

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ZHAOYIN WANG
Plaintiff,

v.

BETA PHARMA, INC., DON ZHANG,
AND ZHEJIANG BETA PHARMA
CO., LTD.,
Defendants.

Civil Action No. 3:14-cv-01790-VLB

MARCH 23, 2015

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS'
CLAIM FOR EMERGENCY RELIEF REGARDING
DEFENDANTS' EMERGENCY MOTION FOR PROTECTIVE ORDER**

Late on Friday, March 20, 2015, defendants filed an "Emergency Motion for Entry of Protective Order for Motion to Disqualify Counsel." Docket Entries 49 through 49-6. Under Local Rule 7 (a) (3) defendants assert that their motion requires emergency action, and thereby request expedited consideration by this court. If granted, their request may result in shortening the time for plaintiff to respond. Plaintiff therefore files this limited response to address defendants' claim of emergency only. Plaintiff seeks the opportunity to file a substantive response to defendants' expressed need for an extraordinarily restrictive protective order within the normal 21 day time frame permitted by the Local Rules.

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1. **The Chronology of this Matter Does Not Justify the Request for Emergency Relief.**

Defendants' claim that their Motion for Protective Order requires **emergency relief** is utterly devoid of merit. Defendants acquired full knowledge of all the facts relevant to the limited involvement of Attorney Lance Liu with plaintiff over a six month period between June and December, 2014. After having litigated this case for six months, they only now choose to pursue the matter in this court. The chronology is as follows:

In June, 2014, defendants sued Lance Liu the first time in New Jersey state court, and obtained production of his copies of Beta Pharma's legal files at that time.

In August, 2014, defendants noticed Liu's deposition in the Connecticut state court case of **Xie v. Beta Pharma, Inc., Don Zhang and Zhejiang Beta Pharma**, then NNH-CV13-6035116-S, now pending on the Complex Litigation Docket in Waterbury as UWY-CV13-6025526-S. On August 20, 2014, Liu's lawyer moved for a protective order. (Exhibit D to Emergency Motion, Docket Entry Document 49-4).

In September, 2014, defendants sued Liu in New Jersey a second time, **Beta Pharma, Inc., Beta Pharma Scientific, Inc. and Don Zhang v. Lance Liu**, Superior Court of New Jersey Law Division—Mercer County Docket No. L-2040-14. Defendants obtained a temporary restraining order on September 26, 2014 precluding Liu from communicating directly or indirectly with undersigned counsel. The restraining order was eventually made a preliminary injunction. Liu made a production of documents in one of the New Jersey actions, and

defendants' Exhibit C to the Emergency Motion was produced before the New Jersey court as "LL 6907" bearing a print date of 11/25/14.

On October 9, 2014 defendants moved to disqualify undersigned counsel in the Connecticut Superior Court Xie case. The parties are litigating discovery issues pertaining to the Motion to Disqualify. The undersigned's brief in response to the Motion to Disqualify has not yet been scheduled.

On October 14, 2014, defendants moved to disqualify the undersigned in Shao et al v. Beta Pharma, Inc., and Don Zhang, United States District Court, District of Connecticut , Case No. 3:14-cv-01177 (CSH) pending before Judge Haight. On October 16, 2014 defendants moved to stay proceedings in Shao pending a ruling on the Motion to Disqualify. The court granted the stay and has not yet ruled on the Motion to Disqualify, pending the outcome of discovery litigation described below.

In December, 2014, after obtaining a New Jersey state court protective order, Defendants deposed Liu in the New Jersey state case. Around that time, Liu deposed Don Zhang in that case. The depositions, which defendants have refused to produce, likely concerned the subject matter of the New Jersey state court complaint—whether Liu divulged confidential or privileged information to parties or counsel adverse to Beta Pharma.

On December 19, 2014, defendants deposed plaintiff here, Dr. Zhaoyin Wang, in the New Jersey state case. One subject of that deposition was communications among Liu, Zhaoyin Wang and undersigned counsel. At his deposition Dr. Wang produced documents, including a second copy of the

Defendant's Exhibit C email, produced as "ZWANG BP v. LIU 00204" bearing a print date of 12/12/14. The same December production included an email from Liu to Wang dated May 16, 2014 transmitting a proposed representation agreement from Jacobs & Dow, LLC to plaintiff. Dr. Wang testified that he had been contemplating litigation against Beta Pharma and actively seeking counsel either in the U.S. or China since January, 2014. (Wang Deposition, pp. 30 – 32.) But he never signed the representation agreement Liu sent him, and testified that he did not retain undersigned counsel until October, 2014. (Wang Deposition, p. 23).

On January 9, 2015, plaintiffs in the Shao case moved for a discovery order requiring the defendants to produce the depositions of Liu and Zhang that were taken in December. These depositions are relevant to Liu's non-participation in plaintiffs' matter, and may contain valuable evidence in opposition to the claims defendants make in the disqualification proceedings. Defendants have opposed that motion and it has not been decided.

On January 13, 2015 plaintiff in the Xie case moved for a similar discovery order, requiring the defendants to produce the depositions of Liu and Zhang that were taken in December. Defendants have opposed that motion and it has not been decided.

This chronology demonstrates that defendants have had full knowledge of the Lance Liu issues since last year. Only now, after six months of litigation on this case, do they raise those issues here. The chronology thoroughly undermines their claim that the matter is an "emergency" of any sort.

Defendants supply this court with one additional document in support of their claim of “emergency”-- an email from Dr. Wang to defendant Don Zhang dated May 24, 2014, apparently offered for the purpose of suggesting that Dr. Wang was “under pressure to sign an attorney service agreement.” Defendants’ Exhibit C to their Emergency Motion, Document 49-3, Page 6 of 6. Defendants have redacted all prior and subsequent communications in the email chain, lifting their Exhibit C grossly out of context. The complete email thread consists of 27 messages, including 11 sent by Don Zhang, spanning May 14, 2014 to July 14, 2014, and is attached hereto as Plaintiff’s Exhibit 1. Most of Dr. Wang’s responses were sent to both of Zhang’s email addresses, don.pharmaman@gmail.com and don_zhang@betapharma.com . The emails were resident on Beta Pharma servers and available to the defense at all times since they were written. None was copied to Lance Liu.

In Plaintiff’s Exhibit 1, the communications in the exchange have been numbered and enlarged for clarity. In the thread Dr. Wang repeatedly sought a resolution of his partnership/employment agreement with Beta Pharma, without counsel. (Emails 6, 12, 20, 22 for example). Dr. Zhang expressed an interest in negotiating, but asserted that he must deal with his lenders and the IRS. Don Zhang took four days to respond to the May 24 “pressure” email, (Email 6) writing, “How about you or your attorney start to draft a proposal for closing up the partnership of Beta Pharma (Canada).” (Email 7) The exchange continued for nearly six weeks past the May 24 “pressure” date. The last email is dated July

14, 2014. Nothing anywhere in the exchange gives rise to a legitimate need for an emergency protective order now.

