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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS)
INC.,)
Petitioner,) Case No. IPR2023-00724
vs.) Patent No. 10,335,462
NOVO NORDISK A/S,)
Patent Owner.)
)

* * *

Protective Order Material
Default Protective Order of the Patent Trial and
Appeal Board

* * *

DEPOSITION OF DR. ANNE FLINT
Thursday, March 14, 2024
10:14 a.m. to 1:21 p.m. GMT

Reported by: Ana Maria Gallegos
RPR, CA CSR No. 9246, NM CSR No. 190

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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1 DEPOSITION OF ANNE FLINT, taken on
2 behalf of the Petitioner, at Myo New Street Square,
3 3 New Street Square, London EC4A 3BF, on Thursday,
4 14th day of March, 2024, from 10:14 a.m. to
5 1:21 p.m. GMT, before ANA MARIA GALLEGOS, RPR, CLR,
6 CA CCR 9246, NM CSR 190.

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1 A P P E A R A N C E S

2

3 For the Patent Owner:

GROOMBRIDGE, WU, BAUGHMAN & STONE LLP

4 By: Jenny Wu, Esq.

By: Joshua Reich, Esq.

5 565 Fifth Avenue, Suite 2900

New York, New York 10017

6 1.332.269.0030

jenny.wu@groombridgewu.com

7 joshua.reich@groombridgewu.com

--and--

8 Chloe Jiang, Novo Nordisk

9 For the Petitioner:

PERKINS COIE LLP

10 By: David L. Anstaett, Esq.

By: Aaron Schindler, Esq.

11 33 East Main Street, Suite 201

12 Madison, Wisconsin 53703

13 1.608.663.7460

14 danstaett@perkinscoie.com

15 aschindler@perkinscoie.com

16 --and--

17 PERKINS COIE LLP

18 By: Brandon M. White, Esq.

19 700 13th Street, NW, Suite 800

20 Washington, DC 20005

21 1.202.654.6200

22 bmwhite@perkinscoie.com

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1 I N D E X

2 EXAMINATION PAGE

3 BY MR. ANSTAETT 7

4

5 E X H I B I T S

6 Exhibit No. Description Page

7 Flint Exhibit 1 Petitioner's Notice of 8

8 Deposition of Anne Flint

9 Flint Exhibit 2 Declaration of Anne Flint 16

10 Ph.D.

11 Flint Exhibit 3 E-Mail Dated [REDACTED] 37

Bates Number

12 NN-OZEM-004449575

13 Flint Exhibit 4 [REDACTED] [REDACTED]

[REDACTED] Bates Number

15 NN-OZEM-004442611 Through

16 NN-OZEM-004442613

17 Flint Exhibit 5 E-Mail Chain. Bates 59

18 Number NN-OZEM-004442953

19 Through NN-OZEM-004442954

20 Flint Exhibit 6 Cover Page and E-Mail 63

21 Dated [REDACTED]. Bates

22 Numbers NN-OZEM-004442969

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1	E X H I B I T S CON'T		
2	Exhibit No.	Description	Page
3	Flint Exhibit 7	Cover Pages and Native Document Titled	67
4		Semaglutide Dose Selection	
5		for Phase 3 Feasibility of	
6		████████████████████. No	
7		Bates Numbers	
8	Flint Exhibit 8	Cover Page and Meeting Minutes from ██████████	85
9		and Related Attachments.	
10		Bates Numbers	
11		NN-OZEM-004338845 Through	
12		NN-OZEM-004338860	
13	Flint Exhibit 9	Cover Page and E-Mail Chain. Bates Numbers	90
14		NN-OZEM-004434628 Through	
15		NN-OZEM-004434629	
16	Flint	Cover Page and Documents	94
17	Exhibit 10	████████████████████	
18		██████████ Bates	
19		Numbers NN-OZEM-004434630	
20		Through NN-OZEM-004434715	
21			
22			

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1	E X H I B I T S CON'T		
2	Exhibit No.	Description	Page
3	Flint	Cover Page and Documents	96
4	Exhibit 11	Regarding [REDACTED]	
5	[REDACTED]	[REDACTED]	
6		[REDACTED] Bates	
7		Numbers NN-OZEM-000064989	
8		Through NN-OZEM-000065426	
9	Exhibit 12	Cover Page and Native	100
10		Document Regarding	
11		[REDACTED]	
12	[REDACTED]	[REDACTED] No Bates Numbers	
13			
14			
15			
16			
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22			

1 ANNE FLINT

2 after having been first duly sworn under oath,
3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. ANSTAETT:

6 Q. Good morning, Doctor. Can I ask you to
7 please state your name for the record?

8 A. Anne Flint.

9 Q. And have you ever had your deposition
10 taken before?

11 A. No.

12 Q. Okay. I'll just go over the kind of
13 ground rules quickly.

14 I'll do my best to ask clear questions
15 today but I'm sure there will be times when I don't
16 do that. So if you don't understand a question,
17 please let me know.

