

1 COOLEY LLP
MICHAEL ATTANASIO (151529)
2 (mattanasio@cooley.com)
BARRETT J. ANDERSON (318539)
3 (banderson@cooley.com)
CRAIG E. TENBROECK (287848)
4 (ctenbroeck@cooley.com)
SOPHIA M. RIOS (305801)
5 (srios@cooley.com)
JAYME B. STATEN (317034)
6 (jstaten@cooley.com)
4401 Eastgate Mall
7 San Diego, CA 92121-1909
Telephone: (858) 550-6000
8 Facsimile: (858) 550-6420

9 *Attorneys for Plaintiff and Counter-Defendant*
10 *ChromaDex, Inc.*

11 *Counsel continued on following page*

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **(WESTERN DIVISION)**

16 ChromaDex, Inc.,
17 Plaintiff,
18 v.
19 Elysium Health, Inc., and Mark Morris,
20 Defendants.

21 Elysium Health, Inc.,
22 Counterclaimant,
23 v.
24 ChromaDex, Inc.,
25 Counter-Defendant.
26

Case No. 8:16-cv-2277-CJC (DFMx)

JOINT TRIAL WITNESS LIST

Judge: Hon. Cormac J. Carney
Courtroom: 7C

Trial: October 15, 2019
Pretrial Conference: Sept. 18, 2019

27
28 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

1 COVINGTON & BURLING LLP
MITCHELL A. KAMIN (202788)
2 (mkamin@cov.com)
1999 Avenue of the Stars, Suite 3500
3 Los Angeles, CA 90067-4643
Telephone: (424) 332-4800
4 Facsimile: (424) 332-4749

5 COVINGTON & BURLING LLP
PHILIP A. IRWIN (*admitted Pro Hac Vice*)
6 (pirwin@cov.com)
620 Eighth Avenue
7 New York, NY 10018-1405
Telephone: (212) 841-1000

8
9 *Attorneys for Plaintiff and Counter-Defendant*
ChromaDex, Inc.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Pursuant to Fed. R. Civ. P. 26(a)(3)(A), Local Rule 16–5, this Court’s August 1,
2 2019 Order Advancing Trial and Pretrial Conference (Dkt. 220), and the Court’s
3 standing Order Regarding Settlement Procedures, Pretrial Conference and Trial,
4 Plaintiff and Counter-Defendant ChromaDex, Inc. (“ChromaDex”), and Elysium
5 Health, Inc. (“Elysium”) and Mark Morris (collectively “Defendants”) hereby submit
6 their respective trial witness lists jointly.

7 The parties present the following list of trial witnesses and time estimates for
8 their respective direct cases, to the best of the parties’ knowledge at this time. In
9 preparing this document, the parties have contemplated a nine or ten day trial that
10 includes opening statements and witness testimony (divided evenly between the
11 parties), as well as a bench trial to the Court on Elysium’s counterclaims for patent
12 misuse and unjust enrichment, as well as the parties’ equitable defenses.

13 **CHROMADEX’S WITNESSES**¹

14 ChromaDex reserves the right to identify additional witnesses, withdraw any
15 witness, modify the order in which its witnesses will appear, and to modify the summary
16 of testimony or summary time for examination of each witness, based on the issues
17 presented at trial and subsequent rulings of the Court. Due to the early stage of the case,
18 including the currently outstanding motions, and because ChromaDex is still evaluating
19 the availability of witnesses for trial testimony, ChromaDex has listed its witnesses in
20 alphabetical order.

21 **I. WITNESSES CHROMADEX EXPECTS TO CALL AT TRIAL**²

22 ChromaDex expects to call one or more of the witnesses below to testify at trial.

23 _____
24 ¹ Pursuant to Local Rule 16-5, an asterisk is “placed next to the names of those witnesses
whom the party may call only if the need arises.”

25 ² Elysium objects to ChromaDex calling as witnesses at trial Jeremy Harrington, James
26 Lee, and Dr. Elizabeth Roth-Johnson. ChromaDex identified none of these persons in
27 its initial disclosures or supplements thereto as persons it believes have relevant
28 knowledge, and thus prevented Elysium from taking discovery into the potential
subjects of their trial testimony. ChromaDex’s failure to timely identify these witnesses
is neither substantially justified nor harmless, and their testimony should be excluded
from trial. *See, e.g., Ginger Root Office Associates, LLC v. Advanced Products &
Packaging Co.*, No. CV 07–05568 MMM (PJWx), 2009 WL 10673918, at *4 (C.D.

1 ChromaDex also reserves the right to call additional witnesses, if necessary, to rebut
2 any unanticipated exhibit or testimony offered by Defendants.

3 **A. Daniel Alminana**

4 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
5 (212) 589-4200

6 Summary of Testimony

7 Mr. Alminana is Elysium's Chief Operating Officer. Mr. Alminana is expected
8 to testify about Elysium's founding, the company's relationship with ChromaDex, its
9 recruitment and hiring of Mr. Morris, its development of strategies with Mr. Morris to
10 destroy or otherwise harm ChromaDex, its nonpayment for large ingredient orders it
11 placed with ChromaDex on June 30, 2016 ("the June 30 Orders"), and its efforts to
12 misappropriate ChromaDex trade secrets and confidential information to harm
13 ChromaDex and advance Elysium.

14 Summary Time For Examination:

15 On direct: 0.75-1 hours

16 On cross: 0.75 hours

17 On re-direct: 0.25 hours

18 On re-cross: 0.25 hours

19 **B. Will Black**

20 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121
21 (858) 550-6000

22 Brief Summary of Testimony

23 Mr. Black is the former Vice President of Sales and Marketing at ChromaDex.

24 _____
Cal. Feb. 18, 2009).

25 *[ChromaDex's Response]:* ChromaDex believes that it is procedurally improper for
26 Elysium to request exclusionary sanctions in a footnote to the Joint Trial Witness List.
27 Aside from depriving ChromaDex the opportunity to fully respond, the timing of
28 Elysium's "objection"—September 10, 2019, one day before the filing of this Joint
Witness List—prejudices ChromaDex. This is especially true where the parties
exchanged proposed trial witness lists two-and-half weeks ago, on August 23, 2019.
The Court should not entertain Elysium's belated footnote objection.

