

1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 UNITED STATES PATENT AND TRADEMARK OFFICE
 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 MYLAN PHARMACEUTICALS, : CASE IPR2021-00880
 5 INC., CELLTRION, INC., :
 6 and APOTEX, INC., : Patent 9,669,069 B2
 7 Petitioners, :
 8 vs. :
 9 REGENERON PHARMACEUTICALS, : CASE IPR2021-00881
 10 INC., :
 11 Patent Owner : Patent 9,254,338 B2
 12 ----- :

13 VIDEOTAPE DEPOSITION OF:
 14 LUCIAN V. DEL PRIORE, M.D., PH.D.
 15 NEW YORK, NEW YORK
 16 FRIDAY, APRIL 29, 2022

17
 18
 19
 20
 21
 22
 23
 24 REPORTED BY:
 25 SILVIA P. WAGE, CCR, CRR, RPR
 JOB NO. 5149547

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2
 3
 4 APRIL 29, 2022
 5 9:15 A.M.
 6 Videotape deposition of LUCIAN V. DEL
 7 PRIORE, M.D., PH.D., held at the offices of
 8 ARNOLD & PORTER KAYE SCHOLER, 250 55th Street,
 9 4th Floor, New York, New York, pursuant to
 10 agreement before SILVIA P. WAGE, a Certified
 11 Shorthand Reporter, Certified Realtime Reporter,
 12 Registered Professional Reporter, and Notary
 13 Public for the States of New Jersey, New York and
 14 Pennsylvania.
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1 CONFIDENTIAL - LUCIAN V DEL PRIORE, M D , PH D
 2 I N D E X
 3 WITNESS: LUCIANO V DEL PRIORE, M D , PH D PAGE
 4 EXAMINATION BY MR McLAUGHLIN 10
 5
 6 E X H I B I T S
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 8 NO DESCRIPTION PAGE
 9 Del Priore Exhibit 1 Petitioner's Notice 10
 10 of Deposition of
 11 Lucian V Del Priore,
 12 M D Ph D , in IPR
 13 2021-00880,
 14 Del Priore Exhibit 2 Petitioner's Notice 10
 15 of Deposition of
 16 Lucian V Del Priore,
 17 M D Ph D , in IPR
 18 2021-00881
 19 Del Priore Exhibit 3 Expert Declaration of 32
 20 Lucian V Del Priore,
 21 M D , Ph D
 22 Confidential Subject
 23 to Protective Order
 24 Del Priore Exhibit 4 copy of Dr Del 33
 25 Priore's curriculum
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 B2 previously marked
 Mylan 1001
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 B2 previously marked
 Mylan 1001
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 "VEGF-Trap: A VEGF
 Blocker with Potent
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 previously marked
 Mylan Exhibit 1004
 21
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 23
 24
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1 CONFIDENTIAL - LUCIAN V DEL PRIORE, M D , PH D
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 23 BY: ALICE HO, ESQ , PH D
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 21 EILEEN WOO, ESQ
 22 REGENERON PHARMACEUTICALS, INC
 23 (VIA TELECONFERENCE)
 24
 25 JAMES EVANS, ESQ
 26 REGENERON PHARMACEUTICALS, INC
 27 (VIA TELECONFERENCE)
 28
 29 MATTHEW CHIN-QUEE
 30 VIDEOGRAPHER
 31
 32
 33

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1 CONFIDENTIAL - LUCIAN V DEL PRIORE, M D , PH D
 2 E X H I B I T S
 3 NO DESCRIPTION PAGE
 4 Del Priore Exhibit 8 article titled, 101
 5 "Duration of Action
 6 of Intravitreal
 7 Ranibizumab and
 8 Bevacizumab in
 9 Exudative AMD Eyes
 10 Based on Macular
 11 Volume Measurements"
 12 Del Priore Exhibit 9 article titled, 112
 13 "VEGF-Trap-Eye for
 14 the Treatment of
 15 Neovascular
 16 Age-related Macular
 17 Degeneration,"
 18 previously marked
 19 Exhibit 1006
 20 Del Priore Exhibit 10 article titled, 124
 21 "Angiogenesis An
 22 Integrative Approach
 23 from Science to
 24 Medicine"
 25 Del Priore Exhibit 11 Regeneron 136
 Pharmaceuticals Inc
 10-Q previously
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 Del Priore Exhibit 12 Expert Declaration of 158
 Dr Thomas Albini in
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2 E X H I B I T S
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4 Del Priore Exhibit 14 Table 14.2.3/2a 174
5 Summary of Proportion
6 of Vision Loss from
7 Baseline to Week 96
8 Last Observation
9 Carried Forward
10 previously marked
11 Exhibit 2060 marked
12 Confidential Material
13 - Subject to
14 Protective Order
15 Del Priore Exhibit 15 article titled, 190
16 "Differential
17 Response to Anti-VEGF
18 Regimens in
19 Age-related Macular
20 Degeneration Patients
21 with Early Persistent
22 Retinal Fluid"
23
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25