In short, defendants obtained full knowledge of the issues presented by Lance Liu's involvement with Dr. Wang between June and December, 2014. Yet they assert that "last week" (i.e. the week of March 6, 2015) they "uncovered various emails and documents establishing that Liu worked on, and even re-drafted, the alleged 2010 agreement" between plaintiff and defendants.

(Document 49, page 3) They offer no source information concerning these materials or any explanation for why they only found them "last week." Nor do they offer any explanation of how anything Liu "redrafted" between August, 2011 and December, 2012 could have changed the terms of an agreement the parties signed in 2010. Moreover, emails Dr. Wang produced to the defense at his December, 2014 deposition demonstrate that defendant Zhang was proposing a "new updated agreement between us" in September, 2013 and that he had given them "to our attorney" such that "Our attorney is fully loaded!" See email thread, Plaintiff's Exhibit 2, attached hereto. Plainly, the fully loaded lawyer was not Lance Liu, as he had left Beta Pharma the year before.

Defendants' own filings prove that there is no nexus between Liu's work for Beta Pharma and either (a) the original agreement between the parties here, or (b) the dispute about that agreement in 2013 and 2014. Thus, whatever Liu may have done between August, 2011 and December, 2012 provides no justification for "emergency" relief at this time.

2. Defendants Have Not Demonstrated Their Right to a Partial and Temporary Waiver of the Attorney-Client Privilege.

Substantial doubt exists about whether defendants are entitled to the protective order they seek, an order which is far more restrictive than this court's standard "Confidential" and "Attorney's Eyes Only" order already in force in this case. (Docket Entry 10). Defendants have cited no authority for the proposition that they can deliberately waive their attorney-client privilege as to documents for the limited tactical purpose of attempting to disqualify adverse counsel, and then reassert the privilege to retract those documents out of the record in this case. Their reliance on Federal Rule of Evidence 502 (d) is misplaced. The Official Commentary to FRE 502 (d) notes that the rule is specifically not a "selective waiver" rule, and is not meant, for example, to permit disclosure of privileged information to the government while preserving the privilege as to private parties. A proposed "selective waiver" provision "proved to be very controversial" and the Advisory Committee "determined that it would not propose adoption of a selective waiver provision." The Addendum to Advisory Committee Notes went further, and expressly stated that the rule is NOT to be used for this purpose:

This subdivision authorizes a court to enter orders only in the context of litigation pending before the court. And it does not alter the law regarding waiver of privilege resulting from having acquiesced in the use of otherwise privileged information. Therefore, this subdivision does not provide a basis for a court to enable parties to agree to a selective waiver of the privilege, such as to a federal agency conducting an investigation, while preserving the privilege as against other parties seeking the information.

The Advisory Committee's instructions are particularly applicable to the impending Motion to Disqualify, in that proceedings on motions to disqualify counsel are judicial in nature, as distinct from adversarial. Lefrak v. Arabian

American Oil Co., 527 F.2d. 1136 (2 Cir. 1975). They invoke the Court's inherent power to control the conduct of those attorneys who appear before it.

The procedural history of the protective order in the Shao case did not provide plaintiffs with an opportunity to brief the issue of whether Federal law permitted the defendants to make a selective waiver of the attorney-client privilege, and then reassert it. On November 18, 2014 plaintiffs filed their opposition to the Motion to Disqualify in the Shao case. After reviewing the opposition, defendants determined that they needed to supplement the record in their Motion to Disqualify by submitting attorney-client privileged documents to the Court. In their "Motion for Scheduling of Conference" in the Shao case, (Docket Entry Document 35) defendants wrote that the documents they sought to offer contained "confidential and privileged information" and that "service of the Documents on Plaintiffs' counsel" would waive the privilege. (Shao, Docket Entry Document 35, p. 2). At the resulting telephone conference, plaintiff's counsel objected to defendants making any ex parte submission. Judge Haight then ordered the parties to develop a joint protective order. The parties could not agree. Each side submitted a draft, as ordered, and the court issued its Opinion and Order, each dated January 16, 2015, attached to defendants' Emergency Motion as Exhibit E.

Judge Haight's Opinion on Proposed Protective Orders, (Exhibit F, Document 49-6) adopted defendants' interpretation of the Rule without citing any authority. Notably, it sharply criticized defendants for tendering to the court a

draft Protective Order which omitted key provisions of Federal Local Rule 5 (e)(4)

(d). The Court wrote:

One of Plaintiffs' principle concerns raised at the telephone conference was an assurance that their counsel be given an opportunity to view the documents filed under seal so that he might fairly address Defendants' disqualification arguments based upon those documents. In spite of the Court's direction to the parties to work together to address each other's respective concerns, Defendants' proposed protective order does not even attempt to fashion a mechanism by which Plaintiffs' counsel may view and respond to documents filed under seal.

Opinion, Document 49-6, pages 8 – 9. Had the court adopted defendants' proposed order without change, it would have inadvertently provided for unlawful ex-parte communication between the defense and the court and deprived plaintiffs' counsel of the right to see sealed submissions. See Document 49-6, pages 8 to 10.

In view of the extraordinary relief defendants seek, careful consideration of their claim of right to such relief is necessary. Likewise, the language of their proposed protective order warrants careful review.

In short, the record presents no "emergency" justifying immediate relief, and ample reason for the court and the plaintiff to be afforded an opportunity take a careful and considered look at defendants' Motion for Protective Order.

3. The Record Demonstrates that Defendants' Emergency Motion is Likely Infected by Ulterior Motive.

The record and chronology of this case provides a strong inference that defendants have filed this motion on an "emergency" basis in an effort to block

discovery of defendants' Federal tax records.¹ On March 12, 2015 plaintiff noticed the deposition of Teplitzky & Company, defendants' accounting firm in Woodbridge, Connecticut, and subpoenaed defendants' Federal tax returns and work papers. As Exhibit A to plaintiff's complaint in this matter shows, these records are clearly relevant to this case, because the March, 2010 partnership agreement provides for annual increases in Dr. Wang's stock interest in Beta Pharma based upon the financial performance of the company. Defendant Zhang had repeatedly advised plaintiff by email that he and Beta Pharma had serious Federal tax trouble and that he feared criminal prosecution. In an email to plaintiff on September 23, 2013 which preceded his statement that his lawyer was fully loaded, Zhang wrote: "There are a lot of things going on here such as the IRS audit related tax matters that easily lead anyone has trouble end up with jail." See Plaintiff's Exhibit 2, page 2 of 3.