1 Mr. Black is expected to testify regarding the June 30 Orders, ChromaDex's compliance
2 with its contractual obligations to Elysium, ChromaDex's trade secrets and confidential
3 information, and certain facts regarding Elysium's allegations regarding ChromaDex's
4 trademarks and exclusivity under the terms of the parties' supply agreement.

5 Summary Time For Examination:

6 On direct: 0.5-0.75 hours

7 On cross: 0.75 hours

8 On re-direct: 0.25 hours

9 On re-cross: 0.25 hours

10 **C. Dr. Amy Boileau***

11 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

12 (858) 550-6000

13 Brief Summary of Testimony

14 Dr. Boileau is the former Director of Scientific Affairs at ChromaDex. If
15 necessary, Dr. Boileau is expected to testify regarding the testing that ChromaDex
16 conducted in 2017 on its NR for acetamide and its continuing efforts to ensure that its
17 products are safe for human consumption.

18 Summary Time For Examination:

19 On direct: 0.25-0.5 hours

20 On cross: 0.5 hours

21 On re-direct: 0.25 hours

22 On re-cross: 0.25 hours

23 **D. Elysium's Custodian of Records**

24 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

25 (212) 589-4200

26 Brief Summary of Testimony

27 Elysium has not yet identified its custodian of records. Through his or her
28 testimony, ChromaDex expects Elysium's custodian of records to authenticate

1 Elysium's business records and to testify to Elysium's maintenance of such records.

2 Summary Time For Examination:

3 On direct: 0.25-0.5 hours

4 On cross: 0.25 hours

5 On re-direct: 0.25 hours

6 On re-cross: 0.1 hours

7 **E. Aron Erickson**

8 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

9 (310) 388-6706

10 Brief Summary of Testimony

11 Mr. Erickson is the Director of Technology at ChromaDex. Mr. Erickson is
12 expected to testify regarding ChromaDex's investment into its NR product, NIAGEN®,
13 its research and development efforts into NR, and the patents, trade secrets, and other
14 confidential and proprietary information the company owns or has developed related to
15 NR. He may also testify regarding the testing that ChromaDex conducted in 2017 on
16 its NR for acetamide and its continuing efforts to ensure that its products are safe for
17 human consumption.

18 Summary Time For Examination:

19 On direct: 1-1.25 hours

20 On cross: 1 hour

21 On re-direct: 0.25 hours

22 On re-cross: 0.25 hours

23 **F. Rob Fried**

24 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

25 (310) 388-6706

26 Brief Summary of Testimony

27 Mr. Fried is the Chief Executive Officer of ChromaDex. Mr. Fried is expected
28 to testify regarding ChromaDex's current business and the harm that Defendants have

1 caused ChromaDex.

2 Summary Time For Examination:

3 On direct: 0.25-0.5 hours

4 On cross: 0.5-0.75 hours

5 On re-direct: 0.25 hours

6 On re-cross: 0.25 hours

7 **G. Lance Gunderson**

8 c/o Echelon Analytics, 1717 Main Street, Suite 3380, Dallas, TX 75201

9 (214) 965-8530

10 Brief Summary of Testimony

11 Mr. Gunderson is a Professor and Chair of the Department of Environmental
12 Sciences at Emory University and is the Managing Director with Echelon Analytics
13 LLC. Mr. Gunderson is expected to provide expert testimony regarding the damages
14 incurred by ChromaDex and the unjust enrichment of Defendants.

15 Summary Time For Examination:

16 On direct: 1 hour

17 On cross: 0.75 hours

18 On re-direct: 0.25 hours

19 On re-cross: 0.25 hours

20 **H. Jeremy Harrington**

21 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

22 (858) 550-6000

23 Brief Summary of Testimony

24 Mr. Harrington is the former Systems Architect at ChromaDex. Mr. Harrington
25 is expected to testify regarding the information technology policies, practices, and
26 procedures guarding ChromaDex's trade secrets and confidential information.

27 Summary Time For Examination:

28 On direct: 0.25-0.5 hours

1 On cross: 0.5 hours
2 On re-direct: 0.25 hours
3 On re-cross: 0.25 hours

4 **I. Dr. Randal Heeb**

5 c/o Bates White Economic Consulting, 2001 K Street NW, North Building, Suite
6 500, Washington, DC 20006
7 (202) 747-5968

8 Brief Summary of Testimony

9 Dr. Heeb is a Partner in the economic consulting firm of Bates While LLC, where
10 he leads the firm's Intellectual Property Practice and co-leads the Antitrust and
11 Competition Practice. Dr. Heeb is expected to testify as a rebuttal witness regarding
12 Elysium's patent misuse counterclaim.

13 Summary Time For Examination:

14 On direct: 1-1.5 hours
15 On cross: 1 hour
16 On re-direct: 0.5 hours
17 On re-cross: 0.25 hours

18 **J. Frank Jaksch**

19 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
20 (310) 388-6706

21 Brief Summary of Testimony

22 Mr. Jaksch is the Co-Founder of ChromaDex and the Executive Chairman of the
23 ChromaDex Board. Mr. Jaksch is expected to testify regarding the beginning of
24 ChromaDex's relationship with Elysium, the history of events between Elysium and
25 ChromaDex from 2013 through the events at issue in this litigation, and the negotiation
26 and provisions of the contracts between Elysium and ChromaDex. He is also expected
27 to testify regarding ChromaDex's employment of Mr. Morris and his duties to the
28 company as a corporate officer. Mr. Jaksch is also expected to testify regarding

1 ChromaDex's intellectual property and policies and practices related to licensing its
2 trademarks.

3 Summary Time For Examination:

4 On direct: 1-1.25 hours

5 On cross: 1-1.25 hours

6 On re-direct: 0.25 hours

7 On re-cross: 0.25 hours

8 **K. Dr. Carla Kagel**

9 c/o K Prime, Inc., 3621 Westwind Blvd., Santa Rose, CA 95403

10 (707) 527-7574

11 Brief Summary of Testimony

12 Dr. Kagel is the President and Chief Executive Officer of K Prime, Inc., a testing
13 laboratory specializing in analysis of air, soil, water, and consumer and nutraceutical
14 products. Dr. Kagel is expected to testify as an expert witness regarding the deficiencies
15 in Elysium's acetamide testing method, the testing it conducted using that method in
16 late 2016 and 2017, and the results of that testing. She is also expected to testify about
17 ChromaDex's validated testing method and testing results showing that ChromaDex's
18 NIAGEN never contained elevated levels of acetamide as alleged by Elysium.

