

1 1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3 3

4 4 DR. FALK PHARMA GMBH,

5 5 Petitioner

6 6 v.

7 7 ELLODI PHARMACEUTICALS, L.P.,

8 8 Patent Owner

9 9 _____
10 10 Case No. IPR2025-00052

IPR2025-00054

11 11 IPR2025-00055

12 12 Patent No. 10,632,069

11,246,828

13 13 9,486,407

14 14 _____
15 15
16 16 DEPOSITION OF ALAN F. PARR, PHARM.D., PH.D.

17 17 San Diego, California

18 18 Friday, August 29, 2025

19 19 Volume 1

20 20
21 21 Reported by:

LESLIE JOHNSON

22 22 RPR, CCRR, CSR No. 11451

23 23 Job No.: 7535521

24 24 PAGES 1 - 19

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16 16

17 17 DEPOSITION OF ALAN F. PARR, PHARM.D., PH.D.,
18 18 Volume 1, taken on behalf of Patent Owner, at 3579 Valley
19 19 Centre Drive, Suite 300, San Diego, California, beginning
20 20 at 8:58 a.m. and ending at 9:17 a.m., on Friday,
21 21 August 29, 2025, before LESLIE JOHNSON, Certified
22 22 Shorthand Reporter No. 11451.
23 23
24 24
25 25

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I N D E X

WITNESS

EXAMINATION

ALAN F. PARR, PHARM.D., PH.D.

Volume 1

BY MS. AGARWAL

5

EXHIBITS REFERRED TO

ALAN F. PARR, PHARM.D., PH.D.

NUMBER

PAGE

1050

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1051

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2011

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San Diego, California; Friday, August 29, 2025
8:58 a.m.

ALAN PARR, PHARM.D., PH.D.,
having been first duly sworn, was examined and
testified as follows:

EXAMINATION

BY MS. AGARWAL:

Q Good morning, Dr. Parr.

A Good morning.

Q Could you please state your name and
address?

A My name is Alan Frank Parr. 23 Glenmore
Court in Acworth, Georgia. And the ZIP is 30101.

Q And do you understand that you're here
today for the cross-examination on the declarations
that you submitted in IPRs 2025-00052, -54, and -55?

A Yes, ma'am.

Q And those are for patents -- the '069
patent, the '828 patent, and the '407 patent,
correct?

A I'm sorry. Could you repeat those again?

Q Yes. It's the '069 patent, the '828
patent, and the '407 patent.

1 A Yes, ma'am.

2 Q Those are the last three digits of each of
3 those patents.

4 A Yes, ma'am.

5 Q We've gone through this twice this week.
6 This is the third time.

7 A Okay.

8 Q So I'm just going to run through some
9 preliminary questions.

10 Do you understand that you just took an
11 oath with the court reporter to tell the truth here
12 today?

13 A Yes, ma'am.

14 Q Is there any reason you cannot completely
15 and truthfully answer my questions today?

16 A No, ma'am. Not that I'm aware of.

17 Q If you don't understand a question, please
18 let me know. Otherwise, we'll assume that you
19 understood my question. Is that fair?

20 A Yes, ma'am.

21 Q We'll try and take breaks every hour.

22 Do you understand that, under the rules,
23 you're not allowed to speak with any of the
24 attorneys here about your testimony or anticipated
25 during the breaks?

1 A Yes, ma'am.

2 Q And you're not in communication with
3 anyone via text or chat functions right now,
4 correct?

5 A No, ma'am. I left my phone in the other
6 room in my backpack.

7 Q Have you had any discussions with anyone
8 employed with Dr. Falk about your deposition here
9 today?

10 A Not from Dr. Falk. I mean, I've had
11 conversations with counsel, but not anybody from
12 Dr. Falk.

13 Q And have you had any discussions with
14 individuals employed by Dr. Falk about the subject
15 matter of your declarations in these proceedings?

16 A Not from Dr. Falk, no.

17 Q Were you consulted by Dr. Falk or its
18 counsel prior to Dr. Falk filing these IPRs?

19 A I was contacted -- I don't remember the
20 timings. And I drafted reports. But I don't know
21 the timings in relationship to the IPRs.

22 Q Do you remember how many discussions you
23 had with Dr. Falk's counsel at any point in time
24 prior to submitting your declarations in these
25 proceedings?

1 A I can tell you more than one, but above
2 and beyond that, I couldn't give you an exact
3 number.

4 Q When did Dr. Falk's counsel ask you to
5 submit declarations in these IPR proceedings?

6 A I'd have to look at the dates on the
7 IPR -- my reports to give a ballpark idea. It's
8 probably somewhere in 2024.

9 Q Were you asked to submit a declaration in
10 these proceedings before you were contacted to
11 submit a declaration for the '729 patent?