Eight months later Zhang was more explicit, in an email which is the second communication (Email 2) in the long thread attached as Plaintiff's Exhibit 1. The thread began on May 14, 2014 with Dr. Wang castigating Zhang for his "failure to fulfill your obligation" to certain investors who purchased shares in Zhejiang Beta Pharma from Zhang, including Qian Liu, a plaintiff in the Shao case. Zhang's response, of May 14, 2014 reads in full as follows:

Hi Zhaoyin,

Thanks for the note! We will try to communicate with those investors to find out solutions that both meet the IRS rules and also are acceptable to them. As managers of U.S. corporation, as long as stay outside of jails, we are under restricted tightly by the IRS laws and

¹ This Court has previously ordered discovery to proceed in this matter (Docket Entry 23).

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2015, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/

Jonathan Katz, Esq.
Jacobs & Dow, LLC
350 Orange Street
New Haven, Connecticut 06511
Telephone: (203) 772-3100
Facsimile: (203) 772-1691
Federal Juris No.: ct00182
Email jkatz@jacobsllaw.com

PLAINTIFF'S EXHIBIT 1

Emails May 14, 2014 and later

z. wang <zwang.ca@gmail.com>

To: Don Zhang <don.pharmaman@gmail.com>, Don Zhang <don_zhang@betapharma.com>, Jirong Peng <jirong_peng@betapharma.com>, Jirong Peng <jpeng108@yahoo.com>
Bcc: linda_zi@yahoo.com, liu qian <qian_liu60@hotmail.com>, wei yuan <chemietek@att.net>, Wu Buo-Lin <wb1405@126.com>

Wed, May 14, 2014 at 11:23 AM

Dear Don,

I am deeply disturbed by your failure to fulfill your obligation to the investors that I have been involved with. As a witness for the agreements, I am deplored by what you are trying to do to these investors. As a friend, I am ashamed to be associated with what you are trying to do, without mentioning two of the investors are our college classmates. All of them are going to participate in a legal action against you and BetaPharma. I think it is a good thing to get rich, however, honesty and integrity are far more important than money in life. I hate to see a legal action is becoming the way to right the things and I hope you can find an alternative way to resolve this if everyone's satisfaction.

Best,

Zhaoyin.

Don Zhang <don.pharmaman@gmail.com>

To: "z. wang" <zwang.ca@gmail.com>

Cc: Don Zhang <don_zhang@betapharma.com>, Jirong Peng <jirong_peng@betapharma.com>, gary.wood@betapharma.com

Wed, May 14, 2014 at 1:10 PM

Hi Zhaoyin,

Thanks for the note! We will try to communicate with those lenders to find out solutions that both meet the IRS rules and also are acceptable to them. As managers of US corporation, as long as stay outside of jails, we are under restricted tightly by the IRS laws and enforced to handle every transaction and report everything (even small transactions) to the IRS. And though stay outside of jail, cash penalty is pretty sever sometimes from the IRS and Jirong and Gary are handling penalty payments for our company for those wrong transactions related with those deals.

Nevertheless, we are willing to talk with those peoples who are related with both you and our company and try to work out something that make us stay outside jail and also make the friends feel acceptable. Gary is our financial manager who is handling our finance now. Hope you help him should he needs some paper works from you in order to satisfy the IRS. Thank again!

Regards,

Don

[Quoted text hidden]

z. wang <zwang.ca@gmail.com>

To: Don Zhang <don.pharmaman@gmail.com>

Fri, May 16, 2014 at 9:19 AM

Hi Don,

Thanks for your attention to these matters. I think you and I will also have to find a solution/decision for our partnership or my employment agreement with you/BetaPharma. We simply cannot ignore all of the issues and drag this on for too long. I hope we can reach an agreement/settlement without legal proceedings which I would reserve as the last resource. I am in Montreal until the 20th of May and please give me a call at your earliest convenience. My phone number is 514-3151719 and I look forward to hearing from you.

Best,

Zhaoyin

[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>
To: "z. wang" <zwang.ca@gmail.com>
Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>

Mon, May 19, 2014 at 2:22 PM

Hi Zhaoyin,

Thanks for the note! Will try to call you this week. Gary is also working on the clear up on this regard. The key factor is to satisfy the IRS. Will be in touch!

Don
[Quoted text hidden]

Zed <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>

Mon, May 19, 2014 at 5:32 PM

Hi Don,
Thanks for your reply. I will leave for Shanghai this coming Wednesday and hope we can have a conversation tomorrow, or you may reach me at 18602560157 after I arrive in Shanghai on Thursday. Anyway, I certainly hope we can find a solution that not only satisfy IRS, also be fair to everyone involved. I look forward to hearing from you.

Best,

Zhaoyin

发自我的 iPhone

在 2014年5月19日, 下午2:22, Don Zhang <don.pharmaman@gmail.com> 写道:

[Quoted text hidden]

z. wang <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>

Sat, May 24, 2014 at 6:15 PM

Hi Don,

I am under pressure to sign an attorney service agreement and it would be irreversible once I sign the service contract with the attorney. I certainly hope we can resolve everything by some other means instead of going through legal procedures. Anyway, June 1st is my deadline to sign the contract and that gives us only a week of time.

Best,

Zhaoyin
[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>
To: "z. wang" <zwang.ca@gmail.com>
Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Wed, May 28, 2014 at 8:20 AM

Hi Zhaoyin,

How about you or your attorney start to draft a proposal for closing up the partnership of Beta Pharma (Canada). It is a lot easy to discuss and make modification on it if have a proposal in writing. We can have it signed up as soon as we reach agreement. Please let us know should you have any problems. Thanks a lot!

Don
Beta Pharma, Inc.
[Quoted text hidden]

Wed, May 28, 2014 at 10:17 PM

z. wang <zwang.ca@gmail.com>

To: Don Zhang <don.pharmaman@gmail.com>

Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Hi Don,

It looks that I will have to initiate a legal proceedings to close up ALL of the partnership including Beta Pharma Canada and my service contract with BetaPharma, since there is a lack of initiations from your side. I will discuss the matter with my attorney and start the process since this appears to be the only way to do it properly.

Best,

Zhaoyin

[Quoted text hidden]

Thu, May 29, 2014 at 12:12 AM

Don Zhang <don.pharmaman@gmail.com>

To: "z. wang" <zwang.ca@gmail.com>

Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Hi Zhaoyin,

If you are busy and prefer to have me write a proposal, I will be happy to do so if you prefer. It is intended to respect you and check with your preference first. It is my understanding that you would like to reach an agreement with Beta Pharma (USA) so that you can move on with the business you like to pursue. So please let me know if your preference and certainly I can start to draft a proposal as well. Thanks a lot!