19 Summary Time For Examination:

20 On direct: 0.25-0.5 hours

21 On cross: 0.5 hours

22 On re-direct: 0.25 hours

23 On re-cross: 0.25 hours

24 **L. James Lee**

25 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

26 (310) 388-6706

27 Brief Summary of Testimony

28 Mr. Lee is the Controller for ChromaDex. Mr. Lee is expected to testify

1 regarding ChromaDex's financial condition and the financial effect of Defendants'
2 actions on ChromaDex.

3 Summary Time For Examination:

4 On direct: 0.25-0.5 hours

5 On cross: 0.5 hours

6 On re-direct: 0.25 hours

7 On re-cross: 0.25 hours

8 **M. Eric Marcotulli**

9 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

10 (212) 589-4200

11 Summary of Testimony

12 Mr. Marcotulli is the Chief Executive Officer of Elysium. Mr. Marcotulli is
13 expected to testify about Elysium's founding, the company's relationship and contracts
14 with ChromaDex, its recruitment and hiring of Mr. Morris, its development of strategies
15 with Mr. Morris to destroy or otherwise harm ChromaDex, and its acquisition and use
16 of ChromaDex trade secrets and confidential information to harm ChromaDex and
17 advance Elysium.

18 Summary Time For Examination:

19 On direct: 2.5-3 hours

20 On cross: 1-1.5 hours

21 On re-direct: 0.5 hours

22 On re-cross: 0.25 hours

23 **N. Matthew Moreno***

24 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

25 (858) 550-6000

26 Summary of Testimony

27 Mr. Moreno is the former Director of Quality Assurance at ChromaDex. If
28 necessary, Mr. Moreno is expected to testify regarding ChromaDex's efforts to ensure

1 its products are safe for human consumption and the cGMP standards maintained by
2 ChromaDex's NR manufacturer.

3 Summary Time For Examination:

4 On direct: 0.25-0.5 hours

5 On cross: 0.25-0.5 hours

6 On re-direct: 0.25 hours

7 On re-cross: 0.25 hours

8 **O. Mark Morris**

9 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

10 (212) 589-4200

11 Summary of Testimony

12 Mr. Morris is currently the Vice President, Research and Development at
13 Elysium and was previously employed as a corporate officer by ChromaDex.
14 Mr. Morris is expected to testify regarding his duties at ChromaDex, the confidentiality
15 agreements he executed with ChromaDex in February and July 2016, and his disclosure
16 of ChromaDex trade secrets and confidential information to Elysium. Mr. Morris is
17 also expected to testify about his efforts and the strategies he created in cooperation
18 with Elysium to destroy or otherwise harm ChromaDex while still employed by the
19 company. Mr. Morris is also expected to testify about his work for Elysium, including
20 his and Elysium's use of ChromaDex documents and information to obtain financing
21 for Elysium and develop Elysium's new supply of NR.

22 Summary Time For Examination:

23 On direct: 2.5-3 hours

24 On cross: 1-1.5 hours

25 On re-direct: 0.5 hours

26 On re-cross: 0.25 hours

27 **P. Troy Rhonemus**

28 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

1 (858) 550-6000

2 Brief Summary of Testimony

3 Mr. Rhonemus is the former Chief Operating Officer at ChromaDex.
4 Mr. Rhonemus is expected to testify regarding Mr. Morris's duties and actions while
5 employed by ChromaDex, ChromaDex's supply chain, and the negotiations and
6 contract provision related to exclusivity for Elysium. Mr. Rhonemus may also testify
7 about ChromaDex's efforts to ensure its products are safe for human consumption and
8 the cGMP standards maintained by ChromaDex's NR manufacturer.

9 Summary Time For Examination:

10 On direct: 0.75-1 hours

11 On cross: 0.75 hours

12 On re-direct: 0.5 hours

13 On re-cross: 0.25 hours

14 **Q. Jenny Robles**

15 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

16 (310) 388-6706

17 Brief Summary of Testimony

18 Ms. Robles is the Human Resources Manager at ChromaDex. Ms. Robles is
19 expected to testify regarding the human resource policies, practices, and procedures
20 guarding ChromaDex's trade secrets and confidential information. Ms. Robles is also
21 expected to testify about the confidentiality agreements Mr. Morris executed with
22 ChromaDex in February and July 2016 and his employment at ChromaDex.

23 Summary Time For Examination:

24 On direct: 0.5-0.75 hours

25 On cross: 0.5 hours

26 On re-direct: 0.25 hours

27 On re-cross: 0.25 hours

28

1 **R. Dr. Elizabeth Roth-Johnson**

2 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
3 (310) 388-6706

4 Brief Summary of Testimony

5 Dr. Roth-Johnson is the Scientific Communications Manager at ChromaDex. Dr.
6 Roth-Johnson is expected to testify about NR, ChromaDex's investment in research and
7 development of NR, and the value created by ChromaDex through its investment.

8 Summary Time For Examination:

9 On direct: 0.25-0.5 hours

10 On cross: 0.5 hours

11 On re-direct: 0.25 hours

12 On re-cross: 0.25 hours

13 **S. Tom Varvaro**

14 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121
15 (858) 550-6000

16 Brief Summary of Testimony

17 Mr. Varvaro is the former Chief Financial Officer at ChromaDex. Mr. Varvaro
18 is expected to testify regarding the negotiations and contract provision related to most
19 favored nation pricing for Elysium, the policies, practices, and procedures implemented
20 by ChromaDex to guard its information, and the value of ChromaDex's intellectual
21 property, trade secrets, and other confidential information to the company.

22 Summary Time For Examination:

23 On direct: 0.75-1 hours

24 On cross: 0.5-0.75 hours

25 On re-direct: 0.25 hours

26 On re-cross: 0.25 hours

27

28

1 **II. WITNESSES CHROMADEx’S INTENDS TO CALL BY DEPOSITION TESTIMONY**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ChromaDex expects to offer deposition testimony from one or more of the witnesses below at trial. ChromaDex also reserves the right to offer testimony from additional witnesses, if necessary, to rebut any unanticipated exhibit or testimony offered by Defendants.