12 A I'm sorry. Can you ask that question
13 again?

14 Q Sure. So you also submitted a declaration
15 for IPR2024-01197 for the '729 patent, correct?

16 A Yes, ma'am.

17 Q Were you asked to submit the declarations
18 of these proceedings before, after, or around the
19 same time as you submitted -- as you were asked to
20 submit a declaration for the '729 patent?

21 A Yeah, I don't recall the exact timing for
22 that, whether if was before, at, or after.

23 Q We can go into your binder now.

24 And about the fourth tab in will be your
25 '069 declaration. It's Exhibit 1050.

1 A Uh-huh.

2 Q If you go to the first page, this is your
3 declaration in support of the petition for the '069
4 patent, correct?

5 A Yes, ma'am.

6 Q And if we go to the last page prior to the
7 appendix, that's your electronic signature, correct?

8 A Yes, ma'am, it is.

9 Q And it is dated for October 8, 2024,
10 correct?

11 A Yes, ma'am.

12 Q And if we flip to the '828 declaration,
13 which is the next tab over, this is your declaration
14 in support of the petition for the '828 patent,
15 correct?

16 A Yes, ma'am.

17 Q And it if we flip to the last page prior
18 to the appendix, that's your electronic signature on
19 the last page, correct?

20 A Yes, ma'am.

21 Q And it is dated October 8, 2024, correct?

22 A Yes, ma'am.

23 Q And if we go to the '407 declaration,
24 that's Exhibit 1053, this is your declaration in
25 support of the petition for the '407 patent,

1 correct?

2 A Yes, ma'am.

3 Q Again, if we flip to the last page prior
4 to the appendix, that's your signature on the last
5 page, correct?

6 A Yes, ma'am. It is my electronic
7 signature.

8 Q And that is dated October 22, 2024,
9 correct?

10 A Yes, ma'am, that's correct.

11 Q And if we go to the first exhibit in your
12 binder, it's Exhibit 2011, this is your deposition
13 transcript in IPR2024-01197 for the '729 patent,
14 correct?

15 A It looks like it, yes, ma'am.

16 Q And on the first page, it is dated
17 April 9, 2025, correct?

18 A Yes, ma'am.

19 Q So you submitted your declarations in the
20 three proceedings that we are discussing today for
21 the '069 patent, the '828 patent, and the '407
22 patent prior to being deposed for the '729 patent,
23 correct?

24 A Yes, ma'am. I believe those were all in
25 2024.

1 Q All right. Let's go back to Exhibit 1050,
2 which is your declaration for the '069 patent.

3 A This is at 1050?

4 Q Yes.

5 A Okay.

6 Q And if we go to the "Materials Considered"
7 section, this lists -- this section lists all of the
8 materials that you considered for your declaration
9 for the '069 patent, correct?

10 A Yes, ma'am.

11 Q Looking at this list, you do not assert
12 Exhibits 1009 to 1019 for -- as grounds for
13 obviousness in your declaration, correct?

14 A No, ma'am, I do not.

15 Q And you also do not assert Exhibit 1020 to
16 Venkatesh, as a ground for obviousness in this
17 declaration, correct?

18 A No, ma'am, I do not.

19 Q And you do not assert Exhibits 1025 to
20 1028 as grounds for obviousness in this declaration,
21 correct?

22 A I do not.

23 Q And you do not assert Exhibits 1035 and
24 1036 as grounds for obviousness in this declaration,
25 correct?

1 A I do not.

2 Q And you do not assert Exhibits 1041 to
3 1045 as grounds for obviousness in this declaration,
4 correct?

5 A Again, not for obviousness, but just for
6 background information, yes, ma'am, supporting
7 information.

8 Q And you do not assert Exhibit 1047 as a
9 ground for obviousness in this declaration, correct?

10 A No, ma'am. Just background information.

11 Q Let's turn to your '828 declaration, which
12 is Exhibit 1051. If you go to the "List of
13 Materials Considered" section, these are the
14 materials that you considered in support of your
15 declaration for the '828 patent, correct?

16 A Yes, ma'am.

17 Q You do not assert Exhibits 1009 to 1020 as
18 grounds for obviousness in this declaration,
19 correct?

20 A No, I do not. I just put them in there
21 for background information.

22 Q And you do not assert Exhibits 1025 to
23 1028, 1035, 1036, 1041 to 1047 as grounds for
24 obviousness either in this declaration, correct?

25 A No, ma'am. They're in there for

1 background information, supportive information.

2 Q And if we could turn to your '407
3 declaration, to Exhibit 1053. Turn to the
4 "Materials Considered" portion. These are the
5 materials that you considered in support of your
6 declaration for the '407 patent, correct?

7 A Yes, ma'am.

8 Q And you do not assert Exhibits 1009 to
9 1019, Exhibits 1025 to 1028, 1033 to 1036, 1041,
10 1054, and 1055 as grounds for obviousness in your
11 declaration, correct?