Regards,

Don

[Quoted text hidden]

Thu, May 29, 2014 at 1:18 AM

z. wang <zwang.ca@gmail.com>

To: Don Zhang <don.pharmaman@gmail.com>

Don,

It is about everything, including my service contract with BetaPharma USA, which will be part of the resolution. Please write a proposal with your thoughts as soon as possible. Please put down your preference when you do so. To me, I could continue to work for "BetaPharma" as long as it is fair to me and our agreement is respected. I understand that both of us have gone through some difficult time, and we all survived. If it is too far apart from a fairness to me, I would assume a legal proceeding would be the best way to reach an agreement.

Best,

Zhaoyin

[Quoted text hidden]

Fri, May 30, 2014 at 11:45 AM

Don Zhang <don.pharmaman@gmail.com>

To: "z. wang" <zwang.ca@gmail.com>

Hi Zhaoyin,

Are you attending ASCO in Chicago? If you are, please let me know your hotel info or the best way to reach you during the conference. Please stay in touch! Thanks!

Don

[Quoted text hidden]

z. wang <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>

Sat, May 31, 2014 at 2:00 AM

Don,

Unfortunately I am not going to the ASCO. However we can have a Spype chat to discuss the issues or you may call my cell phone in China 18602560157. Anyway, i am hoping we can have this resolved instead of going to the court proceedings. As we know that once the procedure starts , it is going to be irreversibile. I look forward to further discussing with you.

Best,

ZW
[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>
To: Zed Wang <zwang_ca@yahoo.com>
Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>

Sat, Jun 14, 2014 at 11:35 PM

Hi Zhaoyin,

Looks like you have made really great progress in ALK(m) inhibitors! Congratulations to your new progresses!

When comes to new drug discovery, of course, I am very serious and very excited about it and like to explore every possibility to work out something with you for those great projects with great potentials!

We currently have a good discovery team that we assembled from former employees of Novartis, J&J and other pharma companies in New Jersey. In particular, Both Michael Greco and Michael Costanazo have extensive discovery experience. We currently mainly focus on oncology. It would be really great if you come to meet with our team and discuss projects with them extensively. We will try to work out every aspect of collaboration plan. So I would like to invite you come to Princeton to meet our teams (RD, RA, Financial and so on). Anyway, it is very exciting to explore those great potential with you. Also I would like to pay a visit to your lab in Shanghai if you like. Maybe both Jirong and I would visit you if you like. That would be very good to talk and work out things for the future. Please let me know. So I am looking forward to hearing from you again! Hope you have a wonderful weekend there in Shanghai!

Don
[Quoted text hidden]

Zed Wang <zwang_ca@yahoo.com>
Reply-To: Zed Wang <zwang_ca@yahoo.com>
To: Don Zhang <don.pharmaman@gmail.com>
Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>

Sun, Jun 15, 2014 at 9:48 PM

Hi Don,

Thanks for your reply and the kind words!

I think it would be a good idea for you and Jirong to visit my lab in Shanghai, perhaps Nanjing too if time permits. Cost for R&D in China is still more cost-effective provided that a good analytical capacity is available. In Shanghai, the Institute's facility is perfectly serving that purpose. Human cost is also much lower for now if the productivity is kept reasonably high. For now, discovery work is done for Beta Pharma Canada, and we just have to find a way to move these molecules into development stage.

We can have a Skype conference call, and preferably, you and Jirong can visit here at your earliest convenience. The bottom-line is that you have to be serious and take actions. Talk is cheap, and we all know that.

Best,

Zhaoyin
[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>

To: Zed Wang <zwang_ca@yahoo.com>

Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>, Jirong Peng <jpeng108@gmail.com>

Hi Zhaoyin,

I chatted with Jirong about visiting your labs at both Shanghai and Nanjing and he is excited about the trip too! What are the best dates for you for us to come? Please give several options so that we can select the one that fit all of us.

Recently there are several investors in China with deep pockets like to work with BetaPharma (USA) and we may need to meet them together to close deals. The new venture can be very exciting and with very significantly larger size! By the way, how many team members you have there? how many turtles with Ph. D.? Will try to find time to chat more with you over phone. Looking forward to hearing from you again! (We have a lot of headache things happened here so have to work even in the weekends). Please stay in touch!

Regards,

Don

On Sun, Jun 15, 2014 at 9:48 PM, Zed Wang <zwang_ca@yahoo.com> wrote:

Hi Don,

Thanks for your reply and the kind words!

I think it would be a good idea for you and Jirong to visit my lab in Shanghai, perhaps Nanjing too if time permits. Cost for R&D in China is still more cost-effective provided that a good analytical capacity is available. In Shanghai, the Institute's facilities is perfectly serving that purpose. Human cost is also much lower for now if the productivity is kept reasonably high. For now, discovery work is done for Beta Pharma Canada, and we just have to find a way to move these molecules into development stage.

We can have a Skype conference call, and preferably, you and Jirong can visit here at your earliest convenience. The bottom-line is that you have to be serious and take actions. Talk is cheap, and we all know that.

Best,

Zhaoyin

On Sunday, June 15, 2014 11:35 AM, Don Zhang <don.pharmaman@gmail.com> wrote:

Zed <zwang.ca@gmail.com>

to: Don Zhang <don.pharmaman@gmail.com>

Hi Don,

What is new at the ASCO meeting? Just update you that our Crizotinib "me too" compound is moving along well and lbrutinib "me too" compound is also picking up the pace. In addition, we have also initiate other high value "me too" programs with great promise. I certainly hope we can resolve all of the issues and move things forward together if that is what you wants. I have to know what you are thinking and what is your position on all of these issues. As I mentioned earlier, it could be irreversible once the lawyer is involved and things could be very unpleasant for everyone. Hope to hear back from you soon.

Best,

Zhaoyin

(Email address hidden)

15.

6.

Don Zhang <don.pharmaman@gmail.com>
To: zhaoyin wang <zwang.ca@gmail.com>

Wed, Jun 4, 2014 at 9:41 AM

Hi Zhaoyin,

It was very busy and very exciting conference at ASCO! Also it is very exciting for me to know those new discoveries you are making there! Certainly we have a lot of new drug discovery interest and passion like to share with you and hopefully we can be more useful for patients, in particular, cancer patients. I will share more stuff with you and I am excited about knowing more about your thoughts and ideas as well. I flew back from Chicago this morning (about 2:30AM). Will be in touch! Thanks!

Don
[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>
To: zhaoyin wang <zwang.ca@gmail.com>

Sat, Jun 7, 2014 at 12:42 PM

Hi Zhaoyin,

I am very excited to explore even greater opportunity with you in new drug discovery, in particular, oncology field. I guess you are currently working with research institute managed by Junying Yuan in Shanghai?

Anyway, I am thinking about building a company very much like Zhejiang Beta Pharma in Shanghai. Since we have more experience and knowledge than a decade ago, if we find out a way to work together efficiently, we can do much better than what we did within ZJBP with sustainable growth. I believe in that you are one of the bests in medicinal chemistry on the earth so we should come out the best oncology products on the earth if we can find out a way to work together. Just wonder if a great potential like much better than ZJBP is kind of dream you are dreaming?

