

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TWI PHARMACEUTICALS, INC.,  
Petitioner,

v.

MERCK SERONO SA,  
Patent Owner.

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Case IPR2023-00049  
Patent 7,713,947

Case IPR2023-00050  
Patent 8,377,903

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**DECLARATION OF ASHER S. MCGUFFIN  
IN SUPPORT OF EXHIBITS 2030, 2031, & 2032**

Merck 2066

I, Asher S. McGuffin, declare as follows:

1. I am an attorney at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP in Boston, MA, which represents the patent owner Merck Serono S.A. in the following *Inter Partes* Review proceedings: IPR2023-00049 and IPR2023-00050.

2. Exhibit 2030 is a true and accurate copy of a press release dated October 30, 2002 distributed by Serono S.A., a subsidiary of Patent Owner Merck Serono S.A. I obtained this document using the Internet Archive's "Wayback Machine," on December 14, 2023, by searching the Wayback Machine for a capture of Serono.com in early 2003, which was February 23, 2003, then reviewing the "Media" sub-page of the captured website for releases about IVAX and cladribine.

3. Exhibit 2031 is a true and accurate copy of S.E.C. Form 20-F for the year ending December 31, 2003, filed by Serono S.A., which is now a subsidiary of Patent Owner Merck Serono S.A., on March 25, 2004. It was retrieved from EDGAR, the S.E.C.'s public database of filed forms, on December 14, 2023.

4. Exhibit 2032 is a true and accurate copy of a public article dated October 31, 2002 distributed by The Wall Street Journal, and retrieved from the Wall Street Journal's website (wsj.com) on December 14, 2023.

5. In signing this declaration, I understand that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in this case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

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

Dated: March 11, 2024

By: *Asher S. McGuffin*

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