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2                    UNITED STATES DISTRICT COURT

3              NORTHERN DISTRICT OF WEST VIRGINIA

4    Regeneron Pharmaceuticals, Inc.

5          Plaintiff,

6                   VS.                    CIVIL ACTION NO.

7                                          1:22-cv-61

8    Mylan Pharmaceuticals, Inc., and

9    Biocon Biologics,                     Volume 7

10          Defendants.

11                               - - -

12       Proceedings had in the bench trial of the above-styled
     action on June 21, 2023, before Honorable Thomas S. Kleeh
13   District Judge, at Clarksburg, West Virginia.

14                               - - -

15       APPEARANCES:

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21          Proceedings recorded utilizing realtime translation.
            Transcript produced by computer-aided transcription.
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1              Wednesday Afternoon Session,

2              June 21, 2023, 9:00 a.m.

3                    - - -

4         THE COURT:  Day seven, I think, we convene for trial.

5    Counsel is present.  Dr. MacMichael is on the stand.  I believe

6    we're ready for redirect.

7         Is that correct, Counsel?

8         Madam Court Reporter is ready.  You may proceed.

9         MR. SALMEN:  Yes, Your Honor.  For the first portion

10   of my redirect, I'm probably going to have to get into some

11   information that has been designated confidential.  So pursuant

12   to your previous order, we ask for a sealed courtroom.

13        THE COURT:  Understood.

14        In an effort to get everyone their steps in early

15   this morning, those of you not permitted to be here under the

16   Court's protective order, if I could ask you to step out.  We

17   would certainly appreciate it.

18        We'll also ask the court security, once those folks

19   have vacated the premises, to seal our courtroom, please.

20   Thank you so much.

21        (The following proceedings (1527/23 to 1533/12) were

22   had under seal, and are filed under separate cover.)

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12          (Courtroom unsealed.)

13              THE COURT:  Welcome back, everybody.

14              Counsel, you may proceed.

15              MR. SALMEN:  Thank you, Your Honor.

16   BY MR. SALMEN:

17      Q.    Dr. MacMichael, do you recall Mr. Berl asking you the

18   question "Polysorbate in Claim 1 is being used as a

19   surface-active agent to prevent aggregation and denaturation?"

20      A.    I don't recall the specific question.

21      Q.    That appears at trial transcript page 1455.  Why

22   don't we put that on the screen to refresh your recollection.

23              I'll give you a moment to read that.

24      A.    Yes.

25      Q.    Do you recall this question?

        1      A.    Yes.

        2      Q.    Let's take a look at the '865 patent Claim 1, please.

        3            Claim 1 of the '865 patent does not require

        4    polysorbate, does it?

        5      A.    It does not call out polysorbate.

        6      Q.    Dr. MacMichael, you were asked about Dr. Rabinow's

        7    testimony.  And to refresh your recollection, let's pull up

        8    page 1482 to 1483.

        9            Do you recall being shown this testimony from

       10    Dr. Rabinow?

       11      A.    Yes, I do.

       12      Q.    And you see here Dr. Rabinow was being asked about

       13    optimizing the stability of a protein formulation, a single

       14    formulation, right?

       15      A.    Yes.

       16      Q.    Were you asked to provide an opinion regarding

       17    whether the patent enables just a single formulation or whether

       18    the patent enables the full scope of the universe of

       19    formulations covered by the asserted claims?

       20      A.    Yes, I was asked.

       21      Q.    Were you asked whether the patent enables a single

       22    formulation or whether the patent enables the full scope of

       23    formulations covered by the asserted claims?

       24      A.    I apologize.  I can't recall the specificity of that

       25    question, but I can answer the question.  But I believe it does

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