



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Joel M. Cohen

Date: May 19, 2022

Case: Regeneron -v- Novartis (PTAB)

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

**DOCKET
ALARM**

Find authenticated court documents without watermarks at docketalarm.com.

Transcript of Joel M. Cohen
Conducted on May 19, 2022

1 (1 to 4)

1	3
1 UNITED STATES PATENT AND TRADEMARK OFFICE	1 A P P E A R A N C E S (cont'd):
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	2 ON BEHALF OF PATENT OWNERS:
3 ----- x	3 DANIEL MARGOLIS, ESQUIRE
4 REGENERON PHARMACEUTICALS, INC., :	4 ALLEN & OVERY LLP
5 Petitioner : Case No.	5 1221 Avenue of the Americas
6 vs : IPR2021-00816	6 New York, NY 10020
7 NOVARTIS PHARMA AG, NOVARTIS :	7 212.610.6375
8 TECHNOLOGY LLC, NOVARTIS : Patent No.	8 daniel.margolis@allenoverly.com
9 PHARMACEUTICALS CORPORATION, : 9,220,631	9
10 Patent Owners :	10 A L S O P R E S E N T:
11 ----- x	11 HAROLD RODRIGUEZ, A/V Technician
12	12 JAMES EVAN, ESQUIRE, Regeneron
13 Oral deposition of	13 ANDREW GEISOR, ESQUIRE, Regeneron
14 JOEL M. COHEN	14
15	15
16 VIA VIDEO/TELECONFERENCE	16
17 THURSDAY, MAY 19, 2022	17
18 10:06 a.m. EASTERN TIME	18
19	19
20 Job No.: 448286	20
21 Pages: 1 - 128	21
22 Reported by: Lisa V. Feissner, RDR, CRR, CLR	22
2	4
1 A P P E A R A N C E S:	1 C O N T E N T S
2 ON BEHALF OF PETITIONER:	2 EXAMINATION OF JOEL M. COHEN PAGE
3 CHRISTOPHER M. PEPE, ESQUIRE	3 By Mr. Margolis 5
4 NATALIE C. KENNEDY, ESQUIRE (NY office)	4
5 MATTHEW D. SIEGER, ESQUIRE	5
6 ISHA AGARWAL, ESQUIRE	6 E X H I B I T S
7 WEIL, GOTSHAL & MANGES LLP	7 (Attached to transcript)
8 2001 M Street, NW	8 DEPOSITION EXHIBIT PAGE
9 Washington, D.C. 20036	9 (None marked.)
10 202.682.7153	10
11 christopher.pepe@weil.com	11
12 natalie.kennedy@weil.com	12
13 matthew.sieger@weil.com	13
14 isha.agarwal@weil.com	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