18 And one thing you'll have to do today,
19 it's natural to nod or shake your head but you'll
20 just need to give verbal answers to all the
21 questions.

22 A. Sure.

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1 Q. We'll try not to talk over each other and
2 that will make the reporter's life easier.

3 Your counsel may object from time to time,
4 which she's perfectly entitled to do. But unless
5 she instructs you not to answer the question, then
6 you're to answer the question. Is that okay?

7 A. Uh-huh, yes.

8 Q. And we can take breaks whenever you'd
9 like. So if you'd like a break, let me know.

10 A. So it's me asking for the breaks?

11 Q. Yes. We may as well but certainly if you
12 need a break, you just let us know and we'll do
13 that.

14 A. Sure.

15 Q. Okay. I'm going to mark this as
16 Exhibit 1.

17 (Flint Exhibit 1 is received and
18 marked for identification and is
19 attached hereto.)

20 BY MR. ANSTAETT:

21 Q. The court reporter has handed you what
22 we've marked as Flint Deposition Exhibit 1.

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1 Do you understand that you're here today
2 to provide sworn testimony in a proceeding that is
3 taking place in the United States Patent Office?

4 A. Yes.

5 Q. Okay.

6 MS. WU: Counsel, sorry to interrupt.
7 Will there be a copy?

8 MR. ANSTAETT: Yes. Sorry.

9 MS. WU: Yeah, sure. Thank you.

10 BY MR. ANSTAETT:

11 Q. You can set that aside. I just had to
12 mark that for the record. You are welcome to look
13 at it if you'd like, but I don't have any more
14 questions for you on that.

15 A. I haven't seen this document before.

16 Q. Sure.

17 A. That's fine.

18 Q. Could you describe your educational
19 background for me?

20 A. Yes. I am educated in human physiology,
21 exercise physiology, and made a Ph.D. within
22 appetite regulation, human nutrition, with specific

1 focus on gastrointestinal hormones and appetite
2 regulation in general.

3 Q. You said "appetite regulation"?

4 A. Yes.

5 Q. When did you get your Ph.D.?

6 A. In 1999.

7 Q. Okay. Are you the named inventor on any
8 patents?

9 A. No.

10 Q. Who is your current employer?

11 A. Novo Nordisk.

12 Q. And what is your current position at Novo
13 Nordisk?

14 A. I am the Senior Clinical Pharmacology
15 Scientific Director. It's a very long title.

16 Q. It's a mouthful.

17 What are your responsibilities as the
18 Senior Clinical Pharmacology Scientific Director?

19 A. I am within the therapeutic area of
20 obesity and NASH, or MASH, or whatever we call that
21 nowadays. And I will be involved in different
22 projects/programs within these areas, and typically

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1 lead a couple of clinical pharmacology scientists
2 within those programs.

3 Q. Okay. When was it that you first joined
4 Novo Nordisk?

5 A. 2005.

6 Q. Okay. And what was your position when you
7 joined in 2005?

8 A. I was a clinical pharmacology scientist.

9 Q. And when you first joined in 2005 as a
10 clinical pharmacologist, what projects were you
11 working on?

12 A. I was working on the liraglutide project
13 within diabetes, so what was to become Victoza.

14 Q. Okay. And did you -- strike that.

15 What positions did you hold at Novo
16 Nordisk in the period from 2009 to 2012?

17 A. In 2009, I was still engaged with Victoza
18 to a certain point with the submission and approval
19 processes, and then I was transitioning to the
20 Semaglutide project.

21 Q. And when did you transition to the
22 Semaglutide project?

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1 A. I must be honest and say I don't recall
2 the exact date because it was kind of -- you can
3 say I had some obligations still with the old
4 project so it was a gradual transition to
5 Semaglutide. But early 2010.

6 Q. Okay. And so you were involved with
7 Victoza in 2009 and you transitioned to the
8 Semaglutide project in early 2010. What were you
9 doing between 2010 and, say, the end of 2012?