A. Dr. Ryan Dellinger

c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
(212) 589-4200

Summary of Testimony

Dr. Dellinger is the Director of Scientific Affairs at Elysium and was previously the Director of Scientific Affairs at ChromaDex. ChromaDex intends to offer Dr. Dellinger’s testimony regarding the maintenance, disclosure, and use of certain ChromaDex confidential information.

Summary Time For Examination:

- On direct: 0.2 hours
- On cross: 0.2 hours
- On re-direct: 0 hours
- On re-cross: 0 hours

B. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Summary of Testimony

[REDACTED] is the Director of Business Development at [REDACTED] (“[REDACTED]”). ChromaDex intends to offer [REDACTED] testimony regarding [REDACTED] relationship with Elysium and Elysium’s development of its second supply chain for NR following its relationship with its first alternative manufacturer for NR.

1 Summary Time For Examination:

2 On direct: 0.2 hours

3 On cross: 0.2 hours

4 On re-direct: 0 hours

5 On re-cross: 0 hours

6 **C. Dr. Leonard Guarente**

7 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

8 (212) 589-4200

9 Brief Summary of Testimony

10 Dr. Guarente is a Co-Founder of Elysium and the company's Chief Scientist.
11 ChromaDex intends to offer Dr. Guarente's testimony regarding his founding role at
12 Elysium, the company's consideration of which ingredients to include in Elysium's
13 consumer product, Basis, and Elysium's disclosure and use of certain ChromaDex
14 confidential and proprietary information.

15 Summary Time For Examination:

16 On direct: 0.2 hours

17 On cross: 0.2 hours

18 On re-direct: 0 hours

19 On re-cross: 0 hours

20 **D. Daniel Magida**

21 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

22 (212) 589-4200

23 Brief Summary of Testimony

24 Mr. Magida is Elysium's former Supply Chain Manager. ChromaDex intends to
25 offer Mr. Magida's testimony regarding Elysium's supply chain for NR, its
26 development of alternative sources for NR, and Elysium's disclosure and use of certain
27 ChromaDex confidential and trade secret information.

28

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
26
27
28

Summary Time For Examination:

On direct: 0.2 hours
On cross: 0.2 hours
On re-direct: 0 hours
On re-cross: 0 hours

E. Ramon Padilla*

c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
(212) 589-4200

Brief Summary of Testimony

Mr. Padilla is the former Director, Quality & Compliance at Elysium. If necessary, ChromaDex intends to offer Mr. Padilla’s testimony regarding Elysium’s testing for acetamide in 2017 and the company’s cGMP requirements for its contract manufacturing organizations.

Summary Time For Examination:

On direct: 0.2 hours
On cross: 0.2 hours
On re-direct: 0 hours
On re-cross: 0 hours

F.

[REDACTED]
[REDACTED]³
[REDACTED]

Brief Summary of Testimony

[REDACTED] is the Co-Founder, President, and Chief Executive Officer of [REDACTED]. ChromaDex intends to offer [REDACTED] testimony regarding [REDACTED] relationship with Elysium and Elysium’s first effort to develop of a new source of NR.

³ [REDACTED]

1 Summary Time For Examination:

2 On direct: 0.2 hours

3 On cross: 0.2 hours

4 On re-direct: 0 hours

5 On re-cross: 0 hours

6 **G.** [REDACTED] *

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Brief Summary of Testimony

11 [REDACTED] is the Associate Analytical Director of [REDACTED]. If necessary,
12 ChromaDex intends to offer [REDACTED] testimony regarding Elysium's second
13 effort to develop a new source of NR and the deficiencies in Elysium's acetamide
14 testing method.

15 Summary Time For Examination:

16 On direct: 0.2 hours

17 On cross: 0.2 hours

18 On re-direct: 0 hours

19 On re-cross: 0 hours

20 **H.** [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Brief Summary of Testimony

24 [REDACTED] is the Vice President of Research and Development at [REDACTED].
25 ChromaDex intends to offer [REDACTED] testimony regarding Elysium's development
26 of a new source of NR and its testing of NR for acetamide in 2017.

27 Summary Time For Examination:

28 On direct: 0.2 hours

1 On cross: 0.2 hours
2 On re-direct: 0 hours
3 On re-cross: 0 hours

4 **I. Dr. Thomas Wilhelm**

5 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
6 (212) 589-4200

7 Brief Summary of Testimony

8 Dr. Wilhelm is Elysium’s General Counsel and testified as Elysium’s
9 Rule 30(b)(6) company witness. ChromaDex intends to offer Dr. Wilhelm’s testimony
10 regarding Elysium’s financial condition and investors, the company’s preservation
11 obligations, and certain facts regarding Elysium’s interpretation of the contract terms
12 at issue and its relationship with ChromaDex from 2013 to the present.

13 Summary Time For Examination:

14 On direct: 0.4 hours
15 On cross: 0.4 hours
16 On re-direct: 0 hours
17 On re-cross: 0 hours

18 **DEFENDANTS’ WITNESSES⁴**

19 Defendants reserve the right to identify additional witnesses, withdraw any
20 witness, modify the order in which their witnesses will appear, and to modify the
21 summary of testimony or summary time for examination of each witness, based on the
22 issues presented at trial and subsequent rulings of the Court. Due to stage of the
23 litigation, including the currently outstanding motions, and because Defendants are still
24 evaluating the availability of witnesses for trial testimony, they have listed their
25 witnesses in alphabetical order. Additionally, to assist the Court, Defendants have
26 provided below separate witness lists and time estimates in connection with the jury and

27 _____
28 ⁴ Pursuant to Local Rule 16-5, an asterisk is “placed next to the names of those witnesses whom the party may call only if the need arises.”

1 non-jury phases of trial.⁵

2 **I. WITNESSES DEFENDANTS EXPECT TO CALL AT JURY TRIAL**

3 Elysium expects to call one or more of the witnesses below to testify at trial, and
4 reserves the right to call additional witnesses, if necessary, to rebut any unanticipated
5 exhibit or testimony offered by ChromaDex.

