



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

Transcript of Benjamin Greenberg, M.D.

Date: February 26, 2024

Case: TWI Pharmaceuticals, Inc. -v- Merck Serono SA (PTAB)

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

Merck 2009
TWi v Merck
IPR2023-00049

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWI PHARMACEUTICALS, INC.

Petitioner,

V.

MERCK SERONO SA

Patent Owner.

IPR2023-00049 (Patent 7,713,947 B2)

IPR2023-00050 (Patent 8,377,903 B2)

ORAL DEPOSITION OF

BENJAMIN GREENBERG, M.D.

FEBRUARY 26, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORAL DEPOSITION OF BENJAMIN GREENBERG, M.D., produced as a witness at the instance of the Patent Owner, Merck Serono SA, and duly sworn, was taken in the above-styled and numbered cause on February 26, 2024, from 9:06 a.m. to 3:28 p.m., before Kim A. McCann, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Husch Blackwell, 1900 N. Pearl Street, Suite 1800, Dallas, Texas, pursuant to the Federal Rules of Civil Procedure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE PETITIONER:

Philip Segrest, Esq.

HUSCH BLACKWELL, LLP

120 South Riverside Plaza

Suite 2200

Chicago, Illinois 60606

(312) 655-1500

(312) 655-1501 fax

FOR THE PATENT OWNER MERCK SERONO SA:

Cindy Kan, Esq.

Emily R. Whelan, Esq.

WilmerHale

7 World Trade Center

250 Greenwich Street

New York, New York 10007

(212) 295-6470

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE

Examination by Ms. Kan 6

E X H I B I T S

NUMBER DESCRIPTION PAGE

Exhibit 2004 Article entitled "Cladribine in treatment of chronic progressive multiple sclerosis" by Sipe 26

Exhibit 2005 Excerpt from Pharmacology and Therapeutics - Principles to Practice 60

Exhibit 2006 Article co-authored by Dr. Greenberg "Reduction of Disease Activity Disability With High-Dose Cyclophosphamide in Patients With Agressive Multiple Sclerosis 96

Exhibit 2007 Article entitled "Defining Success in Multiple Sclerosis, Treatment Failures and Nonresponders" 123

Exhibit 2008 Article from "Continuum" co-authored by Dr. Greenberg 145

P R E V I O U S E X H I B I T S

NUMBER DESCRIPTION PAGE

Exhibit 1005 IPR 2023-00049 8

Exhibit 1008 Rice study "Cladribine and progressive MS: Clinical and MRI outcomes of a multicenter controlled trial 32

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.