5	7
1 PROCEEDINGS	1 prefilled syringes?
2 JOEL M. COHEN,	2 A No, none of the cases involved prefilled
3 having been first duly sworn, was examined and	3 syringes.
4 testified as follows:	4 Q Okay. Did any of those cases involve
5 EXAMINATION	5 Parylene C?
6 BY MR. MARGOLIS:	6 A No, none of the cases I supported
7 Q Good morning. How are you?	7 Gradient expert witnesses involved Parylene C.
8 A I'm good this morning.	8 Q Did any of those cases involve silicone
9 Q Is it Dr. Cohen?	9 oil?
10 A Either is fine, Dr., Mr., no preference.	10 A No, none of the cases involved silicone
11 Q Okay. And would you just mind please	11 oil.
12 stating your name for the record.	12 Q Did any of those cases involve syringes
13 A Joel Cohen.	13 of any kind?
14 Q And Dr. Cohen, have you ever been deposed	14 A No. While my supporting of expert
15 before?	15 witness work at Gradient did not involve Parylene C,
16 A I've never been deposed, but I've been	16 prefilled syringes, silicone oil, in other contexts,
17 retained as an expert witness and submitted expert	17 my professional activities have involved prefilled
18 reports.	18 syringes, toxicological risk assessment of prefilled
19 Q Okay. In approximately how many cases?	19 syringes, and the materials and various components
20 A Including this case today?	20 of those syringes.
21 Q Yes.	21 So while in the expert testimony support
22 A That would be two cases.	22 work, it has -- they have not addressed those items,
6	8
1 Q Okay. So one other case, you've	1 but in other contexts, as a principal at Gradient, I
2 submitted an expert report in?	2 have conducted toxicological risk assessments on
3 A That's correct, as the expert. In	3 those, on prefilled syringes.
4 addition, I've supported a number of other experts	4 Q Okay. But you've never acted as an
5 in their expert testimony and expert reports.	5 expert witness or in support of an expert witness in
6 Q Okay. So what do you mean by that?	6 a case involving syringes or prefilled syringes or
7 A At the direction of the expert witness,	7 Parylene C or silicone oil; is that correct?
8 have done research and evaluated materials to	8 A That is correct. I've never been
9 contribute to that expert's understanding of the	9 involved as an expert witness or supported an expert
10 case.	10 witness on those matters. However, in other
11 Q Got it, okay.	11 contexts, I have conducted toxicological risk
12 And how many times have you been involved	12 assessments on prefilled syringes.
13 in a litigation in that capacity?	13 Q And you mentioned that you worked on one
14 A A number of times. Over the past eight	14 other litigation prior to this one as an expert
15 years at my career at Gradient, on the order of 20	15 witness yourself?
16 to 30 different projects.	16 A That is correct.
17 Q Okay. And was that always working under	17 Q Okay. And did that case involve either
18 other Gradient employees?	18 syringes or Parylene C or silicone oil?
19 A Yes. I was supporting Gradient expert	19 A No. That case did not involve syringes
20 witnesses.	20 or silicone oil.
21 Q Got it, okay.	21 Q Okay. Was that a patent litigation?
22 And did any of those cases involve	22 A It was not a patent litigation. There

9	<p>1 was a complaint that a consumer product had caused a 2 skin irritation hazard, and I was evaluating the 3 likelihood that the consumer product could have 4 posed that risk to the consumer. 5 Q And what was the product? 6 A I'm not at liberty to say. 7 Q Okay. Can you tell me who you were 8 representing? 9 A I was not -- I was representing the 10 defendant in that instance. 11 Q Okay. 12 A So that would have been -- 13 Q Go ahead. 14 A Oh, so the retailer that was selling the 15 consumer product to the consumer. That was who I 16 was representing. 17 Q Okay. And can you tell me who that 18 retailer was? 19 A No, I'm not at liberty to say. 20 Q Okay. Was it any of the parties involved 21 in this case? And by that I mean either Regeneron 22 or Novartis.</p>	11	<p>1 and don't have a lot of understanding of -- or 2 really any understanding of what that project 3 involved. 4 Q Okay. Did it involve syringes? 5 A Not that I'm aware. 6 Q I think I asked this, but I'll ask it 7 again just to make sure. 8 Have you ever worked with Novartis 9 before? 10 A No, I've never worked with Novartis. 11 Q Okay. And to your knowledge, has 12 Gradient ever worked with Novartis before? 13 A To my knowledge, I don't believe so, no. 14 Q And so you submitted a declaration in 15 this case, and is that Exhibit 1108? And if you 16 like, I can pull that up for you. 17 A Yes, that's -- Exhibit 1108 is my 18 declaration. 19 Q And when were you first contacted to work 20 on this case? 21 A I was first contacted about this case 22 maybe winter 2022.</p>
10	<p>1 A No. It was none of the parties involved 2 in this case today. 3 Q Okay. Was it a pharmaceutical company? 4 A No, it was not a pharmaceutical company. 5 Q Okay. And is that case still ongoing? 6 A No. That case resolved. 7 Q Okay. So this is -- sorry. 8 Did you end up testifying in any capacity 9 in that case, either at trial or by deposition? 10 A No, I was not deposed in that case. It 11 was -- the expert report was enough to resolve the 12 matter. 13 Q Okay. And in this case, you've submitted 14 a declaration on behalf of Regeneron, correct? 15 A Yes, that is correct. 16 Q And prior to this case, had you ever done 17 any work with Regeneron? 18 A No, I've not worked with Regeneron prior 19 to this case. 20 Q Okay. Had Gradient worked with Regeneron 21 prior to this case? 22 A Yes, I believe so, but I was not involved</p>	12	<p>1 Q Winter of 2022. So earlier this year? 2 A That's correct. 3 Q Like January, around? 4 A Around then, yes. 5 Q Okay. And who contacted you? 6 A Chris Pepe. 7 Q And were you provided any materials? 8 A At that time -- 9 MR. PEPE: I'll just object and caution 10 you not to divulge the substance of any of our 11 communications. 12 But you can answer that question yes or 13 no. 14 A At that time, I was more asked about my 15 experience in expert testimony and extractables and 16 leachables, things of that nature, as more about my 17 qualifications. 18 Q Okay. And at what point in time -- well, 19 at some point in time, you were asked to provide a 20 declaration by Regeneron, right? 21 A Yes, that's correct. 22 Q Okay. And when was that?</p>

