

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC,

Petitioner,

v.

BAUSCH HEALTH IRELAND LIMITED

Patent Owner.

- - - - -X

Case No. IPR2022-00722

U.S. Patent No. 7,041,786

- - - - -X

ZOOM DEPOSITION OF BLAKE R. PETERSON, Ph.D.

Tuesday, November 1, 2022

Reported by:

Jeannette McCormick

Job No. 52860

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<p style="text-align: right;">2</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>2</p> <p>3 -----X</p> <p>4 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>5 -----X</p> <p>6</p> <p>7 MYLAN PHARMACEUTICALS INC.</p> <p>8 Pe titioner,</p> <p>9 v.</p> <p>10 BAUSCH HEALTH IRELAND LIMITED</p> <p>11 Patent Owner.</p> <p>12 -----X</p> <p>13 Case No. IPR2022-00722</p> <p>14 U.S. Patent No. 7,041,786</p> <p>15 -----X</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 A P P E A R A N C E S: (VIA ZOOM)</p> <p>2</p> <p>3</p> <p>4 F NNEGAN, HENDERSON, FARABOW, GARRETT &amp; DUNNER, LLP</p> <p>5 (VIA ZOOM)</p> <p>6 Attorneys for Patent Owner 901 New York Avenue, NW Washington, D.C. 20001-4413</p> <p>7 BY: JUST N J. HASFORD, ESQ. KYU YUN K M, ESQ. (202) 408-4000 (Telephone) (202) 408-4400 (Fax) justin.hasford@finnegan.com kyu.kim@finnegan.com</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 WILSON SONS NI GOODRICH &amp; ROSATI, PC (VIA ZOOM)</p> <p>13 Attorneys for Petitioner 1700 K Street, NW, 5th Floor Washington, D.C. 20006</p> <p>14 BY: RICHARD TORCZON, ESQ. (202) 973-8800 (Telephone) rtorczon@wsgr.com</p> <p>15</p> <p>16</p> <p>17</p> <p>18 WILSON SONS NI GOODRICH &amp; ROSATI, PC (VIA TELEPHONE)</p> <p>19 Attorneys for Petitioner 701 Fifth Avenue, Suite 5100 Seattle, Washington 98104-7036</p> <p>20 BY: JAD A. M LLS, ESQ. (206) 883-2500 (Telephone) jmills@wsgr.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">3</p> <p>1 REMOTE ZOOM VIDEOTAPED DEPOSITION of BLAKE</p> <p>2 R. PETERSON, Ph.D., taken pursuant to Notice, held</p> <p>3 remotely on Tuesday, November 1, 2022, at 9:00 a.m.</p> <p>4 Eastern Daylight Time, before JEANNETTE MCCORMICK, a</p> <p>5 Certified Shorthand Reporter.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 A P P E A R A N C E S: (VIA ZOOM)</p> <p>2</p> <p>3 (CONTINUED)</p> <p>4</p> <p>5</p> <p>6</p> <p>7 Also Present:</p> <p>8</p> <p>9 Matthew Greinert (Mylan Pharmaceuticals)</p> <p>10 Phillip Park (Videographer)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">10</p> <p style="text-align: center;">1                    I N D E X 2                    (CONTINUED) 3 4 5</p> <p style="text-align: center;">6                    E X H I B I T S</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">PETERSON NUMBER</th> <th style="width: 60%;">DESCRIPTION</th> <th style="width: 25%;">PAGE</th> </tr> </thead> <tbody> <tr> <td>9 Exhibit 1049</td> <td>Jalan</td> <td style="text-align: right;">142</td> </tr> <tr> <td>10 Exhibit 1050</td> <td>Silverman 1992</td> <td style="text-align: right;">143</td> </tr> <tr> <td>11 Exhibit 1051</td> <td>Whitaker</td> <td style="text-align: right;">144</td> </tr> <tr> <td>12 Exhibit 1052</td> <td>Murphy</td> <td style="text-align: right;">145</td> </tr> <tr> <td>13 Exhibit 1053</td> <td>Forte</td> <td style="text-align: right;">145</td> </tr> <tr> <td>15 Peterson 1</td> <td>Mylan's Petition</td> <td style="text-align: right;">152</td> </tr> </tbody> </table> <p>16 17 18 19 20 21 22 23 24 25</p>	PETERSON NUMBER	DESCRIPTION	PAGE	9 Exhibit 1049	Jalan	142	10 Exhibit 1050	Silverman 1992	143	11 Exhibit 1051	Whitaker	144	12 Exhibit 1052	Murphy	145	13 Exhibit 1053	Forte	145	15 Peterson 1	Mylan's Petition	152	<p style="text-align: right;">12</p> <p>1 line by Jad Mills. J-A-D. M-I-L-L-S. And 2 also by Matthew Greinert of Mylan. 