Exhibit 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

REGENERON PHARMACEUTICALS, INC.,
Plaintiff,
-vs- Case No. 1:22-cv-00061
MYLAN PHARMACEUTICALS, INC.,
Defendant.

*** OUTSIDE COUNSEL EYES ONLY ***

VIDEOTAPED DEPOSITION OF FRANKLIN SWARTZWELDER

TAKEN ON BEHALF OF THE DEFENDANT

ON APRIL 12, 2023, BEGINNING AT 9:18 A.M.

IN BARTLESVILLE, OKLAHOMA

APPEARANCES:
on behalf of the PLAINTIFF, REGENERON PHARMACEUTICALS, INC.

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(Appearances continued on next page.)

REPORTED BY: Shannon S. Harwood, CSR, RPR, CRR

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(Appearances continued.)

- and -

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(Appearances continued on next page.)

(Appearances continued.)
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ALSO APPEARING: Gabriel Pack, Videographer

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EXHIBITS

STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the deposition of FRANKLIN SWARTZWELDER, PhD, may be taken pursuant to agreement and notice and in accordance with the West Virginia Rules of Civil Procedure on April 12, 2023, at the Hilton Garden, Inn, 205 SW Frank Phillips Boulevard, Bartlesville, Oklahoma, before Shannon S. Harwood, CSR, RPR, CRR.

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THE VIDEOGRAPHER: This is the videotaped deposition of Franklin Swartzwelder in the matter of Regeneron Pharmaceuticals versus Mylan Pharmaceuticals. This deposition is being held at 205 Southwest Frank Phillips Boulevard in Bartlesville, Oklahoma, on April 12, 2023. We are on the record at 9:18 a.m.

Will counsel please state your appearances for the record?

MR. EHRICH: Tom Ehrich of RMMS for the Mylan defendant and my cocounsel will introduce himself.

MR. McLAUGHLIN: Neil McLaughlin also from RMMS on behalf of Mylan.

MR. FLETCHER: Tom Fletcher, Williams & Connolly, LLP for Regeneron Pharmaceuticals, Inc. With me are my colleagues, Adam Pan and Haylee Bernal Anderson from Williams & Connolly, and also present from Regeneron Pharmaceuticals is Petra Scamborova.

THE VIDEOGRAPHER: On the computer?

MR. FRANKS: Raymond S. Franks, II, Carey, Douglas, Kessler & Ruby in Charleston, West Virginia, local counsel for Regeneron.

THE VIDEOGRAPHER: The court reporter will now swear in the witness.

(Witness sworn.)

WHEREUPON,

FRANKLIN SWARTZWELDER, PhD,

after having been first duly sworn, deposes and says in reply to questions propounded as follows, to-wit;

DIRECT EXAMINATION

BY MR. EHRICH:

Q. Good morning, Dr. Swartzwelder.

A. Good morning.

Q. Could you please state your full name for the record?

A. Yeah, my name is Franklin Swartzwelder.

Q. Okay. And have you ever been deposed before?

A. No, I have not.

Q. Okay. So just a couple of ground rules. As you can, see the deposition is being transcribed, and so please remember that the transcriptionists do not understand a nod or shake of the head, so please make all of your answers verbal. And if any of my questions are unclear, please just let me know and I'll be happy to repeat or rephrase them.

And as we are going along today, if you later happen to think of something you want to add to an earlier question, please just let me know and we'll be happy to revisit that.

A. I will.

Q. Your attorney will be objecting to some of my

questions. In order to preserve the record, it's just part of the process, but you still need to answer all of the questions unless your attorney specifically asks you not to.

And, finally, this is not an endurance test. If you need a break or need to leave at any time, please just let me know. The only thing I would ask is that you please -- if there's a question pending, please just answer the question before we break.

A. Thank you.

Q. Okay. I'd like to hand you what's been marked as Exhibit DX 2012.

(Defendant's Exhibit No. 2012 was marked for identification and made part of the record.)

Q. (By Mr. Ehrich) Do you recognize this as your opening report in this case?

A. Yes, I do recognize this as my -- as my opening expert report.

Q. Okay. And I believe your background qualifications starts with Paragraph 11 on Page 2, correct?

A. That's correct.

Q. Okay. And is it fair to very briefly summarize as most of your career was spent in industry in the area of cell culture media development?