Grade	Percentage
A	25%
B	35%
C	20%
D	15%
E	5%
F	2%
Total	100%

19 Q. Okay. When you joined Novo Nordisk in
20 2005, how familiar were you with GLP-1 receptor
21 agonists?

22 A. Since I had made my Ph.D. on a GLP-1

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1 receptor, it is not agonist but GLP-1, native GLP-1
2 and appetite regulation. I was relatively familiar
3 with that area.

4 Q. Okay. And am I right that as early as
5 1998, you had published scientific articles about
6 the food intake inhibiting effects of GLP-1 in
7 clinical applications?

8 A. I would not say in clinical applications,
9 but it was applied to humans and not only animals,
10 if that is what you are asking.

11 Q. Okay.

12 A. Yes.

13 Q. Okay. When did you first become aware of
14 Semaglutide?

15 A. I don't recall the exact date but it was
16 in development from -- I mean, I don't recall the
17 exact...

18 But it has probably been 2006, '07-ish.
19 That kind of time.

20 Q. Okay. It was after you arrived at Novo
21 Nordisk; is that fair to say?

22 A. I think so, yes.

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1 Q. Okay. And the first time that you worked

2 on the [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED].

8 Q. Okay.

9 A. Yeah.

10 Q. What did you do to prepare for your
11 deposition today?

12 A. I read through the different documents,
13 and discussing with these.

14 MS. WU: And I will caution the witness
15 not to provide any of the substance of the
16 communications as it will be privileged.

17 BY MR. ANSTAETT:

18 Q. Can you tell me who you met with to
19 prepare for your deposition?

20 A. I met with Chloe, with Josh, and with
21 Jenny.

22 Q. Okay. And how long did you meet to

1 prepare for your deposition?

2 A. We had two Teams meetings of approximately
3 half an hour to an hour, and then we prepared some
4 stuff on-site yesterday here in London.

5 Q. Okay. And you said you reviewed documents
6 to prepare for your deposition today; is that
7 right?

8 A. That's right.

9 MS. WU: I will caution the witness not to
10 reveal any of the substance of the communications
11 with lawyers.

12 BY MR. ANSTAETT:

13 Q. And you understand that the declaration
14 you submitted in this proceeding cites to certain
15 documents as exhibits, right?

16 A. Yes.

17 Q. Okay. Did you review any documents to
18 prepare for your deposition today that are not
19 cited as exhibits in your declaration?

20 A. No, not in this year. But, of course, way
21 back, I was doing a lot of documenting.

22 Q. When you say "way back, I was doing a lot

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1 of documenting," are you referring to when you
2 prepared a declaration --

3 A. No.

4 Q. -- or are you talking about far in the
5 past, when the documents were originally created?

6 A. Yeah. During the time when I was working
7 with the documents and with the project and with
8 this trial, et cetera. Yes.

9 Q. Okay. Okay. And I take it you know
10 Christine Jensen?

11 A. Yes.

12 Q. And how long have you known her?

13 A. Since 2009.

14 Q. Okay. Did you know her before you worked
15 at Novo Nordisk?

16 A. No.

17 Q. Okay. Let's mark your declaration as an
18 exhibit.

19 (Flint Exhibit 2 is received and
20 marked for identification and is
21 attached hereto.)

22 BY MR. ANSTAETT:

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1 Q. And feel free to take a look at what we've
2 marked as Exhibit 2. It's also been marked as
3 Exhibit 2051 in the IPR. This is your declaration,
4 is that correct, Dr. Flint?

5 A. It looks so but I haven't looked through
6 this whole document.

7 Q. Take time.

8 A. It looks very much like the one I
9 received.

10 Q. Okay. And if you need time today, if I
11 give you an exhibit and you need time to look
12 through it, just feel free to take as much time as
13 you need.

14 A. Yes.

15 Q. You signed your declaration on
16 January 17th, 2024; is that correct?

17 A. I actually thought it was December '23,
18 but maybe it was January '24. Yeah.

19 Q. Okay. You can look at the last page. It
20 said it was executed on January 17th, 2024. You
21 think it may have been earlier than that?

22 A. Well, I think actually maybe I had a

1 draft, reviewing the document a little bit earlier.

2 Q. Okay. When were you first contacted about
3 submitting a declaration in this proceeding?

4 A. I believe it was November.

5 Q. Of 2023?

6 A. '23. Or December.

7 Q. Okay. Who was it that contacted you about
8 preparing a declaration?

9 A. NNI, Novo Nordisk Incorporated US. The
10 affiliate.

11 Q. Okay. And how did you go about preparing
12 your declaration?

13 MS. WU: And I will caution the witness
14 again not to reveal any substance of any
15 communications with any lawyers.

