

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 WILLEM DE WEERD  
IN SUPPORT OF EXHIBITS 2048, 2049, 2050**

I, Willem de Weerd, declare as follows:

1. I am an Authorized Representative of Merck Serono S.A. in Eysins, Switzerland. I submit this declaration in support of Merck Serono S.A. in the following *Inter Partes* Review proceedings: IPR2023-00049 and IPR2023-00050.
2. Exhibit 2048 is a true and accurate copy of a document titled “Product Development and License Agreement by and between IVAX International GMBH ... and Ares Trading S.A.” that was kept in the regular course of business by Merck Serono S.A. and its affiliates, including Ares Trading S.A. and its predecessor Serono International S.A. Exhibit 2048 is redacted. Those redactions narrowly protect the confidentiality of payment amounts and related financial information included in the agreement that are not relevant to the issues in these proceedings.
3. Exhibit 2049 is a true and accurate copy of an email dated December 17, 2003 with an attachment titled “Cladribine ... Briefing Document.” This email and the attached document were kept in the regular course of business by Merck Serono S.A. and its affiliates, including Ares Trading S.A. and its predecessor Serono International S.A.
4. Exhibit 2050 is a true and accurate copy of a document titled “Oral Cladribine for MS Product[:] Meeting on 27 August 2003 in Amsterdam” that was kept in the regular course of business by Merck Serono S.A. and its affiliates,

including Ares Trading S.A., and its predecessor Serono International S.A. Exhibit 2050 is redacted. Those redactions narrowly protect privileged discussions with counsel presented earlier at the meeting.

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. If cross-examination is required of me, I will appear for cross-examination 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: 

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