I will share more with you about our new progresses on R&D, RA, BD, legal affairs and financial if you like later on.

How about your works with Prof. Yuan? How is the business relationship you have with them in Shanghai? Please share your thoughts and ideas! please stay in touch! Thanks!

Don
[Quoted text hidden]

Zed <zwang.ca@gmail.com>
To: "zwang_ca@yahoo.com" <zwang_ca@yahoo.com>

Mon, Jun 9, 2014 at 7:30 AM

Sent from my iPad

Begin forwarded message:

From: Don Zhang <don.pharmaman@gmail.com>
Date: 2014年6月8日 GMT+8上午12:42:04
To: zhaoyin wang <zwang.ca@gmail.com>
Subject: Re: Legal action against you and BetaPharma US

[Quoted text hidden]

Zed Wang <zwang_ca@yahoo.com>
Reply-To: Zed Wang <zwang_ca@yahoo.com>
To: don Zhang <don_zhang@betapharma.com>, Don Zhang <don.pharmaman@gmail.com>
Cc: "z. wang" <zwang.ca@gmail.com>

Hi Don,

Gmail is down in China and I have use to use other mailbox to write you.

Taking a position is to use the government resource to serve our purpose, as you know how thins are run in China now. I have the freedom to work on anything that i am interested in, and I have the resource to move BPCI's projects now. Attached is a xenograft study results of BPCI's lead cMet/ALK dual inhibitor, BC-00061. Although BC-00061 is somewhat less active than Pfizer' crizotinib at 30 mg/kg, it showed a clear dose response and completed eliminated the tumor at 100 mg/kg (n = 6). We suspected the the PK can be improved with a selection of a suitable salt and the compound is very same at 100 mg/kg dose in mice. Anyway, I think it is a low-risk project with a good possibility of success. We also have a "very-low" risk CV drug with a huge potential in the world market. BPCI's BTK inhibitor is also a low risk project and need only the so called "development". With this kind of combination of projects and some seed money, a successful company can be easily built in China.

I would like to see how serious you are on this since I am tired of empty promises, and this is all about promises and obligations. I also would like to know if you intend to honor our "employment agreement" and I hope we can continue with the mission we have set out before. The New-Co will have all of the assets from BPCI and its ownership can be structured as we have originally agreed on. Otherwise, I don't have time to drag this any longer and a legal process will be the only way resolve all of the issues.

Let's be honest to each other and have a serious discussion and I look forward to hearing back from you soon.

Best,

Zhaoyin

[Quoted text hidden]

To: Don Zhang <don.pharmaman@gmail.com>
Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, jirong Peng <jpeng108@gmail.com>

Don,

I would say the sooner, the better, so we can resolve things ASAP. The only "bad" time is between Aug15-28, since I have a travel plan with my family. Anyway, as I said, I hope you can come ASAP. With regards to the manpower here, two out 3 employees left for school last month and I am looking for replacements now in Nanjing. I have 8 people in shanghai lab and trying to hire more, but lab space is limited until our new lab renovation is finished toward to he end of the year. Due to cost issues, I don't have any "sea turtles" and the employees in Nanjing are very good by my standard.

Best,

Zhaoyin

Sent from my iPhone

[Quoted text hidden]

Tue, Jun 24, 2014 at 9:28 AM

Don Zhang <don.pharmaman@gmail.com>

To: Zed <zwang.ca@gmail.com>

Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, jirong Peng <jpeng108@gmail.com>

Hi Zhaoyin,

That is great! Both Jirong and I are excited about a trip to visit you! We will contact the potential investors/partners as soon as we can in China and work out the best dates ASAP. And I will keep you posted on the progress on our side.

Regards,

Don

[Quoted text hidden]

Thu, Jun 26, 2014 at 8:13 PM

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To: Don Zhang <don.pharmaman@gmail.com>

Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>

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ZW

Sent from my iPad

[Quoted text hidden]

Sun, Jun 29, 2014 at 9:52 PM

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To: Zed <zwang.ca@gmail.com>

Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, jirong Peng <jpeng108@gmail.com>

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Yeah, it is a good idea to start some preparation works now.

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Don

[Quoted text hidden]

21

2

2

Tue, Jul 1, 2014 at 1:25 AM

24
Zed Wang <zwang_ca@yahoo.com>
Reply-To: Zed Wang <zwang_ca@yahoo.com>
To: Don Zhang <don.pharmaman@gmail.com>, Zed <zwang.ca@gmail.com>
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Hi Don,

Attached please find an introduction of projects that Beta Pharma Canada has developed. I believe the most promising ones are the last three projects, though the IP protection on EP4 are the most solid one and we already have US and Japanese issued patents.

I just hope to resolve all of the issues as soon as possible and the pace of communication with you is just too slow. Please expedite the work at your end.

Best,

Zhaoyin

[Quoted text hidden]

 Beta Pharma Canada Program Summary-General slides (for Don).pdf
2132K

Mon, Jul 14, 2014 at 10:29 AM

2
Zed <zwang.ca@gmail.com>
To: Zed Wang <zwang_ca@yahoo.com>
Cc: Don Zhang <don.pharmaman@gmail.com>, don Zhang <don_zhang@betapharma.com>, jirong Peng <jpeng108@gmail.com>

Hi Don,

I hope we all doing this with a good faith, not trying to waist each other's time. I am waiting for your actions with regards to all of the issues we are facing. Please be serious and the way you are communicating with me will take another life time to get anything done. Please let me know what you are really thinking and we can move to the next step.

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Zhaoyin

Sent from my iPhone

[Quoted text hidden]

| <Beta Pharma Canada Program Summary-General slides (for Don).pdf>

Gmail

zhaoyin wang <zwang.ca@gmail.com>

Legal action against you and BetaPharma US

27 messages

z. wang <zwang.ca@gmail.com> Wed, May 14, 2014 at 11:23 AM
To: Don Zhang <don.pharmaman@gmail.com>, Don Zhang <don_zhang@betapharma.com>, Jirong Peng <jirong_peng@betapharma.com>, Jirong Peng <jpeng108@yahoo.com>
Bcc: linda_zi@yahoo.com, liu qian <qian_fu60@hotmail.com>, wei yuan <chemiatek@att.net>, Wu Buo-Lin <wb405@126.com>

Dear Don,

I am deeply disturbed by your failure to fulfill your obligation to the investors that I have been involved with. As a witness for the agreements, I am deplored by what you are trying to do to these investors. As a friend, I am ashamed to be associated with what you are trying to do, without mentioning two of the investors are our college classmates. All of them are going to participate in a legal action against you and BetaPharma. I think it is a good thing to get rich, however, honesty and integrity are far more important than money in life. I hate to see a legal action is becoming the way to right the things and I hope you can find an alternative way to resolve this to everyone's satisfaction.