16 THE WITNESS: I was called up and we had a
17 Teams meeting, speaking through different aspects
18 of this and some of the documents that is attached
19 to the exhibits in this declaration.

20 BY MR. ANSTAETT:

21 Q. Were you provided the documents that are
22 attached as exhibits to your declaration?

1 A. No, not at that point.

2 Q. How did you ultimately select the exhibits
3 that were attached to your declaration?

4 MS. WU: And again, caution, this is
5 getting pretty close to the line of privilege. I
6 will allow this question but I will caution the
7 witness not to provide any substance of any
8 communications with lawyers.

9 THE WITNESS: So the storyline was put
10 together and then the exhibits - I mean, being
11 meaningful to this storyline - would be picked.

12 BY MR. ANSTAETT:

13 Q. Okay. Were the exhibits provided to you
14 by your counsel?

15 A. Most of them, yes.

16 Q. Okay. The events you describe in your
17 declaration took place about 12 to 14 years ago,
18 correct?

19 A. Yes.

20 Q. And did you have difficulty recalling
21 events that took place that long ago?

22 MS. WU: Objection. Form.

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1 THE WITNESS: I mean, it is a long time
2 and, of course, you cannot remember all details of
3 all e-mails and what have you, so...

4 But in general, no.

5 BY MR. ANSTAETT:

6 Q. The documents that you reviewed, did they
7 refresh your recollection about the events that are
8 described in your declaration?

9 MS. WU: Objection. Form.

10 THE WITNESS: I mean, again, you don't
11 recall all details. So, of course, when you're
12 reading through documents from ten years ago, then
13 you will, I mean, be remembering more, of course.

14 ///

15 BY MR. ANSTAETT:

16 Q. And were there any documents that you
17 reviewed in the course of reviewing your -- excuse
18 me, in the course of preparing your declaration
19 that you did not cite in your declaration?

20 MS. WU: Objection. Form.

21 THE WITNESS: Could you please repeat or
22 clarify?

1 BY MR. ANSTAETT:

2 Q. Sure. Sure. Were there any -- in
3 preparing your declaration that is Exhibit 2, were
4 there any documents that you reviewed that you did
5 not ultimately cite in your declaration?

6 MS. WU: Objection. Form.

7 Again, I caution the witness not to reveal
8 any communication -- the substance of any
9 communications with lawyers.

10 THE WITNESS: I am a little unclear on
11 what documents you are aiming at, but if it's
12 the -- no, I won't make any assumptions.

13 BY MR. ANSTAETT:

14 Q. What I'm trying to get at is, there are a
15 number of documents that you cite in your
16 declaration as exhibits. You're familiar with
17 that, right?

18 A. Yes.

19 Q. Were there any documents that you reviewed
20 that you did not cite as exhibits in your
21 declaration, or was your kind of review limited to
22 the documents that you cited?

1 A. It was limited to those documents.

2 Q. Okay. Did you speak with Dr. Jensen about
3 the content of your declaration?

4 A. No.

5 Q. Okay. And before signing your
6 declaration, did you speak with Dr. Jensen about
7 the events that you describe in your declaration?

8 A. No.

9 Q. And aside from Novo's lawyers, did you
10 speak with anyone else about your declaration?

11 A. No, not about the declaration. But I, of
12 course, had to inform my manager that I was going
13 away and what the purpose, and the overall purpose
14 was, so yeah. But besides that, no.

15 Q. Okay. So you didn't speak with anyone
16 aside from Novo's lawyers about the substance of
17 your declaration, I'll say; is that right?

18 A. That is right.

19 Q. Okay. Have you seen the declaration that
20 Dr. Jensen submitted in this proceeding?

21 A. No.

22 Q. Okay. Okay. I'm going to ask you to look

1 at your declaration. And there are paragraph
2 numbers. And so if you could start by looking at
3 paragraph 4.

4 And if you just go ahead and read that
5 paragraph to yourself and then I'll ask you a
6 couple of questions about it.

7 So you say in paragraph 4 that:

8

[REDACTED]
[REDACTED]
[REDACTED]

11 Do you see that?

12 A. Yes. It says [REDACTED] " and not
13 "specialist". But yes, that's basically it.

14 Q. [REDACTED] " Yes, yes, you're absolutely
15 right.

16 And can you describe for me precisely what
17 your responsibilities were in the project as the
18 lead clinical pharmacology scientist?