<p style="text-align: right;">13</p> <p>1 A Late winter 2022. So February, March, 2 around that time. 3 Q Okay. And what did you understand the 4 subject matter of your declaration would be? 5 MR. PEPE: I'm going to object and just 6 caution you not to divulge the substance of any 7 communications we had. But to the extent you can 8 answer the question without doing that, you can 9 answer. 10 A As indicated in paragraph 2 of my 11 declaration that defines the scope of my analysis 12 and opinions, that's been my understanding of my 13 role in this case. 14 Q Okay. And what did you do in order to 15 prepare your declaration? Well, let me take that in 16 pieces. I'll strike that question. 17 Did you review materials in order to 18 prepare your declaration? 19 A The materials I reviewed for preparing my 20 declaration are all cited within the declaration, 21 included as exhibits. 22 Q You didn't review anything other than the</p>	<p style="text-align: right;">15</p> <p>1 case, had you -- were you familiar with any of the 2 documents that you rely on in your declaration? 3 A So Exhibits 2042 and 2181 are the ISO 4 10993-1 standard. That, I'm familiar with and have 5 been familiar with this prior to this project. 6 Q Were you familiar with any of the other 7 exhibits cited in your declaration prior to your 8 involvement in this case? 9 A No, I was not familiar with the other 10 exhibits provided or cited in my declaration. 11 Q Okay. So you weren't familiar, prior to 12 your involvement with this case, with the Chang 13 article that's Exhibit 2030? 14 A No, I had not seen that article prior to 15 this case. 16 Q Okay. And you had not seen the Kaminska 17 article, Exhibit 2031, prior to this case? 18 A Correct, I had not seen that article 19 either. 20 (Reporter interruption.) 21 Q Dr. Cohen, prior to your involvement in 22 this case, you had not seen either of these SCS</p>
<p style="text-align: right;">14</p> <p>1 exhibits cited in your declaration in order to 2 prepare your declaration? 3 A That is correct. I didn't review 4 anything that was not cited in my declaration in 5 preparing the declaration. 6 Q Okay. Did you talk to anyone other than 7 counsel in preparing your declaration? 8 A No. 9 Q You didn't have anybody helping you out 10 like you would have helped out somebody else in one 11 of those cases you were mentioning before? 12 A No. No one helped me write the 13 declaration. 14 Q Okay. And you didn't do any independent 15 searching for additional documents beyond the 16 exhibits cited in your declaration; is that correct? 17 A That's correct, I did not. 18 Q And the documents that you do cite in 19 your declaration, they were all provided to you by 20 counsel; is that right? 21 A Yes, that is correct. 22 Q Okay. Prior to your involvement in this</p>	<p style="text-align: right;">16</p> <p>1 documents, Exhibits 1074, 1075, about Parylene C; is 2 that correct? 3 A That's correct. 4 Q You currently work at Gradient; is that 5 right? 6 A Yes, I currently work at Gradient. 7 Q And could you just describe what Gradient 8 is, what field they operate in. 9 A So Gradient is a scientific consulting 10 firm with a number of practice areas. My practice 11 area is what's described as the product stewardship 12 area supporting toxicological risk assessment, 13 consulting services for a variety of products. 14 And my practice area focuses on medical 15 device toxicological risk assessment and 16 pharmaceutical toxicological risk assessment, among 17 others things. But that's one of the practice areas 18 that the consulting firm at large focuses on. 19 Q Okay. Is one of the areas Gradient is 20 involved in providing expert witness support in 21 litigations? 22 A Gradient principals do offer expert</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.