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
2 THE VIDEOGRAPHER: We're going on the
3 record at 9:15 a.m. on April 29th, 2022.
4 This is Media Unit No. 1 of the video
5 recorded deposition of Dr. Lucian Del Priore in
6 the matter of Mylan Pharmaceuticals Inc., et al.,
7 v. Regeneron Pharmaceuticals Inc., et al., in the
8 United States Patent and Trademark Office, Case
9 No. IPR 2021-00881.
10 The deposition is being held at
11 Arnold & Porter Kaye Scholer LLP at 250 West 55th
12 Street, New York, New York.
13 My name is Matthew Chin-Quee from
14 Veritext and I'm the Legal Videographer.
15 The Court Reporter is Silvia Wage
16 from Veritext.
17 Will anyone attending in person and
18 remotely please state your appearance and
19 affiliation for the record.
20 MR. McLAUGHLIN: My name is Neil
21 McLaughlin on behalf of Mylan Pharmaceuticals
22 Inc., from the law firm of Rakoczy Molino
23 Mazzochi Siwik.
24 I also just want to note for the
25 record that these proceedings or this deposition

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3 DEPOSITION SUPPORT INDEX
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6 Direction to Witness Not to Answer
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21 Motion to Strike
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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
2 also is being taken in Case No. IPR 2021-00880.
3 MR. COBB: This is Jeremy Cobb with
4 Arnold & Porter on behalf of Patent Owner
5 Regeneron.
6 Also with me in person is Alice Ho
7 with Arnold & Porter and Petra Scamborova and
8 Eileen Woo both in-house Counsel at Regeneron and
9 I believe that James Evans is on the line also
10 in-house Counsel at Regeneron.
11 THE STENOGRAPHER: Dr. -- I'm sorry.
12 Go ahead, Matt.
13 THE VIDEOGRAPHER: Will the Reporter
14 please swear in the witness.
15 MR. McLAUGHLIN: I just wanted to
16 note --
17 MR. COBB: There might be more
18 people.
19 MR. McLAUGHLIN: I also want to note
20 that my colleague Thomas Ehrich from RMMS is also
21 on.
22 THE VIDEOGRAPHER: Will the Reporter
23 --
24 MR. EHRICH: I'm sorry. This is
25 Thomas Ehrich also from Mylan also from Rakoczy

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 Molino Mazzochi Siwik. Thank you.
 3 THE WITNESS: And my name is Lucian
 4 Del Priore and I'm serving as an expert witness.
 5 LUCIANO V. DEL PRIORE, M.D., PH.D.,
 6 Yale Eye Center, 40 Temple Street, Suite 1B,
 7 New Haven, Connecticut 06510, after having
 8 been duly sworn, was examined and testified
 9 as follows:
 10 THE STENOGRAPHER: Thank you.
 11 You may proceed.
 12 EXAMINATION BY MR. McLAUGHLIN:
 13 Q. Good morning, Dr. Del Priore.
 14 A. Good morning.
 15 Q. I'm going to hand you what has
 16 previously been marked as Del Priore Dep
 17 Exhibit 1 and Del Priore Dep Exhibit 2.
 18 (Deposition Del Priore Exhibit 1,
 19 Petitioner's Notice of Deposition of Lucian V.
 20 Del Priore, M.D. Ph.D., in IPR 2021-00880, was
 21 marked for identification.)
 22 (Deposition Del Priore Exhibit 2,
 23 Petitioner's Notice of Deposition of Lucian V.
 24 Del Priore, M.D. Ph.D., in IPR 2021-00881, was
 25 marked for identification.)

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 Q. So what I've handed you are the
 3 Petitioner's Notice of Deposition of Lucian Del
 4 Priore M.D., Ph.D., in Case Matters IPR
 5 2021-00880 and IPR 2021-00881.
 6 Have you seen these dep notices prior
 7 to today?
 8 A. Yes.
 9 Q. Okay. So it's your understanding
 10 that you're being deposed today pursuant to these
 11 notices and the agreement of the parties in these
 12 IPRs?
 13 A. Yes.
 14 Q. And you do understand that there are
 15 two IPR proceedings, correct?
 16 A. I see two separate case numbers, yes.
 17 Q. And do you understand that your
 18 declaration that you submitted represents your
 19 direct examination in these proceedings?
 20 A. Yes, I do.
 21 Q. And do you understand that the
 22 questions I'll be asking you today represent your
 23 cross-examination testimony?
 24 A. Yes.
 25 Q. Have you ever been cross-examined?