19

A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 Q. [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 Q. Okay. And was Mr. Ohrner your supervisor

8 at that time?

9 A. No, he was project vice president so you

10 can't say he was supervisor, no.

11 Q. Okay. Who was your supervisor?

12 A. I don't believe I had any supervisor as

13 such. I had a manager and we, of course, had a

14 whole project team that was working together

15 towards these goals.

16 Q. Okay. Who was your manager?

17 A. Nowadays?

18 Q. No, I'm sorry, back [REDACTED]

19 [REDACTED]

20 A. There was actually a change right there.

21 Either it was Jan Lynge, or Charlotte. I've

22 forgotten her name, her last name.

1 Q. Okay.

2 A. It will pop up. I will tell you later.

3 Q. Will you spell Jan's last name, for the
4 record?

5 A. L-Y-N-G-E.

6 Q. Okay. You're aware that Novo Nordisk had
7 conducted a Phase II dose-finding study of
8 Semaglutide in Type 2 diabetes before you joined
9 the project; is that right?

10 A. Yes.

11 MS. WU: Objection. Scope.

12 BY MR. ANSTAETT:

13 Q. Okay. And that trial was known within
14 Novo Nordisk as NN9535-1821; is that right?

15 MS. WU: Objection. Scope.

16 THE WITNESS: It is correct.

17 BY MR. ANSTAETT:

18 Q. And today if I refer to that trial as the
19 1821 trial, will you understand what I'm talking
20 about?

21 A. Yes.

22 Q. Okay. Were you involved at all in

1 designing the 1821 trial?

2 MS. WU: Objection. Scope.

3 THE WITNESS: I was not.

4 BY MR. ANSTAETT:

5 Q. Okay. Did you have any involvement in the
6 conduct of the 1821 trial?

7 MS. WU: Objection. Scope.

8 THE WITNESS: No.

9 BY MR. ANSTAETT:

10 Q. Okay. You're aware though, I assume, that
11 the 1821 trial did not include a 1 mg dose once
12 weekly of Semaglutide; is that right?

13 MS. WU: Objection. Scope.

14 THE WITNESS: I was aware, yes.

15 BY MR. ANSTAETT:

16 Q. And were you aware of the once-weekly
17 Semaglutide doses that were included in the 1821
18 trial?

19 MS. WU: Objection. Scope.

20 THE WITNESS: I believe I remember
21 correctly, so I believe so. But if I was to spell
22 out the different arms in the 1821, I'm not sure I

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1 hit all the right ones.

2 BY MR. ANSTAETT:

3 Q. What is your recollection of the doses
4 that were tested in that trial?

5 MS. WU: Objection. Scope and form.

6 THE WITNESS: I'm not sure that I had
7 actually put down some wording around this exactly
8 in the declaration.

9 BY MR. ANSTAETT:

10 Q. I understand. I'm just asking for your
11 recollection of what doses were included in that
12 trial.

13 MS. WU: Objection. Scope.

14 THE WITNESS: I -- it was a placebo, and
15 it was a 0.0, 0.2, 0.4, 0.8. Two arms were 0.8 and
16 one arm was 1.6, and two liraglutide arms.

17 (Court reporter clarification.)

18 THE WITNESS: And two arms with
19 liraglutide, sorry. I am mumbling.

20 BY MR. ANSTAETT:

21 Q. Do you know why those doses were selected
22 for inclusion in the 1821 trial?

1 MS. WU: Objection. Scope.

2 THE WITNESS: I'm not sure that it's
3 actually in the deposition again. So where is the
4 relevance for this?

5 BY MR. ANSTAETT:

6 Q. Well, the relevance is, I think, for the
7 lawyers to sort out. I'm just asking if you know
8 or knew why those doses were selected for inclusion
9 in the 1821 trial.

10 MS. WU: The same objection.

11 THE WITNESS: It was a regular
12 dose-finding study. [REDACTED]

[REDACTED]

14 BY MR. ANSTAETT:

15 Q. Okay. In paragraph 4 again of your
16 declaration, you say that in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 A. That is correct.

21 Q. [REDACTED]

[REDACTED]

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1 A. Christine Jensen was the medical director
2 for the project at that time. [REDACTED]

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED].

7 Q. Do you know if there were others at Novo
8 Nordisk in [REDACTED]

■ [REDACTED]?

