

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRESENIUS KABI USA, LLC,
Petitioner,

v.

NOVO NORDISK A/S,
Patent Owner.

Case IPR2022-00657
Patent 8,114,833

**DECLARATION OF RYAN P. JOHNSON IN SUPPORT OF PATENT
OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF RYAN P.
JOHNSON UNDER 37 C.F.R. § 42.10(c)**

I, Ryan P. Johnson, declare as follows:

1. I am a member in good standing of the New York State Bar (admitted 2008) and the Connecticut State Bar (admitted 2008), as well as the following Federal Courts: U.S. District Court for the Southern District of New York (admitted 2009), U.S. District Court for the Eastern District of New York (admitted 2009), the U.S. Court of Appeals for the Federal Circuit (admitted 2010), and the U.S. Court of Appeals for the Fourth Circuit (admitted 2017).

2. I have never been suspended or disbarred from practice before any court or administrative body.

3. I have never had an application for admission to practice before any court or administrative body denied.

4. I have had no sanctions or contempt citations imposed against me by any court or administrative body.

5. I have read and will comply with the Office Patent Trial Practice Guide and updates thereto and the Board's Rules of Practice for Trials set forth in part 42 of title 37 Code of Federal Regulations.

6. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. Within the past three years, I have applied for and been granted permission to appear pro hac vice in the following proceedings before the Board: *Pharmacosmos A/S v. American Regent, Inc.*, PGR2020-00009 (Paper No. 11); *Mylan Institutional LLC v. Novo Nordisk A/S*, IPR2020-00324 (Paper No. 12). I also have a Motion for *Pro Hac Vice* pending before the Board in the following proceeding: *Pharmacosmos A/S v. Luitpold Pharmaceuticals, Inc.*, IPR2015-01493 (Paper No. 67).

8. I am familiar with the subject matter of U.S. Patent No. 8,114,833 (“the ’833 patent”) at issue in this proceeding, including its prosecution history and the scientific field to which the ’833 patent relates. I have served or am currently serving as counsel for Patent Owner in the following district court litigations involving the ’833 patent: *Novo Nordisk Inc. and Novo Nordisk A/S v. Teva Pharmaceuticals, Inc. and Teva USA Pharmaceuticals, Inc.*, Case No. 1:17-cv-00227 (D. Del.), *Novo Nordisk Inc. and Novo Nordisk A/S v. Mylan Institutional LLC*, No. 19-cv-01551 (D. Del.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Mylan Institutional LLC*, No. 19-cv-164 (N.D. W. Va.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Sandoz Inc.*, 1:20-cv-00747 (D. Del.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Sandoz Inc.*, 1:20-cv-06842 (D.N.J.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Teva Pharmaceuticals, Inc. and Teva USA Pharmaceuticals, Inc.*, 1:21-cv-01782 (D. Del.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Hikma Pharmaceuticals USA*

Inc., Case No. 1:21-cv-01783 (D. Del.); *Novo Nordisk Inc. and Novo Nordisk A/S v. Aurobindo Pharma USA, Inc., et al.*, Case No. 1:22-cv-00295 (D. Del.); and *Novo Nordisk Inc. and Novo Nordisk A/S v. Mylan Pharmaceuticals Inc.*, 1:22-cv-00023 (N.D. W. Va.). Additionally, I have been involved have served as counsel for Patent Owner in the following Office proceedings involving the '833 Patent: *Mylan Institutional LLC v. Novo Nordisk A/S*, IPR2020-00324. Over the course of these proceedings, I have developed a thorough understanding of the '833 patent, the relevant art, and the scientific field.

9. I am an experienced litigating attorney with over fourteen years in private practice. During this time, I have represented clients in patent infringement matters at trial, summary judgment hearings, and *Markman* hearings. I have been counsel in over 40 patent infringement cases, most of which have involved pharmaceutical patents, and have represented clients in multiple United States District Courts, the United States Court of Appeals for the Federal District, and the United States Court of Appeal for the Fourth Circuit. I additionally have extensive experience advising clients on the validity and infringement of pharmaceutical patents, working with experts, and developing strategies related to enforcement of pharmaceutical patents.

10. 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; and further that all statements herein are made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: June 13, 2022

Respectfully submitted,

/Ryan P. Johnson/
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