6 **A. Daniel Alminana**

7 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
8 (212) 589-4200

9 Brief Summary of Testimony

10 Mr. Alminana is Elysium's Chief Operating Officer. He is expected to testify
11 about certain aspects of the contract negotiations between Elysium and ChromaDex,
12 including misrepresentations made by ChromaDex during those negotiations;
13 ChromaDex's interest in acquiring Elysium; the relationship between Elysium and
14 ChromaDex, including ChromaDex's breaches of the parties' NR Supply Agreement;
15 Elysium's efforts to maintain a supply of NR and its efforts to develop an alternate
16 source of NR once the relationship with ChromaDex soured; the information
17 ChromaDex provided Elysium during the course of the parties' relationship; Elysium's
18 hiring of Mark Morris and Ryan Dellinger; and the harm caused Elysium by
19 ChromaDex's conduct.

20 Summary Time For Examination:

- 21 On direct: 1.5-2 hours
22 On cross: 1-1.5 hours
23 On re-direct: .5 hours
24 On re-cross: 0.5 hours

25 **B. Will Black**

26

27 ⁵ ChromaDex received Defendants' portion of the Joint Witness List at 7:32 PM on
28 September 11, 2019. ChromaDex reserves the right to modify the times it estimates for
cross examination in both proposed phases of the case because it is still considering
Defendants' proposed witnesses for each phase.

1 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

2 (858) 550-6000

3 Brief Summary of Testimony

4 Mr. Black is the former Vice President of Sales and Marketing at ChromaDex.
5 He is expected to testify about information ChromaDex provided to Elysium concerning
6 its other customers and its own business; ChromaDex's breaches of the NR Supply
7 Agreement; and information ChromaDex provided to customers other than Elysium
8 about its business.

9 Summary Time For Examination:

10 On direct: 0.5-0.75 hours

11 On cross: 0.25-0.5 hours

12 On re-direct: 0.25 hours

13 On re-cross: 0.1 hours

14 **C. Stephen Block**

15 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

16 (858) 550-6000

17 Summary of Testimony

18 Mr. Block is a member of ChromaDex's Board of Directors. He is expected to
19 testify about ChromaDex's decision to enter the direct-to-consumer ("DTC") NR
20 supplement market and to seek to eliminate Elysium from that market; ChromaDex's
21 negotiation of the acquisition of Healthspan Research LLC ("Healthspan") from its
22 director Rob Fried in pursuit of that DTC strategy; and discussions between ChromaDex
23 and Elysium regarding their disputes under their contracts.

24 Summary Time For Examination:

25 On direct: 0.5-0.75

26 On cross: 0.25-0.5 hours

27 On re-direct: 0.25

28 On re-cross: 0.1 hours

1 **D. Dr. Iain Cockburn**

2 c/o Foley Hoag LLP, 155 Seaport Blvd, Boston, MA 02210

3 617-832-1000

4 Summary of Testimony

5 Dr. Cockburn is the Richard C. Shipley Professor in Management and Chair of
6 the Strategy and Innovation Department at Boston University's Questrom School of
7 Business, where he conducts research on the economics of innovation, including its
8 application to the pharmaceutical industry, and teaches graduate classes on business
9 strategy, competition, innovation, and intellectual property. Dr. Cockburn is expected
10 to testify about the damages Elysium suffered as a result of ChromaDex's wrongful
11 conduct.

12 Summary Time For Examination:

13 On direct: .75 hours

14 On cross: 0.5-0.75 hours

15 On re-direct: 0.25 hours

16 On re-cross: 0.25 hours

17 **E. ChromaDex's Custodian of Records**

18 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

19 (310) 388-6706

20 Brief Summary of Testimony

21 ChromaDex has not yet identified its custodian of records. Through his or her
22 testimony, Elysium expects ChromaDex's custodian of records to authenticate
23 ChromaDex's business records and to testify to ChromaDex's maintenance of such
24 records.

25 Summary Time For Examination:

26 On direct: 0.25 – 0.5 hours

27 On cross: 0.25 hours

28 On re-direct: 0.25 hours

1 On re-cross: 0.1 hours

2 **F. Rob Fried**

3 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

4 (858) 550-6000

5 Brief Summary of Testimony

6 Mr. Fried is the Chief Executive Officer of ChromaDex. He is expected to testify
7 concerning ChromaDex's interest in acquiring Elysium; his decision, while a director
8 of ChromaDex, to found Healthspan to compete with Elysium and ChromaDex's other
9 DTC customers; ChromaDex's decision to become a DTC seller of an NR supplement
10 and to eliminate from the market its DTC NR customers like Elysium; his negotiations
11 to sell Healthspan to ChromaDex in furtherance of that strategy; and ChromaDex's
12 breaches of the NR Supply Agreement, including its sales of NR to Healthspan that
13 contributed to its breaches of the MFN Provision.

14 Summary Time For Examination:

15 On direct: 1-1.25 hours

16 On cross: 0.25-0.5 hours

17 On re-direct: 0.5 hours

18 On re-cross: 0.25 hours

19 **G. Frank Jaksch**

20 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

21 (858) 550-6000

22 Brief Summary of Testimony

23 Mr. Jaksch is ChromaDex's former Chief Executive Officer. He is expected to
24 testify to negotiations between ChromaDex and Elysium, including misrepresentations
25 he made during those negotiations; the relationship between ChromaDex and Elysium;
26 ChromaDex's breaches of the NR Supply Agreement and attempts to conceal those
27 breaches; information he provided Elysium about ChromaDex's business and its
28 customers; information he provided ChromaDex customers and others about

1 ChromaDex's business and its customers; and ChromaDex's strategy to enter the DTC
2 market as a seller of an NR supplement and to eliminate Elysium from that market.

3 Summary Time For Examination:

4 On direct: 1 to 2 hours

5 On cross: 0.25-0.5 hours

6 On re-direct: 0.5 to 0.75 hours

7 On re-cross: 0.25 hours

8 **H. Eric Marcotulli**

9 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

10 (212) 589-4200

11 Brief Summary of Testimony

12 Mr. Marcotulli is Elysium's Chief Executive Officer. He is expected to testify
13 concerning Elysium's founding; certain aspects of the negotiations between
14 ChromaDex and Elysium, including misrepresentations made by ChromaDex during
15 those negotiations; information ChromaDex provided Elysium concerning its other
16 customers and its business; the relationship between Elysium and ChromaDex;
17 ChromaDex's breaches of the NR Supply Agreement; communications between
18 Elysium and potential investors; and the harm caused Elysium by ChromaDex's
19 conduct.