10 A. Not the [REDACTED]. There was only Christine
11 Jensen as the medical director.

12 Q. Setting aside the [REDACTED],
13 do you know if there were others at Novo Nordisk in

14 [REDACTED]
■ [REDACTED]?

16 MS. WU: Objection. Form.

17 THE WITNESS: [REDACTED]

■ [REDACTED]

■ [REDACTED]

20 BY MR. ANSTAETT:

21 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] --

4 MS. WU: Objection. Form.

5 THE WITNESS: Sorry. But for all, [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

9 [REDACTED]

■ [REDACTED]

11 BY MR. ANSTAETT:

12 Q. But you do acknowledge that there are
13 other people at Novo Nordisk in that timeframe who

14 [REDACTED]

■ [REDACTED]e; do I have that right?

16 A. Could you please repeat?

17 Q. My understanding is you acknowledge that
18 there [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]?

22 MS. WU: Objection. Form.

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1 THE WITNESS: A little bit depending on
2 what you -- what you're meaning with
3 responsibility, because it was [REDACTED]

■ [REDACTED]. [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

8 BY MR. ANSTAETT:

9 Q. Were you personally involved in selecting
10 doses of Semaglutide to use in clinical trials in
11 [REDACTED]?

12 A. I was part of the discussions in the
13 medical and science team headed up by Christine,
14 yes.

15 Q. Okay. And what was your role in those
16 discussions?

17 A. My [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED] a

1

■

3

Q. What distinction are you drawing between a
medical perspective and a scientific perspective?

5

A. My scientific perspective would be more on
the pharmacokinetics, the exposure of the drug,
different subpopulations, pharmacokinetic issues.
Stuff like that.

9

Q. ■

■

■

■

■

■

■

■

■

15

Q. ■

■

■

■

■

■

■

■

1 [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] MS. WU: Objection. Scope.

15 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ?

1 MS. WU: Objection. Scope.

2 [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

9 BY MR. ANSTAETT:

10 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

1 [REDACTED]

■ [REDACTED]

■ [REDACTED]

4 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

9 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

13 MS. WU: Objection. Form.

14 [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

21 MS. WU: Objection to form.

22 [REDACTED] [REDACTED] [REDACTED]

1

■ MR. ANSTAETT:

3 Q. Okay. Do you know someone named Milan
4 Zdravkovic who worked at Novo Nordisk?

5 A. Yes.

6 Q. And how did you know, is it Dr. Zdravkovic
7 or Mr.?

8 A. Yes.

9 Q. How did you know Dr. Zdravkovic?

10 A. I was hired in by Dr. Zdravkovic.

11 Q. Okay. And what was his role at Novo
12 Nordisk when you were hired?

13 MS. WU: Objection. Scope.

14 THE WITNESS: He was the -- he was the
15 medical director of liraglutide.

16 BY MR. ANSTAETT:

17 Q. Of liraglutide.

18

■

20 MS. WU: Objection. Scope.

21 THE WITNESS: I don't recall exactly.

22 BY MR. ANSTAETT:

1 Q. Okay. Do you recall what his position was
2 in 2009?

3 MS. WU: Objection. Scope.

4 THE WITNESS: I don't recall when he
5 transitioned in and out of these different roles,
6 no.

7 BY MR. ANSTAETT:

8 Q. [REDACTED]
[REDACTED]?

10 MS. WU: Objection. Scope.

11 [REDACTED]
[REDACTED]

13 BY MR. ANSTAETT:

14 Q. You can answer.

15 A. I don't recall.

16 Q. Okay. We're going to mark another exhibit
17 here. This is going to be marked as Exhibit 3.

18 (Flint Exhibit 3 is received and
19 marked for identification and is
20 attached hereto.)

21 BY MR. ANSTAETT:

22 Q. This is an exhibit that was previously

1 marked in Dr. Jensen's Ozempic deposition.

2 And you can take some time to review that
3 and then I'll ask you a few questions about it.

4 A. So this is new to me; you know that?

5 Q. It's an e-mail dated [REDACTED]. Do
6 you see that?

7 A. Yes.

8 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

11 MS. WU: Objection. Scope.

12 [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

16 BY MR. ANSTAETT:

17 Q. [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

21 Q. Okay. And Exhibit 3 is an e-mail from

22 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Do you see that?

4 MS. WU: Objection. Scope.

5 THE WITNESS: I see the names, and I
6 recognize them.

7 BY MR. ANSTAETT:

8 Q. Okay. And do you know what [REDACTED] is
9 a reference to? Is that a term that is familiar to
10 you from your time at Novo Nordisk?