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 2 A. Yes.
 3 Q. Approximately, how many times?
 4 A. Maybe two or three times.
 5 Q. And in what context were those
 6 cross-examinations taken?
 7 A. Serving as an expert witness related
 8 to medical malpractice.
 9 Q. All of them were medical malpractice
 10 related?
 11 A. Yes; not my individual cases, serving
 12 as an expert.
 13 Q. Sure.
 14 And that was at a trial?
 15 A. One was in court, yes.
 16 Q. And, approximately, how many times
 17 have you been deposed?
 18 A. Maybe three or four times.
 19 Q. Were any of those patent cases?
 20 A. Not to my recollection.
 21 Q. Okay. So I'd like to ask you a
 22 little bit about your experience today.
 23 Do you have experience working with
 24 VEGF receptor sequences?
 25 A. I have knowledge of sequences. But

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 can you be more specific?
 3 Q. Do you have personal experience -- do
 4 you have personal experience working with VEGF
 5 receptor sequences in terms of cloning --
 6 A. No.
 7 Q. -- modifying --
 8 A. No.
 9 Q. -- manipulating?
 10 THE STENOGRAPHER: You have to wait
 11 for him to finish the question. I'm sorry.
 12 THE WITNESS: Okay.
 13 Q. Were you following the VEGF-Trap-Eye
 14 literature and Regeneron press releases as
 15 VEGF-Trap-Eye was going through clinical trials
 16 between 2007 and 2010?
 17 A. Yes.
 18 Q. And in that time period, did you ever
 19 undertake an investigation into the amino acid
 20 sequence of VEGF-Trap-Eye?
 21 MR. COBB: Objection, scope.
 22 A. That's outside of the scope of my
 23 declaration.
 24 Q. You may still answer.
 25 A. Can you repeat the question?

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 Q. During that time frame of 2007 to
 3 2010, did you ever undertake an investigation
 4 into the amino acid sequence of VEGF-Trap-Eye?
 5 A. No.
 6 Q. Have you ever been involved in a
 7 development of a VEGF receptor fusion protein for
 8 use as a therapeutic?
 9 A. No, I have not.
 10 Q. Have you ever been involved in the
 11 design of a purification process for a commercial
 12 VEGF antagonist?
 13 A. No, I have not.
 14 Q. Have you ever been involved in a
 15 design of a manufacturing process for a
 16 commercial VEGF antagonist?
 17 A. No.
 18 Q. Have you ever been involved in the
 19 formulation of a commercial VEGF antagonist?
 20 A. No.
 21 Q. Do you have training in the field of
 22 biopharmaceutical manufacturing?
 23 A. I have -- not formal training but
 24 some experience with having tried to develop
 25 something on my own.

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 Q. And what was that?
 3 A. It was an enzyme called Dispase,
 4 D-I-S-P-A-S-E.
 5 Q. Is that a VEGF receptor fusion
 6 protein?
 7 A. No, it is not.
 8 Q. And what time frame was that in?
 9 A. I don't recall exact dates but,
 10 roughly, around 2000 to 2006, roughly. But I
 11 don't recall the exact date.
 12 THE STENOGRAPHER: I'm sorry. Can
 13 you fix the microphones because they're not
 14 towards you.
 15 (There is a discussion off the
 16 record.)
 17 BY MR. McLAUGHLIN:
 18 Q. So, when you were in the process of
 19 working with Dispase as a potential therapeutic,
 20 where were you at the time?
 21 MR. COBB: Objection, form.
 22 Q. Actually, let me rephrase that.
 23 Where were you employed in that time
 24 frame when you were working with Dispase?
 25 A. Columbia University in New York was

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 my employer during most of that period of time.
 3 Q. And did you have a collaborator that
 4 you were working on this with?
 5 A. Yes.
 6 Q. And who was that collaborator?
 7 A. There was more than one collaborator.
 8 Q. Was it a biopharmaceutical company?
 9 A. It was not a biopharmaceutical
 10 company, no.
 11 Q. So, in your work with Dispase, did it
 12 ever get to the point where you were commercially
 13 manufacturing Dispase?
 14 A. We attempted to commercial
 15 manufacture Dispase.
 16 Q. And were you involved in the design
 17 of the commercial manufacture process?
 18 A. Yes.
 19 Q. And is that your only experience in
 20 the field of biopharmaceutical manufacturing?
 21 A. That's the only time we tried to
 22 manufacture a biopharmaceutical product.
 23 Q. So you wouldn't consider yourself an
 24 expert in the field of biopharmaceutical
 25 manufacturing, correct?

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1 CONFIDENTIAL - LUCIAN V. DEL PRIORE, M.D., PH.D.
 2 MR. COBB: Objection,
 3 mischaracterizes his testimony.
 4 A. Can you repeat the question?
 5 Q. You would not consider yourself an
 6 expert in the field of biopharmaceutical
 7 manufacturing, correct?
 8 MR. COBB: Same objection.
 9 A. I -- I would not want to say that I
 10 was an expert in that area.
 11 Q. Are you a licensed ophthalmologist?
 12 A. Yes.
 13 Q. As of January 2011, were you a
 14 licensed ophthalmologist?
 15 A. Yes.
 16 Q. Are you currently a practicing
 17 ophthalmologist?
 18 A. Yes.
 19 Q. And, as of January 2011, were you a
 20 practicing ophthalmologist?
 21 A. Yes.
 22 Q. Do you treat angiogenic eye disorders
 23 in your current practice?
 24 A. Yes, I do.
 25 Q. And were you treating angiogenic eye

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