20 Summary Time For Examination:

21 On direct: 1-1.5 hours

22 On cross: 1-1.5 hours

23 On re-direct: 0.5 hours

24 On re-cross: 0.5 hours

25 **I. Mark Morris**

26 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

27 (212) 589-4200

28 Brief Summary of Testimony

1 Mr. Morris is a former ChromaDex employee and current Elysium employee. He
2 is expected to testify about his responsibilities at ChromaDex, including information he
3 was expected to share with customers concerning ChromaDex's; ChromaDex's
4 breaches of the NR Supply Agreement; his interactions with Elysium while at
5 ChromaDex; his decision to leave ChromaDex and join Elysium; and his
6 responsibilities at Elysium.

7 Summary Time For Examination:

8 On direct: 1 – 1.5 hours

9 On cross: 1-1.5 hours

10 On re-direct: 0.5 to .75 hours

11 On re-cross: 0.5 hours

12 **J. Ramon Padilla***

13 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

14 (212) 589-4200

15 Brief Summary of Testimony

16 Mr. Padilla is Elysium's Vice President, Quality and Compliance. He is expected
17 to testify concerning the presence of acetamide in the NR ChromaDex sold Elysium.

18 Summary Time For Examination:

19 On direct: 0.25-0.5 hours

20 On cross: 0.25 hours

21 On re-direct: 0.5 hours

22 On re-cross: 0.1 hours

23 **K. Troy Rhonemus**

24 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

25 (858) 550-6000

26 Brief Summary of Testimony

27 Troy Rhonemus is the former Chief Operating Officer of ChromaDex. He is
28 expected to testify regarding certain contract negotiations between Elysium and

1 ChromaDex; the relationship between ChromaDex and Elysium; the presence of
2 acetamide in ChromaDex's NR; and ChromaDex's breaches of the NR Supply
3 Agreement.

4 Summary Time For Examination:

5 On direct: 0.5-0.75 hours

6 On cross: 0.25-0.5 hours

7 On re-direct: 0.25 hours

8 On re-cross: 0.25 hours

9 **L. Tom Varvaro**

10 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

11 (858) 550-6000

12 Brief Summary of Testimony

13 Tom Varvaro is the former Chief Financial Officer of ChromaDex. He is
14 expected to testify regarding the relationship between ChromaDex and Elysium;
15 information provided by ChromaDex to Elysium about ChromaDex's customers and
16 business; and ChromaDex's breaches of the NR Supply Agreement.

17 Summary Time For Examination:

18 On direct: 0.5-0.75 hours

19 On cross: 0.25-0.5 hours

20 On re-direct: 0.25 hours

21 On re-cross: 0.25 hours

22 **II. WITNESSES DEFENDANTS EXPECT TO CALL AT JURY TRIAL BY**
23 **DEPOSITION TESTIMONY**

24 **A. Dr. Amy Boileau**

25 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

26 (858) 550-6000

27 Brief Summary of Testimony

28 Dr. Boileau is the former Director of Scientific Affairs at ChromaDex. Elysium

1 intends to offer Dr. Boileau’s testimony regarding the testing ChromaDex conducted or
2 failed to conduct for acetamide in its NR.

3 Summary Time For Examination:

4 On direct: 0.25-0.5 hours

5 On cross: 0.2 hours

6 On re-direct: 0 hours

7 On re-cross: 0 hours

8 **B. ChromaDex’s 30(b)(6) Designee (Tom Varvaro)**

9 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

10 (858) 550-6000

11 Brief Summary of Testimony

12 Mr. Varvaro was proffered by ChromaDex as its designee pursuant to Federal
13 Rule of Civil Procedure 30(b)(6). Elysium intends to offer Mr. Varvaro’s 30(b)(6)
14 regarding the negotiations between ChromaDex and Elysium; information ChromaDex
15 provided Elysium and others concerning its customers and business; ChromaDex’s
16 breaches of the NR Supply Agreement, and ChromaDex’s strategy to enter the DTC
17 market for NY supplements and to eliminate Elysium from that.

18 Summary Time For Examination:

19 On direct: 0.75 hours

20 On cross: 0.1 hours

21 On re-direct: 0 hours

22 On re-cross: 0 hours

23 **C. [REDACTED]**

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 Summary of Testimony

28 [REDACTED] is the Director of Business Development at [REDACTED]

1 (“[REDACTED]”). Elysium intends to offer [REDACTED] testimony regarding Elysium’s
2 development of its second supply chain for NR following its relationship with its first
3 alternative manufacturer for NR.

4 Summary Time For Examination:

5 On direct: 0.25 hours

6 On cross: 0.1 hours

7 On re-direct: 0 hours

8 On re-cross: 0 hours

9 **D. Aron Erickson**

10 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

11 (310) 388-6706

12 Brief Summary of Testimony

13 Mr. Erickson is the Director of Technology at ChromaDex. Elysium intends to
14 offer Mr. Erickson’s testimony regarding the testing that ChromaDex conducted or
15 failed to conduct for acetamide in its NR.

16 Summary Time For Examination:

17 On direct: 0.75 hours

18 On cross: 0.1 hours

19 On re-direct: 0 hours

20 On re-cross: 0 hours

21 **E. Matthew Moreno**

22 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

23 (858) 550-6000

24 Summary of Testimony

25 Mr. Moreno is the former Director of Quality Assurance at ChromaDex. Elysium
26 intends to introduce Mr. Moreno’s testimony about cGMP standards maintained by
27 ChromaDex’s NR manufacturer.

28 Summary Time For Examination:

1 On direct: 0.5 hours
2 On cross: 0.1 hours
3 On re-direct: 0 hours
4 On re-cross: 0 hours

5 **F.** [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Summary of Testimony

10 [REDACTED] is the Associate Analytical Director at [REDACTED]. He will testify by
11 deposition concerning Elysium’s efforts to develop a new source of NR.