11 MS. WU: Objection. Scope.

12 THE WITNESS: Yes, it's [REDACTED].

13 BY MR. ANSTAETT:

14 Q. All right. You said [REDACTED]?

15 A. [REDACTED], yes.

16 Q. And aside from Dr. Jensen, do you
17 recognize any of the names of the other Novo
18 Nordisk employees to whom the e-mail is addressed?

19 MS. WU: Objection. Scope.

20 THE WITNESS: I do.

21 ///

22 BY MR. ANSTAETT:

1 Q. Who were the -- can you tell me, to the
2 best of your recollection, [REDACTED]

3 [REDACTED]
4 MS. WU: Objection. Scope.

5 THE WITNESS: There was -- [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 BY MR. ANSTAETT:

17 Q. Okay. And I take it, I think you said
18 this, but you have not seen Exhibit 3 before today?

19 A. That is correct.

20 Q. Okay. And you see in the e-mail, [REDACTED]

21 [REDACTED]
22 [REDACTED]

1

■

3

Do you see that?

4

MS. WU: Objection. Scope.

5

THE WITNESS: I can see the text, yes.

6

BY MR. ANSTAETT:

7

Q. Okay. And do you understand that a

8

once-weekly 1.6 mg dose of Semaglutide was tested

9

in the 1821 trial?

10

MS. WU: Objection. Scope.

11

THE WITNESS: Yes. I said that also

12

before, yes.

13

BY MR. ANSTAETT:

14

Q. All right. ■■■■■

■■■

■■■

17

And I take it you're familiar with

18

liraglutide from your work on that project,

19

correct?

20

A. Correct.

21

MS. WU: Objection. Scope.

22

BY MR. ANSTAETT:

1 Q. And liraglutide was dosed once daily; is
2 that right?

3 MS. WU: Objection. Scope.

4 THE WITNESS: I have a small spider here.

5 ///

6 BY MR. ANSTAETT:

7 Q. It's a first in a deposition, in my
8 experience.

9 A. Sorry.

10 Q. Yeah. Liraglutide is dosed once daily; is
11 that right?

12 MS. WU: Objection. Scope.

13 THE WITNESS: Correct.

14 BY MR. ANSTAETT:

15 Q. Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Do you see that?

1 MS. WU: The same objection.

2 THE WITNESS: Yes.

3 BY MR. ANSTAETT:

4 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ MS. WU: Objection. Scope.

10 Counsel, you know this is not in her
11 declaration. The witness has said so as well.
12 This is way out of line.

13 MR. ANSTAETT: Jenny, it is not out of
14 line. It is precisely because it is not in her
15 declaration and she was not shown these documents
16 that it is relevant.

17 MS. WU: The deposition is limited to the
18 scope of the declaration.

19 THE COURT REPORTER: I'm sorry, I can only
20 take one. I can only take one. Thank you.

21 MR. ANSTAETT: We are entitled to
22 cross-examine her on her declaration and not based

1 solely on the curated documents that you selected
2 to show her.

3 MS. WU: You've completed undermined the
4 point. The boundaries are the scope of her
5 declaration. It's not based on what is not in her
6 declaration. That's completely the opposite.

7 MR. ANSTAETT: That's a speaking objection
8 and you can --

9 MS. WU: I'm speaking to you directly
10 about the fact that your --

11 MR. ANSTAETT: Jenny.

12 MS. WU: -- your questions are way out of
13 scope.

14 MR. ANSTAETT: Jenny, you can raise it if
15 you want. This is entirely appropriate.

16 MS. WU: All right. We may actually do
17 that. So I will allow a few more questions. If
18 this continues, we may very well raise it with the
19 board.

20 MR. ANSTAETT: If you want to take a break
21 and raise it with the board now, try to raise it
22 with the board now, you are welcome to. But --

1 MS. WU: Let's take a break then.

2 MR. ANSTAETT: Okay.

3 (Recess was taken.)

4 (Dr. Anne Flint is not in the

5 deposition room.)

6 MR. ANSTAETT: So Jenny, I don't know if
7 you wanted to put something on the record.

8 MS. WU: Yeah, I'm just trying to see
9 where we stopped so I can pick up there.

10 So, Counsel, the witness is not in the
11 room right now but we do need to make a statement
12 for the record about the improper scope of the
13 questioning that has taken place so far. The
14 majority of the questions have been outside of the
15 scope of the witness's declaration.