Best,

Zhaoyin.

2. Don Zhang <don.pharmaman@gmail.com> Wed, May 14, 2014 at 1:10 PM
To: "z. wang" <zwang.ca@gmail.com>
Cc: Don Zhang <don_zhang@betapharma.com>, Jirong Peng <jirong_peng@betapharma.com>, gary.wood@betapharma.com

Hi Zhaoyin,

Thanks for the note! We will try to communicate with those lenders to find out solutions that both meet the IRS rules and also are acceptable to them. As managers of US corporation, as long as stay outside of jail, we are under restricted tightly by the IRS laws and enforced to handle every transaction and report everything (even small transactions) to the IRS. And though stay outside of jail, cash penalty is pretty sever sometimes from the IRS and Jirong and Gary are handling penalty payments for our company for those wrong transactions related with those deals.

Nevertheless, we are willing to talk with those peoples who are related with both you and our company and try to work out something that make us stay outside jail and also make the friends feel acceptable. Gary is our financial manager who is handling our finance now. Hope you help him should he needs some paper works from you in order to satisfy the IRS. Thank again!

Regards,

Don
[Quoted text hidden]

3. z. wang <zwang.ca@gmail.com> Fri, May 16, 2014 at 9:19 AM
To: Don Zhang <don.pharmaman@gmail.com>

Hi Don,

Thanks for your attention to these matters. I think you and I will also have to find a solution/decision for our partnership or my employment agreement with you/BetaPharma. We simply cannot ignore all of the issues and drag this on for too long. I hope we can reach an agreement/settlement without legal proceedings which I would reserve as the last resource. I am in Montreal until the 20th of May and please give me a call at your earliest convenience. My phone number is 514-3151719 and I look forward to hearing from you.

Best,

Zhaoyin
[Quoted text hidden]

4. Don Zhang <don.pharmaman@gmail.com> Mon, May 19, 2014 at 2:22 PM
To: "z. wang" <zwang.ca@gmail.com>
Cc: Jirong Peng <jirong_peng@betapharma.com>

Hi Zhaoyin,

Thanks for the note! Will try to call you this week. Gary is also working on the clear up on this regard. The key factor is to satisfy the IRS. Will be in touch!

Don
[Quoted text hidden]

5. Zed <zwang.ca@gmail.com> Mon, May 19, 2014 at 5:32 PM
To: Don Zhang <don.pharmaman@gmail.com>

Hi Don,

Thanks for your reply. I will leave for Shanghai this coming Wednesday and hope we can have a conversation tomorrow, or you may reach me at 15802560757 after I arrive in Shanghai on Thursday. Anyway, I certainly hope we can find a solution that not only satisfy IRS, also be fair to everyone involved. I look forward to hearing from you.

Best,

Zhaoyin

发自我的 iPhone

在 2014年5月19日, 下午2:22, Don Zhang <don.pharmaman@gmail.com> 写道:

[Quoted text hidden]

6. z. wang <zwang.ca@gmail.com> Sat, May 24, 2014 at 6:15 PM
To: Don Zhang <don.pharmaman@gmail.com>

Hi Don,

I am under pressure to sign an attorney service agreement and it would be irreversible once I sign the service contract with the attorney. I certainly hope we can resolve everything by some other means instead of going through legal procedures. Anyway, June 1st is my deadline to sign the contract and that gives us only a week of time.

Best,

Zhaoyin
[Quoted text hidden]

吴柏林 <wbl405@126.com>
To: "z. wang" <zwang.ca@gmail.com>

Tue, May 27, 2014 at 4:45 AM

召甲, 你好
发去合同. 请把把关。
柏林

[Quoted text hidden]

7. Don Zhang <don.pharmaman@gmail.com>
To: "z. wang" <zwang.ca@gmail.com>
Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Wed, May 28, 2014 at 8:20 AM

Hi Zhaoyin,

How about you or your attorney start to draft a proposal for closing up the partnership of Beta Pharma (Canada). It is a lot easy to discuss and make modification on it if have a proposal in writing. We can have it signed up as soon as we reach agreement. Please let us know should you have any problems. Thanks a lot!

Don
Beta Pharma, Inc.
[Quoted text hidden]

8. z. wang <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>
Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Wed, May 28, 2014 at 10:17 PM

Hi Don,

It looks that I will have to initiate a legal proceedings to close up ALL of the partnership including Beta Pharma Canada and my service contract with BetaPharma, since there is a lack of initiallons from your side. I will discuss the matter with my attorney and start the process since this appears to be the only way to do it properly.

Best,

Zhaoyin
[Quoted text hidden]

9. Don Zhang <don.pharmaman@gmail.com>
To: "z. wang" <zwang.ca@gmail.com>
Cc: "jirong_peng@betapharma.com" <jirong_peng@betapharma.com>, "gary.wood@betapharma.com" <gary.wood@betapharma.com>

Thu, May 29, 2014 at 12:12 AM

Hi Zhaoyin,

If you are busy and prefer to have me write a proposal, I will be happy to do so if you prefer. It is intended to respect you and check with your preference first. It is my understanding that you would like to reach an agreement with Beta Pharma (USA) so that you can move on with the business you like to pursue. So please let me know if your preference and certainly I can start to draft a proposal as well. Thanks a lot!

Regards,

Don/
[Quoted text hidden]

10. z. wang <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>

Thu, May 29, 2014 at 1:16 AM

Don,

It is about everything, including my service contract with BetaPharma USA, which will be part of the resolution. Please write a proposal with your thoughts as soon as possible. Please put down your preference when you do so. To me, I could continue to work for "BetaPharma" as long as it is fair to me and our agreement is respected. I understand that both of us have gone through some difficult time, and we all survived. If it is too far apart from a fairness to me, I would assume a legal proceeding would be the best way to reach an agreement.

Best,

Zhaoyin
[Quoted text hidden]

11. Don Zhang <don.pharmaman@gmail.com>
To: "z. wang" <zwang.ca@gmail.com>

Fri, May 30, 2014 at 11:46 AM

Hi Zhaoyin,

Are you attending ASCO in Chicago? If you are, please let me know your hotel info or the best way to reach you during the conference. Please stay in touch! Thanks!

Don
[Quoted text hidden]

12. z. wang <zwang.ca@gmail.com>
To: Don Zhang <don.pharmaman@gmail.com>

Sat, May 31, 2014 at 2:00 AM

Don,

Unfortunately I am not going to the ASCG. However we can have a Spype chat to discuss the issues or you may call my cell phone in China 18602560157. Anyway, I am hoping we can have this resolved instead of going to the court proceedings. As we know that once the procedure starts, it is going to be irreversible. I look forward to further discussing with you.