3 G-R-E-I-N-E-R-T. 4 THE VIDEOGRAPHER: Thank you very much 5 will the reporter now swear in the witness. 6 7 BLAKE R. PETERSON, Ph.D., 8 having first been remotely duly sworn, 9 testified as follows: 10 11 EXAMINATION 12 BY MR. HASFORD: 13 Q. Good morning. 14 MR. TORCZON: We had no notice of a 15 video recording of this proceeding. The 16 Notice of Deposition specifically says the 17 cross-examination will be recorded by 18 stenographic means by a Court Reporter 19 licensed to administer oaths, and may also be 20 recorded using audio means. Period. No 21 reference to video means. We have no 22 objection to the -- to the audio recording of 23 this. We do object to the video recording of 24 this and object to any use of the video for 25 any purpose.</p>
PETERSON NUMBER	DESCRIPTION	PAGE																				
9 Exhibit 1049	Jalan	142																				
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<p style="text-align: right;">11</p> <p>1 THE VIDEOGRAPHER: This is the 2 videotaped deposition of Blake R. Peterson, 3 Ph.D., taken in the matter of Mylan 4 Pharmaceuticals, Incorporated versus Bausch 5 Health Ireland Limited, Case Number 6 IPR20022-00722, for the United States Patent 7 and Trademark Office as Patent Number 8 7,041,786. 9 This deposition is being held at the 10 Blackwell Inn Conference Center at 2110 11 Tuttle Park Place, Columbus, Ohio, on 12 Tuesday, November 1, 2022 at 9:23 a.m. 13 My name is Phillip Park. I am the 14 videographer. And the reporter is Jeannette 15 McCormick. We are representing Henderson 16 Legal. 17 Will counsel present now or via Zoom now 18 introduce themselves and state their 19 relationship to the record. 20 MR. HASFORD: Justin Hasford from 21 Finnegan on behalf of the Patent Owner. I am 22 joined by my colleague Kyu Yun Kim. 23 MR. TORCZON: Richard Torczon from 24 Wilson Sonsini on behalf of Mylan 25 Pharmaceutical. I am joined on the telephone</p>	<p style="text-align: right;">13</p> <p>1 MR. HASFORD: We obviously disagree with 2 your objection. I don't think it makes any 3 sense to debate it any further at this point. 4 5 EXAMINATION 6 BY MR. HASFORD: 7 Q. Good morning, Doctor. 8 A. Good morning. 9 Q. Would you please state your name and address 10 for the record? 11 A. Yes. My full name is Blake Robert Peterson. 12 My address is 4010 Fairfax Drive, Columbus, Ohio 13 43220. 14 Q. Have you previously testified as an expert? 15 A. I have previously served as an expert 16 witness, but not at a deposition. 17 Q. Have you previously testified as an expert in 18 any trial? 19 A. No. 20 Q. Let me tell you how today's cross-examination 21 will proceed. 22 I represent the Patent Owner in this 23 proceeding. Today, I will ask you questions, and I 24 ask that you answer my questions truthfully and 25 accurately.</p>																					

