

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**REGENERON PHARMACEUTICALS, INC.,**  
Petitioner

v.

**NOVARTIS PHARMA AG,  
NOVARTIS TECHNOLOGY LLC,  
NOVARTIS PHARMACEUTICALS CORPORATION,**  
Patent Owners

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**Case IPR2020-1318**  
Patent 9,220,631

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**DECLARATION OF JEFFREY SALLING IN SUPPORT OF NOVARTIS'S  
PATENT OWNER PRELIMINARY RESPONSE**

## **I. INTRODUCTION**

1. I, Jeffrey Salling, have personal knowledge of the facts set forth in this Declaration and am competent to testify concerning the same.

2. I have worked at Novartis in East Hanover as Global Director of eDiscovery & Senior Legal Counsel as of April 2019. In this position I oversee our global discovery operations, to ensure compliance with discovery obligations consistent with applicable rules.

## **II. BACKGROUND**

3. Novartis file systems maintain Novartis electronic files created and stored by Novartis employees.

4. File systems are maintained by Novartis Information Technology (IT) which is the infrastructure upon which the metadata is supported.

5. Based on my understanding and experience, metadata is data about the data (for example, creation date, modified date). The metadata is generated contemporaneously with the creation, modification, or movement of the electronic files they are associated with.

6. The metadata associated with each electronic file is created and stored in the ordinary course of business.

## **III. ANALYSIS OF METADATA FOR EXHIBIT 2063**

7. Novartis Pharma AG, Novartis Pharmaceuticals Corporation, and

Novartis Technology LLC (collectively, “Novartis”) were previously involved in litigation concerning U.S. Patent 9,220,631 in ITC Investigation No. 337-TA-1207 (“ITC Investigation”). Novartis documents related to its Lucentis® prefilled syringe product were collected from Novartis file systems for production in the ITC Investigation. This collection of data was inclusive of the associated metadata. A number of these documents (and metadata) were produced to Regeneron Pharmaceuticals Inc. (“Regeneron”) in the ITC Investigation.

8. The native PowerPoint file “Lucentis Project Review\_2011 10 05a.pptx,” along with the associated metadata, was among the documents collected from the Novartis file system in connection with the ITC Investigation.

9. I have examined Exhibit 2063, and aside from the redactions, which were applied at the direction of Novartis’s outside Swiss counsel to comply with Swiss data protection law, I have confirmed that this Exhibit is a PDF of the native PowerPoint file “Lucentis Project Review\_2011 10 05a.pptx.”

10. I have personal knowledge of the metadata associated with the native PowerPoint file “Lucentis Project Review\_2011 10 05a.pptx.” Exhibit 2065 truly and correctly reports metadata associated with the native PowerPoint file “Lucentis Project Review\_2011 10 05a.pptx” as it exists in Novartis’s file systems and was generated and stored in the ordinary course of Novartis’s business.

11. The file extension .pptx from the filename in metadata in Exhibit 2065

shows that “Lucentis Project Review\_2011 10 05a.pptx” is a Microsoft PowerPoint slide deck. The modified date reflects the date on which the document was last modified or changed and indicates that the modified date was October 10, 2011.

**IV. DECLARATION**

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that all of my statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: \_\_\_\_\_

By: **Salling  
Jeffrey** \_\_\_\_\_  
Jeffrey Salling

Digitally signed by Salling Jeffrey  
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ou=people, ou=GR,  
serialNumber=2157089,  
cn=Salling Jeffrey  
Date: 2021.07.28 13:59:23 -04'00'