12 Summary Time For Examination:

13 On direct: 0.25-0.5 hours
14 On cross: 0.1 hours
15 On re-direct: 0 hours
16 On re-cross: 0 hours

17 **G.** [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Summary of Testimony

21 [REDACTED] is the Vice President of Research and Development at [REDACTED]. He will
22 testify by deposition concerning Elysium’s efforts to develop a new source of NR.

23 Summary Time For Examination:

24 On direct: 0.25 - 0.5 hours
25 On cross: 0.1 hours
26 On re-direct: 0 hours
27 On re-cross: 0 hours

28 **III. WITNESSES ELYSIUM EXPECTS TO CALL DURING NON-JURY**

1 **(PATENT MISUSE/UNJUST ENRICHMENT) TRIAL**

2 **A. Daniel Alminana**

3 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
4 (212) 589-4200

5 Brief Summary of Testimony

6 Mr. Alminana is Elysium's Chief Operating Officer. Mr. Alminana is expected
7 to testify about Elysium's business, its efforts to obtain supply of NR, and negotiations
8 with ChromaDex regarding the supply of NR and use of intellectual property. Mr.
9 Alminana will also testify regarding Elysium and ChromaDex's competitors and
10 business strategy. Mr. Alminana will also testify regarding Elysium's relationship with
11 ChromaDex and the effects of ChromaDex's conduct on Elysium.

12 Summary of Time for Examinations

13 On direct: 1-1.25 hours
14 On cross: 0.25-0.5 hours
15 On re-direct: 0.25
16 On re-cross: 0.25 hours

17 **B. Will Black***

18 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121
19 858-550-6000

20 Brief Summary of Testimony

21 Mr. Black is the former Vice President of Sales and Marketing at ChromaDex.
22 Mr. Black is expected to testify regarding ChromaDex's negotiations and agreements
23 with its NR supply customers, ChromaDex's business, marketing, and branding strategy
24 with respect to NR, NIAGEN, and TRU NIAGEN, and ChromaDex's transition to the
25 direct to consumer model. Elysium expects to call Mr. Black as a live witness and by
26 deposition.

27 Summary Time for Examinations

28

- 1 On direct: 0.5 hours
- 2 On cross: 0.25-0.5 hours
- 3 On re-direct: 0.25 hours
- 4 On re-cross: 0.25 hours

5 **C. Stephen Block***

6 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
7 310-388-6706

8 Brief Summary of Testimony

9 Mr. Block is a director of ChromaDex. Mr. Block is expected to testify
10 regarding ChromaDex's marketing of its TRU NIAGEN product and ChromaDex's
11 transition to the direct to consumer business model. Mr. Block may also testify
12 regarding ChromaDex and Elysium's relationship. Elysium may call Mr. Block as a
13 live witness and expects to also present his testimony by deposition.

14 Summary Time for Examinations

- 15 On direct: 0.25 hours
- 16 On cross: 0.25 hours
- 17 On re-direct: 0.25 hours
- 18 On re-cross: 0.1 hours

19 **D. ChromaDex, Inc.'s Custodian of Records**

20 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
21 310-388-6706

22 Brief Summary of Testimony

23 ChromaDex has not yet identified its custodian of records. Through his or her
24 testimony, Elysium expects that ChromaDex's custodian of records will authenticate
25 ChromaDex's business documents, internal presentations, marketing, and other
26 documents.

27 Summary of Time for Examinations

- 28 On direct: 0.25-0.5 hours

1 On cross: 0.1 hours

2 On re-direct: 0 hours

3 On re-cross: 0 hours

4 **E. Dr. Iain Cockburn**

5 c/o Foley Hoag LLP, 155 Seaport Blvd, Boston, MA 02210

6 617-832-1000

7 Brief Summary of Testimony:

8 Dr. Cockburn is the Richard C. Shipley Professor in Management and Chair of
9 the Strategy and Innovation Department at Boston University's Questrom School of
10 Business, where he conducts research on the economics of innovation, including its
11 application to the pharmaceutical industry, and teaches graduate classes on business
12 strategy, competition, innovation, and intellectual property. Dr. Cockburn is expected
13 to testify about the market for the supply of NR, ChromaDex's market power within
14 that market, the effects of ChromaDex's conduct, and whether ChromaDex has purged
15 its patent misuse.

16 Summary Time for Examinations

17 On direct: 2-2.5 hours

18 On cross: 2-2.5 hours

19 On re-direct: 0.5 hours

20 On re-cross: 0.5 hours

21 **F. Robert Fried***

22 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

23 310-388-6706

24 Brief Summary of Testimony

25 Mr. Fried is the current Chief Executive Officer of ChromaDex. Mr. Fried is
26 expected to testify regarding ChromaDex's business model, business strategy, and the
27 market in which ChromaDex operates. Mr. Fried is also expected to testify regarding
28 the creation and acquisition of ChromaDex's TRU NIAGEN product. Elysium may

1 call Mr. Fried as a live witness and expects to also present his testimony by
2 deposition.

3 Summary of Time for Examinations

4 On direct: 0.5 hours

5 On cross: 0.25-0.5 hours

6 On re-direct: 0.25

7 On re-cross 0.1 hours

8 **G. Frank Jaksch**

9 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

10 310-388-6706

11 Brief Summary of Testimony

12 Mr. Jaksch is ChromaDex's former Chief Executive Officer. He is expected to
13 testify regarding Elysium and ChromaDex's relationship and the negotiation of the
14 trademark license and royalty agreement between ChromaDex and Elysium. He is also
15 expected to testify regarding ChromaDex's agreements with other NR supply
16 customers. Mr. Jaksch is also expected to testify regarding the market in which
17 ChromaDex operates, ChromaDex's competition, ChromaDex's market power, and
18 ChromaDex's business strategy with respect to NR, NIAGEN, and TRU NIAGEN. Mr.
19 Jaksch is also expected to testify regarding ChromaDex's use of the NIAGEN
20 trademark. Elysium expects to call Mr. Jaksch as a live witness and by deposition.

