 31:4 Realtime 2:10 43:4 reask 34:4 reason 35:22 recall 10:18,24 11:11,19	34:11 recited 18:12 recognize 7:9 8:15 34:18 recognizing 11:6 record 5:3 17:25 19:1 20:21 21:5 24:2 26:9 36:17 37:17 40:21 42:5 43:8 Reddy's 1:5 5:5,6 14:24 15:12 43:13 redness 20:24 21:10,12 22:17,19 23:8,12 reduce 21:12 22:19 23:7 23:12 reducing 21:10 22:17 reduction 20:23 refer 10:7 15:14,15,21 16:8 18:6 19:14 27:6 31:25 34:2 35:7 reference 5:10 19:13 37:1 38:18 referred 25:12 38:2 referring 21:13 32:11,15 refers 16:17 19:22 regard 7:8 26:14 28:1
---	--	--	---	---

regimen 28:15 28:21 36:20 Registered 2:9 43:3 related 11:21 43:18 relating 11:13 38:11 release 24:4,9 rely 27:25 28:5 relying 34:12 remainder 38:14 remember 11:5,18 38:16,18 Remote 1:19 2:7 remotely 1:22 5:15 repeat 32:4 reply 6:14,21 6:25 7:8,13 24:20,22 34:2 REPORTED 1:24 reporter 2:10 2:10,11 5:16 5:22 29:23 30:1 32:23 34:25 40:24 41:5 43:1,4,4 43:5 represent 5:21 5:25 9:11 11:7 13:4 16:7 19:12 representati... 16:11 represented 24:8 representing 15:5	Republic 30:14 require 17:1 Research 34:7 35:14 respect 10:15 17:7 right 11:2 13:17 14:20 14:24 18:21 19:4,18 26:7 28:9,12,22 29:21 30:15 30:19 33:2,5 33:7 35:3 38:20 right-hand 32:1 Robert 14:10 Rodriguez 14:3,6,8 15:9 Roman 25:19 rough 40:25 41:2 rubber 30:18 S S 3:1 4:9 5:1 SA 1:5 5:6 43:13 safety 37:25 38:9 saying 26:19 27:1 says 12:25 13:16,24 15:10 16:3 20:18 22:25 27:8 30:4 32:10,13 36:17 scope 11:25 16:10 screen 6:21	7:10 8:16 9:9 scroll 8:19 20:6 second 8:4 17:14 19:3 19:21 see 6:21,23 8:21,22 9:9 12:16,24 13:3,12,14 13:15,18,24 14:1,2,4,11 14:12 15:10 15:13 16:3,5 16:19,22,25 17:4,17 18:11,20,22 18:23,24 19:24 20:7 20:11,16 21:3,16,17 23:17,24 27:5,8,9 28:2 29:8,11 30:4 30:6,8,10 33:3 35:16 35:24 37:6 seeking 28:16 send 40:23 sense 33:10 sentence 16:22 23:22 24:1 30:8 37:16 separate 32:16 September 12:7,15 13:24 series 26:13 Services 5:19 seven 30:11 signature 7:3 7:4,6,16,17 13:12,15,19	14:2 15:8 40:23 silent 26:6,20 27:1 28:11 similar 9:20,23 similarity 9:21 single 21:8 22:16,21 27:3,6,8,9,10 27:14,22 sir 26:12 29:3 30:10,16 size 37:11,23 37:24 38:4,9 38:10 39:1,7 39:11,14,16 39:25 skill 9:22 skip 37:4 skipped 17:16 Sklubalova 29:21 small 29:15 37:7,18,21 smaller 37:11 37:23 38:8 solution 30:22 30:23 33:6 38:22 39:2 39:17 solutions 31:22 32:7 32:11,15,17 33:2,18 sorry 13:21 17:16 21:21 22:9 24:21 26:22 34:23 39:21 speak 9:24 10:7 specialist 3:23 specific 24:21 35:7	specifically 10:18 31:3 31:19 specification 9:25 specifications 9:16 spelled 32:24 spelling 29:25 sponsor 35:19 stamp 13:23 stand 35:22 standard 29:7 37:24 38:4 39:1,6 41:4 start 6:13 26:24 34:3 starts 23:18 state 2:11 5:21 29:6 43:24 stated 28:21 statement 24:7 states 1:1 5:8 12:25 16:25 23:11 34:6 35:14 stating 38:3 staying 23:3 STENOGRA... 1:24 Stenotype 43:9 step 17:16 19:18 21:8 21:12,20 22:2,16,19 23:7,12,14 sterile 35:15 stop 34:24 stored 12:5 Street 3:5 strike 27:4 studies 38:11
---	---	---	---	--