12 A Those are a lot.

13 Could you be easier and just say which
14 ones I do?

15 Q Sure.

16 A Just because that's a smaller number.

17 Q So you only assert Exhibit 1002 to Dohil,
18 1005 to the FDA administration guidance, 1008 to
19 Growther, and 1020 to Venkatesh as grounds for
20 obviousness, correct?

21 A Yes, ma'am. Thank you.

22 Q For any of these three declarations that
23 we're discussing today, did you ever suggest any
24 content to be included in your declarations that
25 were not included?

1 A No, ma'am.

2 Q And who first identified the documents
3 listed in the "Materials Considered" sections of
4 your declarations? You can go declaration by
5 declaration if that's easier.

6 A Yeah. Probably would be, just to make
7 sure.

8 Q We're already in the '407 declaration.
9 Let's start there. That is Exhibit 1053.

10 So, if I ask the question again, for the
11 '407 -- for your declaration for the '407 patent,
12 who first identified the documents listed in this
13 "Materials Considered" section?

14 A I think, as I alluded to previously, I
15 think I identified the FDA guidance document. I'm
16 not 100 percent sure of that. But that was the only
17 one. All the others were identified by counsel.

18 Q And did counsel identify the prior art
19 references here to you at the same time as the '407
20 patent?

21 A I don't recall the timings of when I saw
22 the patent in relationship to when I saw these
23 documents. I don't know if they were at the same
24 time or I saw the patent before or after.
25 Generally, I like to see the documents first and the

1 patent second. But I can't confirm that.

2 Q Prior to submitting your declaration for
3 the '407 patent, did you review any documents other
4 than those that are listed here in your declaration?

5 A No, ma'am.

6 Q And you're not relying on any other
7 documentary evidence to support your declaration
8 testimony here.

9 A Other than just general POSA knowledge.

10 Q And if we can turn to the '828 declaration
11 that is Exhibit 1051. If you'd go to the "Materials
12 Considered" section. For these materials
13 considered, who first identified the documents
14 listed in this section?

15 A Again, I think I identified the guidance
16 for orally disintegrating tablets, but I'm not
17 100 percent sure of that. The other ones were by
18 counsel.

19 Q And for this declaration, were the
20 references identified to you at the same time as the
21 '828 patent?

22 A Again, I couldn't answer that with
23 100 percent confidence. Usually I want to see
24 documents first and the '828 second -- or the patent
25 second. But I don't know if that happened or not.

1 Q And prior to submitting this declaration,
2 did you review any documents other than those that
3 are listed in the "Materials Considered" section?

4 A No, ma'am.

5 Q And you're not relying on any other
6 documents to support your declaration testimony for
7 the '828 patent, correct?

8 A Other than POSA knowledge, general POSA
9 knowledge.

10 Q And let's turn to the '069 declaration,
11 Exhibit 1050 in the "Materials Considered" section.
12 Same questions here.

13 Who first identified the documents listed
14 in this section?

15 A Again, the only one I think I might have
16 is the guidance documents for ODTs. I'm not
17 100 percent confident of that. All of the others
18 were identified by counsel.

19 Q And prior to submitting your declaration
20 testimony for the '069 patent, did you review any
21 other documents other than the ones that are listed
22 here.

23 A No, ma'am.

24 Q And were these references identified to
25 you at the same time as the '069 patent by counsel?

1 A Again, I don't recall the exact order. I
2 usually like to see documents before the patent.

3 Q And you're not relying on any other
4 documentary evidence to support your declaration for
5 the '069 patent, correct?

6 A Other than just general POSA knowledge.

7 MS. AGARWAL: I have no further questions.

8 THE WITNESS: Okay.

9 MR. LUMAN: I have no further questions
10 either, so we can go off the record.

11 (TIME NOTED: 9:17 A.M.)

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DECLARATION UNDER PENALTY OF PERJURY

I, ALAN F. PARR, PHARM.D., PH.D., the witness
herein, declare under penalty of perjury that I have read
the foregoing in its entirety; and that the testimony
contained therein, as corrected by me, is a true and
accurate transcription of my testimony elicited at said
time and place.

Executed this _____ day of _____ 2025, at

_____, _____.

(City)

(State)

ALAN F. PARR, PHARM.D., PH.D.

REPORTER'S CERTIFICATION

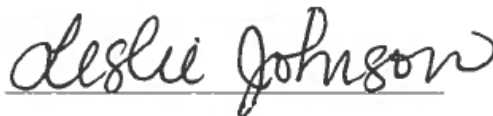
I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: September 4,



LESLIE JOHNSON

CSR No. 11451, RPR, CCRR

Veritext Legal Solutions

215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the deposition officer. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the deposition officer and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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