Best,

ZW
[Quoted text hidden]

zhaoyin wang <zwang.ca@gmail.com>

Mon, Jun 2, 2014 at 8:46 PM

2 attachments

Graph-1.pdf
211Kgraph-2.pdf
196K

Don Zhang <don.pharmaman@gmail.com>

Sat, Jun 14, 2014 at 11:35 PM

To: Zed Wang <zwang_ca@yahoo.com>

Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>

Hi Zhaoyin,

Looks like you have made really great progress in ALK(m) Inhibitors! Congratulations to your new progresses!

When comes to new drug discovery, of course, I am very serious and very excited about it and like to explore every possibility to work out something with you for those great projects with great potentials!

We currently have a good discovery team that we assembled from former employees of Novartis, J&J and other pharma companies in New Jersey. In particular, Both Michael Greco and Michael Costanzo have extensive discovery experience. We currently mainly focus on oncology. It would be really great if you come to meet with our team and discuss projects with them extensively. We will try to work out every aspect of collaboration plan. So I would like to invite you come to Princeton to meet our teams (RD, RA, Financial and so on). Anyway, it is very exciting to explore those great potential with you. Also I would like to pay a visit to your lab in Shanghai if you like. Maybe both Jirong and I would visit you if you like. That would be very good to talk and work out things for the future. Please let me know. So I am looking forward to hearing from you again! Hope you have a wonderful weekend there in Shanghai

Don

[Quoted text hidden]

Zed Wang <zwang_ca@yahoo.com>

Sun, Jun 15, 2014 at 9:48 PM

Reply-To: Zed Wang <zwang_ca@yahoo.com>

To: Don Zhang <don.pharmaman@gmail.com>

Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>

Hi Don,

Thanks for your reply and the kind words!

I think it would be a good idea for you and Jirong to visit my lab in Shanghai, perhaps Nanjing too if time permits. Cost for R&D in China is still more cost-effective provided that a good analytical capacity is available. In Shanghai, the Institute's facility is perfectly serving that purpose. Human cost is also much lower for now if the productivity is kept reasonably high. For now, discovery work is done for Beta Pharma Canada, and we just have to find a way to move these molecules into development stage.

We can have a Skype conference call, and preferably, you and Jirong can visit here at your earliest convenience. The bottom-line is that you have to be serious and take actions. Talk is cheap, and we all know that.

Best,

Zhaoyin

[Quoted text hidden]

Don Zhang <don.pharmaman@gmail.com>

Sat, Jun 21, 2014 at 3:28 PM

To: Zed Wang <zwang_ca@yahoo.com>

Cc: don Zhang <don_zhang@betapharma.com>, "z. wang" <zwang.ca@gmail.com>, Jirong Peng <jpeng108@gmail.com>

Hi Zhaoyin,

I chatted with Jirong about visiting your labs at both Shanghai and Nanjing and he is excited about the trip too! What are the best dates for you for us to come? Please give several options so that we can select the one that fit all of us.

Recently there are several investors in China with deep pockets like to work with BetaPharma (USA) and we may need to meet them together to close deals. The new venture can be very exciting and with very significantly larger size! By the way, how many team members you have there? how many turtles with Ph. D.? Will try to find time to chat more with you over phone. Looking forward to hearing from you again! (We have a lot of headache things happened here so have to work even in the weekends). Please stay in touch!

Regards,

Don

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Best,

Zhaoyin

On Sunday, June 15, 2014 11:35 AM, Don Zhang <don.pharmaman@gmail.com> wrote:

Zed <zwang.ca@gmail.com>

Sat, Jun 21, 2014 at 6:37 PM

To: Don Zheng <don.pharmaman@gmail.com>

Hi Don,

What is new at the ASCO meeting? Just update you that our Crizotinib "me too" compound is moving along well and Ibrutinib "me too" compound is also picking up the pace. In addition, we have also initiate other high value "me too" programs with great promise. I certainly hope we can resolve all of the issues and move things forward together if that is what you want. I have to know what you are thinking and what is your position on all of these issues. As I mentioned earlier, it could be irreversible once the lawyer is involved and things could be very unpleasant for everyone. Hope to hear back from you soon.

Best,

Zhaoyin
[Quoted text hidden]

17. Don Zhang <don.pharmaman@gmail.com>
To: zhaoyin wang <zwang.ca@gmail.com>

Wed, Jun 4, 2014 at 9:41 AM

Hi Zhaoyin,

It was very busy and very exciting conference at ASCO! Also it is very exciting for me to know those new discoveries you are making there! Certainly we have a lot of new drug discovery interest and passion like to share with you and hopefully we can be more useful for patients, in particular, cancer patients. I will share more stuff with you and I am excited about knowing more about your thoughts and ideas as well. I flew back from Chicago this morning (about 2:30AM). Will be in touch! Thank!

Don
[Quoted text hidden]

18. Don Zhang <don.pharmaman@gmail.com>
To: zhaoyin wang <zwang.ca@gmail.com>

Sat, Jun 7, 2014 at 12:42 PM

Hi Zhaoyin,

I am very excited to explore even greater opportunity with you in new drug discovery, in particular, oncology field. I guess you are currently working with research institute managed by Junying Yuan in Shanghai?

Anyway, I am thinking about building a company very much like Zhejiang Beta Pharma in Shanghai. Since we have more experience and knowledge than a decade ago, if we find out a way to work together efficiently, we can do much better than what we did within ZJBP with sustainable growth. I believe in that you are one of the bests in medicinal chemistry on the earth so we should come out the best oncology products on the earth if we can find out a way to work together. Just wonder if a great potential like much better than ZJBP is kind of dream you are dreaming?

I will share more with you about our new progresses on R&D, RA, BD, legal affairs and financial if you like later on

How about your works with Prof. Yuan? How is the business relationship you have with them in Shanghai? Please share your thoughts and ideas! please stay in touch! Thanks!

Don
[Quoted text hidden]

19. Zed <zwang.ca@gmail.com>
To: "zwang_ca@yahoo.com" <zwang_ca@yahoo.com>

Mon, Jun 9, 2014 at 7:30 AM

Sent from my iPad

Begin forwarded message:

From: Don Zhang <don.pharmaman@gmail.com>
Date: 2014年6月8日 GMT+8上午12:42:04
To: zhaoyin wang <zwang.ca@gmail.com>
Subject: Re: Legal action against you and BetaPharma US

[Quoted text hidden]

20. Zed Wang <zwang_ca@yahoo.com>
Reply-To: Zed Wang <zwang_ca@yahoo.com>
To: don Zhang <don_zhang@betapharma.com>, Don Zhang <don.pharmaman@gmail.com>
Cc: "Z. wang" <zwang.ca@gmail.com>

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Hi Don,

Gmail is down in China and I have use to use other mailbox to write you.

