

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case No. IPR2020-00040
U.S. Patent No. 7,326,708

DECLARATION OF JOANNE DIDDLE

I, Joanne Diddle, hereby declare as follows:

1. I am employed by Merck Sharp & Dohme Corp. (“Merck”) as an Associate Specialist, Shared Services Human Resources. I joined Merck on April 16, 1990, and began working in personnel records on October 1, 1993. Through my employment at Merck, I have personal knowledge of Merck’s recordkeeping policies with respect to HR personnel records.

2. HR personnel files and records at Merck are currently managed digitally using either electronic systems. Prior to the implementation of a digital system in 2004, these records were kept and maintained in hardcopy paper form. Starting in or around approximately 2016, hardcopy paper records were scanned and entered into the new digital system.

3. New Merck employees sign a document called Conditions of Employment (COE) as part of the onboarding process. The COE is collected by the company onboarding representative and then maintained in the HR personnel file of each employee.

4. Attached as Appendix A to this declaration is a true and correct copy of the COE for Scott D. Edmondson signed September 1998.

5. Attached as Appendix B to this declaration is a true and correct copy of the COE for Michael H. Fisher signed May 1963.

6. Attached as Appendix C to this declaration is a true and correct copy of the COE for Dooseop Kim signed August 1990.

7. Attached as Appendix D to this declaration is a true and correct copy of the COE for Malcolm MacCoss signed August 1982.

8. Attached as Appendix E to this declaration is a true and correct copy of the COE for Emma R. Parmee signed August 1990.

9. Attached as Appendix F to this declaration is a true and correct copy of the COE for Ann E. Weber signed August 1987.

10. Attached as Appendix G to this declaration is a true and correct copy of the COE for Jinyou Xu signed March 2000.

11. Attached as Appendix H to this declaration is a true and correct copy of the COE for Stephen H. Cypes signed March 2003.

12. Attached as Appendix I to this declaration is a true and correct copy of the COE for Minhua (Alex) Chen signed August 2002.

13. Attached as Appendix J to this declaration is a true and correct copy of the COE for Russell R. Ferlita. The second page to Dr. Ferlita's COE is missing, however, I believe this to be Dr. Ferlita's COE because I located it in his HR personnel file.

14. Based on Merck's records, Dr. Ferlita began working at Merck on September 5, 2000, prior to the creation of the digital system currently used to

manage HR personnel files and records. As such, Dr. Ferlita's COE would have initially been kept in hardcopy paper form and later digitized in or after approximately 2016.

15. Attached as Appendix K to this declaration is a true and correct copy of the Terms and Conditions of Employment document for Russell Ferlita signed August 2005. The Terms and Conditions of Employment document explains to a departing employee that certain provisions of the COE document they signed when they were hired apply beyond their termination.

16. Attached as Appendix L to this declaration is a true and correct copy of the COE for Karl B. Hansen signed December 1992.

17. Attached as Appendix M to this declaration is a true and correct copy of the COE for Ivan Lee signed September 2001.

18. Attached as Appendix N to this declaration is a true and correct copy of the COE for Vicky K. Vydra signed June 2001.

19. Attached as Appendix O to this declaration is a true and correct copy of the COE for Robert M. Wenslow signed December 1997.


* * *

I hereby declare that all statements made herein of my own knowledge true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

DECLARATION OF JOANNE DIDDLE

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

Dated: 2/13/2020


Joanne Diddle

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