study 28:16 30:4,7,10,13 30:21,25 31:11,15,16 31:23 32:8 32:18 37:7 37:19,21 38:2,20	21:12 22:19 23:7,12 43:6 43:9 talking 16:9 26:10 33:12 technically 18:2 tell 9:4 term 19:13 20:15,21 21:7 27:22 terms 11:24 17:2,11,11 20:7,8,10,11 22:14 tested 30:25 31:12 testified 6:8 testimony 11:20 28:1,6 42:5,6 text 10:2,8 18:18 thank 10:12 11:9 12:16 15:25 23:15 24:14,25,25 25:6,7 26:24 35:11 40:4,7 40:15,17 41:5 Therapies 1:8 5:7 43:15 thimerosal 32:21 thing 7:7 things 35:6 think 9:18 10:11 18:1 18:20 27:18 38:13 39:8 three 23:22 three-day 36:22	thumb 40:1 time 5:14,14 40:11,16,18 tips 30:14,17 today 40:20 Today's 5:13 top 12:24 13:17 20:16 20:18 36:17 topically 19:11 19:19 20:19 20:22 21:9 22:16 25:15 Trademark 1:1 5:9 transcript 42:4 43:7 transition 19:13 Treatment 25:13 Trenton 11:1 Trial 1:3 5:9 trials 36:10 true 43:7 try 22:13 trying 22:10 Tuesday 1:16 2:3 43:10 turn 16:20 17:13 two 6:18 9:16 10:4 18:11 20:11 23:21 25:20,23 27:16,19,23 28:8,14,21 30:9,13,17 31:22 32:7 32:13,16 33:2 38:19	understand 10:3,9 15:17 15:22 22:10 26:9 37:2 understandi... 9:15 15:4,6 22:20 26:12 35:18 37:3 38:6 39:10 39:11 understood 25:19 26:15 27:15 United 1:1 5:8 12:25 34:6 35:13 use 21:10 22:18 23:14 31:1,12,17 31:22 32:7 39:15 40:1	volume 29:7 31:5 38:23 W wait 8:10 waive 40:22 walk 39:21 want 24:20 35:5,7 wanted 28:19 34:24 Washington 3:6,15 water 33:1 we'll 8:12 34:15 41:2 we're 16:9 33:12 we've 40:11 welcome 25:8 well-charact... 24:5,11 well-studied 24:5,11 wish 7:19 witness 5:22 6:4,6 18:20 40:12,14,17 40:22 41:6 word 19:11 working 39:14 worries 10:22 13:22 35:12 wouldn't 22:22 Wow 29:15 written 29:20 X X 4:1,9 Y Yang 3:19 5:24 Yeah 12:12 18:20 20:4 20:20 22:4
submission 12:22 13:5 16:4,9,9,16 17:7 35:19 submit 6:25 submitted 6:15 submitting 11:11 subscribed 42:20 substantial 9:21 substantially 9:17,18,24 10:3 support 29:10 33:21 34:12 suppose 33:9 sure 8:5,11 9:5 21:8,24 33:24 34:14 34:21 36:19 swear 5:22 sworn 6:7 42:20	T T 4:9 42:1 t-h-i-m-e-r-o... 32:24 table 20:17 23:5 take 18:9 25:3 34:19 41:2 taken 5:5	U U 42:1	V v 1:7 5:7 variable 31:6 39:12,13 varied 39:13 vasoconstri... 23:19 verify 7:4,16 15:7 17:19 20:6 video 3:23 5:4 videoconfer... 2:8 videoconfer... 5:16 videographer 5:2,17 7:25 8:5,8 12:10 12:16 24:17 40:18 virtue 24:7 viscosity 31:7	

29:19 30:11 34:21 York 3:14	1:14 4:12 11,833,245 1:12 17:2 1147 6:19 24:24,24 34:3 15 25:1,12 16 26:1,5 27:25 18 4:12 1900 3:5	25 13:11 26 37:11,23 28 39:2,18 40:2 280 34:19 284 34:22 29 39:3,18	25:1	
Z		3	8	
zoom 1:21 2:8 5:16 14:17 18:18		280 34:19 284 34:22 29 39:3,18	8 20:5,6 26:2 85 34:22	
0			9	
0.02 25:15,23 0.035 39:23,24 40:2 0.2 28:8 35:15 35:21 37:13 38:20 0.4 28:7	2 2 25:14,22 26:14,15,19 2:24 40:18 41:7 43:11 20 36:14,18 37:9 38:2 20-613 35:15 20001-4413 3:15 20036 3:6 202 3:7,16 2023 9:6 10:16 2024 10:16 12:7 13:25 2024-00563 5:11 2025 1:16 2:3 5:13 40:19 42:21 43:10 43:23 245 5:11 6:22 7:1,22 8:7,16 10:7,8,15 11:3,13,21 12:1 14:20 16:18 17:3,8 17:18,23 18:9 24:16 26:11,15 27:11,15 29:6	3 3 23:16,18 25:13 30 12:7 13:24 39:7 30th 12:15 346-4358 3:7 35 37:12,24 38:3,10 39:1 39:16 39 7:15	901 3:14	
1 1 1:16 2:3 4:12 5:13 11:25 16:20,21 17:12,17,23 18:3,4,7,9,11 20:7 22:20 22:22 23:7 38:22,23 39:23 40:1 40:19 43:10 1:32 1:17 2:4 5:14 43:10 10-minute 28:9 1001 8:20 9:12 24:19 1014 24:18 1030 33:22,25 34:6,10,12 35:13 36:18 37:10 38:3 1069 29:10,14 29:20 30:12 30:21 31:16 31:23 32:8 11,596,600		4 4 17:16,22 18:10 26:6 26:10,10,22 27:1,3,11,14 31:25 408-4116 3:16 47 7:4 4th 43:23		
		5 5 31:25 56 28:24 29:5		
		6 6 4:5 600 5:12 7:8 7:13,23 8:1 8:11,25 9:5 9:12 10:10 14:20 16:18		
		7 7 9:5 17:13 20:3,5 23:6		