21 Summary Time for Examination

22 On direct: 1.5-2 hours

23 On cross: 0.25-0.5 hours

24 On re-direct: 0.5 hours

25 On re-cross: 0.25 hours

26 **H. Eric Marcotulli***

27 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111

28 (212) 589-4200

1 Brief Summary of Testimony

2 Mr. Marcotulli is the Chief Executive Officer of Elysium. Mr. Marcotulli is
3 expected to testify regarding Elysium’s business, its efforts to obtain supply of NR, and
4 negotiations with ChromaDex regarding the supply of NR and use of intellectual
5 property. Mr. Marcotulli will also testify regarding Elysium and ChromaDex’s
6 competitors and business strategy. Mr. Marcotulli will also testify regarding Elysium’s
7 relationship with ChromaDex and the effects of ChromaDex’s conduct on Elysium.

8 Summary Time for Examination

9 On direct: 0.5 hours
10 On cross: 0.5 hours
11 On re-direct: 0.25
12 On re-cross: 0.1 hours

13 **I. Mark Morris***

14 c/o Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, N.Y. 10111
15 (212) 589-4200

16 Brief Summary of Testimony

17 Mr. Morris is the Vice President of Research and Development at Elysium. He
18 was formerly employed by ChromaDex. He is expected to testify regarding
19 ChromaDex’s business, ChromaDex’s supply of NR, and ChromaDex and Elysium’s
20 relationship. Mr. Morris is also expected to testify regarding Elysium’s efforts to obtain
21 a supply of NR.

22 Summary Time for Examinations

23 On direct: 0.5 hours
24 On cross: 0.5 hours
25 On re-direct: 0.25 hours
26 On re-cross: 0.1 hours

27 **J. Troy Rhonemus**

28 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

1 858-550-6000

2 Brief Summary of Testimony

3 Mr. Rhonemus is the former Chief Operation Officer at ChromaDex. Mr.
4 Rhonemus is expected to testify regarding ChromaDex's supply chain, channels of
5 distribution, ChromaDex's agreements to supply NR to customers, and ChromaDex's
6 agreements related to the use of the NIAGEN trademark. Mr. Rhonemus also may
7 testify regarding ChromaDex's branding strategy, transition to a direct to consumer
8 model, and the termination of NR supply agreements. Elysium expects to call Mr.
9 Rhonemus as a live witness and by deposition.

10 Summary of Time for Examination

11 On direct: 0.5-1 hours

12 On cross: 0.25-0.5 hours

13 On re-direct: 0.25 hours

14 On re-cross: 0.25 hours

15 **K. Thomas Varvaro**

16 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

17 858-550-6000

18 Brief Summary of Testimony

19 Mr. Varvaro is the former Chief Financial Officer of ChromaDex. Mr. Varvaro
20 is expected to testify regarding ChromaDex's agreements with NR supply customers.
21 Mr. Varvaro is also expected to testify regarding ChromaDex's financials, the prices
22 and margins for ChromaDex's supply of NR, and ChromaDex's market power. Elysium
23 expects to call Mr. Varvaro as a live witness and by deposition.

24 Summary of Time for Examination

25 On direct: 0.5-1 hour

26 On cross: 0.25-0.5 hours

27 On re-direct: 0.25 hours

28 On re-cross 0.25 hours

1 **IV. WITNESSES ELYSIUM INTENDS TO CALL BY DEPOSITION**
2 **TESTIMONY DURING NON-JURY (PATENT MISUSE/UNJUST**
3 **ENRICHMENT) TRIAL**

4 **A. ChromaDex Rule 30(b)(6) Designee (Thomas Varvaro)**

5 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
6 310-388-6706

7 Brief Summary of Testimony

8 Elysium intends to offer ChromaDex Rule 30(b)(6) deposition testimony
9 regarding ChromaDex's business strategy, transition to the direct to consumer model,
10 branding strategy, and financials. This testimony will also include testimony related to
11 ChromaDex's supply chain, pricing strategy, and negotiations and contracts with
12 ChromaDex's NR supply customers.

13 Summary Time for Examination

14 On direct: 0.2 hours
15 On cross: 0.1 hours
16 On re-direct: 0 hours
17 On re-cross: 0 hours

18 **B.** [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Brief Summary of Testimony

23 [REDACTED] is the Director of Business Development at [REDACTED]

24 Elysium intends to offer [REDACTED] testimony regarding [REDACTED] relationship with
25 Elysium and its supply of NR to Elysium.

26 Summary Time for Examination

27 On direct: 0.2 hours
28 On cross: 0.1 hours

1 On re-direct: 0 hours

2 On re-cross: 0 hours

3 C. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Brief Summary of Testimony

7 [REDACTED] is the Co-Founder, President, and Chief Executive Officer of [REDACTED].
8 Elysium intends to offer his testimony regarding [REDACTED] relationship with Elysium and
9 its work for Elysium in connection with supply of NR.

10 Summary Time for Examination

11 On direct: 0.2 hours

12 On cross: 0.1 hours

13 On re-direct: 0 hours

14 On re-cross: 0 hours

16 Dated: September 11, 2019

COOLEY LLP
MICHAEL A. ATTANASIO (151529)
BARRETT J. ANDERSON (318539)
CRAIG E. TENBROECK (287848)
SOPHIA M. RIOS (305801)
JAYME B. STATEN (317034)

21 /s/ Michael A. Attanasio

22 Michael A. Attanasio (151529)

23
24 *Attorneys for Plaintiff and Counter-Defendant*
25 *ChromaDex, Inc.*

26 *The filer, Michael A. Attanasio, attests that the*
27 *other signatory listed, on whose behalf the*
28 *filing is submitted, concurs in the filing's*
content and has authorized the filing.

1 Dated: September 11, 2019

2 BAKER & HOSTETLER LLP
3 MICHAEL R. MATTHIAS (057728)
4 ELIZABETH M. TRECKLER (282432)
5 JOSEPH N. SACCA (*admitted pro hac vice*)
6 ESTERINA GIULIANI (*admitted pro hac vice*)
7 BENJAMIN D. PERGAMENT
8 (*admitted pro hac vice*)
9 KRISTIN L. KERANEN
10 (*admitted pro hac vice*)

11 */s/ Joseph N. Sacca*

12 *Joseph N. Sacca (admitted pro hac vice)*

13 *Attorneys for Defendant and Counterclaimant*
14 *Elysium Health, Inc. and*
15 *Defendant Mark Morris*