14	16
<p>1 If you need a break, let me know. But if I 2 have asked a question, I would ask that you please 3 first answer the question and then we could take a 4 break. 5 If for any reason you do not understand a 6 question that I ask, please let me know. If you 7 answer a question, I will assume that you understood 8 the question. 9 Is that okay? 10 <b>A. Yes.</b> 11 Q. Is there any reason why you cannot testify 12 truthfully and accurately today? 13 <b>A. No.</b> 14 Q. Because I am taking your testimony remotely 15 today, would you please confirm that you will not 16 communicate with Mylan's counsel during today's 17 cross-examination? 18 <b>A. Yes. I mean, I'd like to clarify. Counsel 19 next to me will be objecting, and so that is a form 20 of communication.</b> 21 Q. That wasn't my question. 22 I mean, if he objects, that's something 23 different. I'm talking about communication between 24 you and him. 25 <b>A. Yes, I agree then.</b></p>	<p>1 <b>A. It does.</b> 2 Q. Who prepared Exhibit 1002? 3 <b>A. I did, working with our attorneys.</b> 4 Q. Turn, if you would, to page 1, and paragraph 5 1 of Exhibit 1002. 6 <b>A. I am there.</b> 7 Q. The last 2 sentences read "My research for 8 over two decades has been directed toward 9 understanding and developing small molecule probes 10 for biological systems. This research included the 11 development of small molecules and peptides that 12 promote cellular uptake of proteins, the synthesis 13 and evaluation of antiviral agents and anticancer 14 agents, the identification of biological targets of 15 small molecules and the construction of new types of 16 fluorescent probes for immunology and cancer 17 biology." 18 Do you see that? 19 <b>A. Yes.</b> 20 Q. You have never worked on any guanylate 21 cyclase receptor agonists, correct? 22 <b>A. I have studied receptor ligand interactions 23 for over 30 years at this point, and have studied 24 over 20 different biological receptors and hundreds 25 of different ligands over the years.</b></p>
15	17
<p>1 Q. Unless specified otherwise today, my 2 questions and your answers should be from a 3 perspective of a person of ordinary skill in the art 4 as of 2002. 5 Is that okay? 6 <b>A. Yes.</b> 7 <b>(Whereupon, Patent Owner Deposition 8 Exhibit Number 1002 was marked for 9 Identification.)</b> 10 BY MR. HASFORD: 11 Q. Look, if you would -- if you have the 12 electronic repository, you can bring it up there. 13 Ms. Kim also has a hard copy, if you'd rather have 14 that. It's Exh bit 1002. 15 Do you have that? 16 <b>A. It's probably easier to look at the hard copy 17 since this isn't my laptop.</b> 18 Q. That's fine. She can give that to you. 19 <b>A. Thank you.</b> 20 <b>I have it.</b> 21 Q. Please turn, if you would, to page 120 of 22 Exhibit 1002. 23 <b>A. I see it.</b> 24 Q. Does your electronic signature appear on page 25 120 of Exhibit 1002?</p>	<p>1 <b>I don't recalling working specifically with 2 guanylate cyclase receptor agonists, but I have 3 worked with related systems. I've studied cholera 4 toxin, for example, which is related to pathogenic 5 toxic proteins produced by E. coli, which we're 6 discussing today. I've also worked with epidermal 7 growth factor receptor, for example, which is a 8 related system.</b> 9 Q. You have never conducted any scientific 10 research on any guanylate cyclase receptors 11 agonists, correct? 12 <b>A. That is correct.</b> 13 Q. You have never authored any publication on 14 any guanylate cyclase receptor agonists, correct? 15 <b>A. That is correct.</b> 16 Q. You have never filed any patent application 17 on any guanylate cyclase receptor agonists, correct? 18 MR. TORCZON: Objection. Relevance. 19 THE WITNESS: That is correct. 20 BY MR. HASFORD: 21 Q. You have never conducted any scientific 22 research on any uroguanylin compound, correct? 23 MR. TORCZON: Same objection. 24 THE WITNESS: I have not. 25 ///</p>

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