Taking a position is to use the government resource to serve our purpose, as you know how things are run in China now. I have the freedom to work on anything that I am interested in, and I have the resource to move BPCI's projects now. Attached is a xenograft study results of BPCI's lead cMet/ALK dual inhibitor, BC-00061. Although BC-00061 is somewhat less active than Pfizer' crizotinib at 30 mg/kg, it showed a clear dose response and completely eliminated the tumor at 100 mg/kg (n = 6). We suspected the PK can be improved with a selection of a suitable salt and the compound is very same at 100 mg/kg dose in mice. Anyway, I think it is a low-risk project with a good possibility of success. We also have a "very-low" risk CV drug with a huge potential in the world market. BPCI's BTK inhibitor is also a low risk project and need only the so called "development". With this kind of combination of projects and some seed money, a successful company can be easily built in China.

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Let's be honest to each other and have a serious discussion and I look forward to hearing back from you soon.

Best,

Zhaoyin
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To: Don Zhang <don.pharmaman@gmail.com>
Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, Jirong Peng <jpeng108@gmail.com>

Don,

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Best,

Zhaoyin

Sent from my iPhone
(Quoted text hidden)

21 Don Zhang <don.pharmaman@gmail.com> Tue, Jun 24, 2014 at 9:28 AM
To: Zed <zwang_ca@gmail.com>
Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, Jirong Peng <jpeng108@gmail.com>

Hi Zhaoyin,

That is great! Both Jirong and I are excited about a trip to visit you. We will contact the potential investors/partners as soon as we can in China and work out the best dates ASAP. And I will keep you posted on the progress on our side.

Regards,

Don
(Quoted text hidden)

22 Zed <zwang_ca@gmail.com> Thu, Jun 26, 2014 at 8:13 PM
To: Don Zhang <don.pharmaman@gmail.com>
Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>

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ZW

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(Quoted text hidden)

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To: Zed <zwang_ca@gmail.com>
Cc: Zed Wang <zwang_ca@yahoo.com>, don Zhang <don_zhang@betapharma.com>, Jirong Peng <jpeng108@gmail.com>

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Don
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24 Zed Wang <zwang_ca@yahoo.com> Tue, Jul 1, 2014 at 1:25 AM
Reply-To: Zed Wang <zwang_ca@yahoo.com>
To: Don Zhang <don.pharmaman@gmail.com>, Zed <zwang_ca@gmail.com>
Cc: don Zhang <don_zhang@betapharma.com>, Jirong Peng <jpeng108@gmail.com>

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I just hope to resolve all of the issues as soon as possible and the pace of communication with you is just too slow. Please expedite the work at your end.

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Zhaoyin

(Quoted text hidden)

Beta Pharma Canada Program Summary-General slides (for Don).pdf
2132K

25 Zed <zwang_ca@gmail.com> Mon, Jul 14, 2014 at 10:29 AM
To: Zed Wang <zwang_ca@yahoo.com>
Cc: Don Zhang <don.pharmaman@gmail.com>, don Zhang <don_zhang@betapharma.com>, Jirong Peng <jpeng108@gmail.com>

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I hope we all doing this with a good faith, not trying to waist each other's time. I am waiting for your actions with regards to all of the issues we are facing. Please be serious and the way you are communicating with me will take another life time to get anything done. Please let me know what you are really thinking and we can move to the next step.

Best,

Zhaoyin

Sent from my iPhone
[Quoted text hidden]

<Beta Pharma Canada Program Summary-General slides (for Don).pdf>

PLAINTIFF'S EXHIBIT 2

Emails September 24, 2013 and later

Jonathan Katz

From: 王召印 [zywang@sioc.ac.cn]
Sent: Tuesday, December 16, 2014 7:05 AM
To: Jonathan Katz
Subject: Fw: Fwd: Decision?

-----原始邮件-----

发件人: Zed <zwang.ca@gmail.com>
发送时间: 2014年12月16日 星期二
收件人: "zywang@sioc.ac.cn" <zywang@sioc.ac.cn>
抄送:
主题: Fwd: Decision?

发自我的 iPhone

以下是转发的邮件:

发件人: Don Zhang <don.pharmaman@gmail.com>
日期: 2013年9月29日 GMT+8上午8:51:26
收件人: "z. wang" <zwang.ca@gmail.com>
抄送: jirong Peng <jpeng108@gmail.com>
主题: 回复 : Decision?

Hi Zhaoyin, Thanks!

As I mentioned to you early even before we met in Montreal, I had passed the whole email communication between us and all of our agreements stuff to our attorney for a new updated agreement between us. Our attorney is fully loaded! Good news is that he has the most legal stuff related with ZJP well organized and resolved this week! So now then he can fully concentrates on have our stuff drafted sooner.

So please have all of the patents you filed from BetaPharma Canada sent to us so he can work on our draft as soon as he can. He mentioned that we should have those patents transferred under BetaPharma (USA) so he can help us handle the filings and monitoring. Please stay in touch! Thanks!

Don

On Thu, Sep 26, 2013 at 12:40 PM, z. wang <zwang.ca@gmail.com> wrote:

12/16/2014

ZWANG BP v LIU 00162

Hi Don,

I am expecting a quick decision from you since we have been talking for at least four months by now. My next step is depending on our agreement if it can be reached. I have provided you with almost everything you want to know and you have come to see everything with your own eyes. I just want get a clear answer from you for my proposal or you lay down your bottom-line, and we can then come to a conclusion. I have to transfer IPs out of BPCI for project development if you reach a NO GO decision now, and we can have a resolution on the ownership of BPCI. Anyway, I am sorry for my frustration and hope for a quick action from you.

Best,

Zhaoyin

qian_liu60@hotmail.com for Mr. Qian Liu
linda_zi@yahoo.com for Ms Lin Ju

On Thu, Sep 26, 2013 at 9:03 AM, Don Zhang <don.pharmaman@gmail.com> wrote:
Hi Zhaoyin,

We are working on those things that we are discussing and will request more info from you and Steve shortly. There are a lot of things going on here such as the IRS audit related tax matters that easily lead anyone has trouble end up with jail. And Lawsuits, several against us, that we have to deal with and win those cases for our reputation and overall business. A lot of things going on. It require good patience to do long term stuff. will be in touch! Thanks!

One more thing: returning the money with both preliminary and interests/capital gains to your relatives Ju Lin and Qian Liu is also very urgent for ZJBP, just wonder if we can have their current addresses and email addresses. Thanks again!

Don

On Tue, Sep 24, 2013 at 11:02 PM, z. wang <zwang.ca@gmail.com> wrote:
Hi Don,

I wonder how and what you are dealing with Steve, and your thoughts about the whole thing. Your silence is driving me crazy! It is OK for you to walk away from all of these and don't feel bad if you tell me it's a NO GO decision. Anyway, I remain to be flexible and we all have room to negotiate. The bottom-line is that we have to be serious and straightforward to each other.

Best,

ZW

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