A. Yes, it's fair to -- to say that.

Q. Okay. Could you please -- I'd like to ask a couple of questions about a couple of the specific points in this section. Could you please go to the bottom of Page 3 and on to page 4, paragraph 17. It says that you focused on the design, development and manufacture of catalog cell culture products.

Do you see that at the top of Page 4?

A. Yes, I see where it states that I focused on design, development, and manufactured catalog cell culture products and new custom CHO media.

Q. Okay. And, sir, just an additional question. What is catalog cell culture product?

A. A catalog cell culture product in -- in my job involve the production of cell culture media that were basically manufactured and placed on the shelf for sale and distribution to researchers --

Q. Okay.

A. -- in both academia and industry.

Q. Okay. Are you -- are you able sitting here today to think of any examples of catalog cell culture products that you would have been involved in the design or development of?

A. One example that I can give you is EX-CELL Advanced --

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Q. Okay.
A. -- CHO Medium.
Q. Okay. And did the -- did the EX-CELL Advanced CHO Medium contain -- sorry. Apologize. Let me back up a second.
Are you familiar with the term hydrolysate?
A. Yes, I'm familiar with the term hydrolysate.
Q. Okay. And are you familiar with the term serum as it's used in the cell culture industry?
A. Very familiar.
Q. Okay. So you understand if I say -- use the word serum, I'm probably talking about -- or I'm talking about, for example, fetal calf serum or --
A. Fetal bovine serum.
Q. Fetal bovine serum, exactly.
A. Yes.
Q. Okay. Okay. Did -- does -- when you were at Sigma, did the EX-CELL Media, did -- was it a -- did -- was it a media that was meant for use with serum or was it meant as serum-free formulation?
A. It was meant as a serum-free formulation.
Q. Okay. And do you -- do you recall, did the formulation include hydrolysate?
A. It does not include hydrolysate.
Q. Okay. And was it meant to be used with

hydrolysate or was it meant to be used just on its own?
MR. FLETCHER: Objection.
A. EX-CELL Advanced is meant to be used on its own initially, but for batch culture.
Q. (By Mr. Ehrich) Okay.
A. And fed batch culture.
Q. For fed batch culture?
A. Yeah.
Q. Okay. So by the term "fed batch culture," I think you're kind of anticipating my next question. Is it fair to say that EX-CELL Advanced is designed to be used to culture cells that are producing recombinant proteins?
A. EX-CELL Advanced -- what one use of EX-CELL Advanced Medium is in the use of culturing CHO cells to produce proteins.
Q. Okay.
A. That's one example.
Q. Okay. And turning back to the text of your report, I see that it -- you say -- you use the term "new custom Chinese Hamster Ovary" or CHO subculture media products, and I'm curious. Why do you specify that they're CHO subculture media products?
A. I specify in the excerpt from my resume -- my CV, I specify CHO because that was the predominant cell

that I worked with during my time at Sigma-Aldrich.
Q. Okay. And does -- does this mean that the formulations were designed for use with CHO cells specifically?
A. The formulations are originally designed for use with CHO cells specifically.
Q. Okay. And do you happen to recall if the EX-CELL Advanced includes nickel in the formulation?
A. I don't recall that and I couldn't share that if I did.
Q. Okay.
A. Because it's proprietary formulation.
Q. Okay. Then -- then in that case, I'd like to go just one paragraph ahead to Paragraph 18 --
A. Sure.
Q. -- of your opening report. It says that you -- the second sentence says, "As part of that work, you routinely assessed existing cell culture processes." Do you see that?
A. And what is your question?
Q. Well, just make sure you're -- we're at the same place.
A. Yes.
Q. Okay.
A. Yeah, I apologize.

Q. Okay. No problem. And then so just to follow up on this a little bit, can you give an example or two of what kind -- sort of things you would look at in assessing existing cell culture processes? Can you just, I guess, walk me through what that entails a little bit?
A. Assessing cell culture processes in -- involves -- if we start from ground zero, it involves taking a cell, in this case, a CHO cell.
Q. Okay.
A. And identifying what base medium it would grow in best.
Q. Okay.
A. And we would assess growth, viability, and if it was a clone that was engineered to produce a product, we would assess the level of the expression of that product. We may look at other attributes and critical quality attributes --
Q. Okay.
A. -- of the clone.
Q. So -- and then does it mean that -- just so I -- just so I understand what you're saying, were all -- did all -- sitting here this morning, is it your memory that all of these projects would involve CHO cells specifically?

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