16 The scope of the declaration, it starts
17 from the time period of around [REDACTED] when
18 Dr. Flint joined the Semaglutide project. She's
19 here to testify about the contents of her
20 declaration, which is limited to the events that
21 happened starting from around [REDACTED] through
22 the end of the [REDACTED]

Page 46

1 [REDACTED]. So any questions outside of that scope, you
2 will have a standing objection as to the propriety
3 of those questions.

4 MR. ANSTAETT: Okay. And certainly our
5 position is that the whole point of her
6 declaration, as we understand it, is an effort to
7 corroborate the notion that Dr. Jensen was the
8 first person to conceive of using a 1 mg dose of
9 Semaglutide once weekly to treat Type 2 diabetes,
10 and we're entitled to cross-examine Dr. Flint on
11 her declaration because it is an effort to
12 corroborate that. And the fact that she hasn't
13 cited certain documents in her declaration is not a
14 reason that we can't show her those documents. The
15 fact that documents related to conception and who
16 conceived of the alleged invention predate
17 [REDACTED] is not a reason not to cross-examine
18 Dr. Flint on those issues.

19 The substance of her declaration is an
20 effort to corroborate conception, and we're
21 entitled to probe that. That includes with
22 evidence that slightly predates or postdates the

1 dates that she chose to discuss in her declaration.

2 MS. WU: We disagree with that
3 characterization of the declaration, of course. I
4 don't think that is the correct scope of what her
5 declaration is. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

9 And if you want to ask about events that
10 happened almost a year prior to her declaration,
11 that is definitively outside of the scope of her
12 declaration.

13 MR. ANSTAETT: Had you limited her
14 declaration [REDACTED], that objection might
15 have some force. I still don't think it would.

16 But specifically the paragraphs of her
17 declaration that I have been questioning her are
18 paragraphs 4 and paragraphs 5 in which she is
19 testifying or offering evidence [REDACTED]

■ [REDACTED]

■ [REDACTED].

22 MS. WU: If you look at her declaration,

1 how it's worded, [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] We can continue --

5 MR. ANSTAETT: Her -- we can --

6 MS. WU: We can continue disagreeing about
7 the scope of her declaration. But I think also --
8 we're not motion briefing this right now and I
9 don't think it's appropriate for us to get into the
10 motion briefing on this.

11 So I think rather than have a back and
12 forth and basically argue this issue, you know,
13 sort of on the fly, I'm making a statement for the
14 purpose of the record of making it clear that we
15 have a standing objection about the scope of
16 questioning as it pertains -- as it's completely
17 outside of what her declaration discusses. She's
18 not here to testify about events that happened
19 prior to [REDACTED] She's only here to testify
20 about the contents of her declaration.

21 MR. ANSTAETT: The content of her
22 declaration literally says:

1

" [REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

7

That's what she's being cross-examined on,

8

including statements that follow that. And so I

9

agree with you, we're not going to resolve this

10

here, but we don't think the objection is

11

appropriate and, you know, we'll leave it at that.

12

MS. WU: Okay. Yeah, obviously we

13

disagree but I think we should just let the

14

deposition continue. Like I said, we have a

15

standing objection on the record about this line of

16

questioning. If it continues to be such that the

17

majority of the questions are outside the scope of

18

her declaration, we'll raise it with the board when

19

the board opens.

20

MR. ANSTAETT: Okay. Let's bring the

21

witness back in and continue.

22

(Dr. Anne Flint enters the

1 deposition room.)

2 BY MR. ANSTAETT:

3 Q. So Dr. Flint, we were discussing
4 paragraph 5 of your declaration. And in
5 paragraph 5, you say:

6 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12 Do you see that?

13 A. Yes.

14 Q. Okay. And then we were talking about
15 what's been marked as Exhibit 3, and that is the
16 document that you have right there. And we were
17 looking at the second paragraph in that document.

18 And you recall this is an e-mail [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED] MS. WU: Objection. Scope.

22 THE WITNESS: I can see that from the

1 "from" and "to."

2 BY MR. ANSTAETT:

3 Q. All right. And it's dated [REDACTED]

4 [REDACTED]

5 MS. WU: Objection. Scope.

6 THE WITNESS: I also see the date on the
7 mail. Yes, copy of the mail.

8 BY MR. ANSTAETT:

9 Q. And you see there, [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Do you see that?

16 MS. WU: Objection. Scope.

17 THE WITNESS: I can see the text, yes.

18 BY MR. ANSTAETT:

19 Q. And you hadn't seen this document before
20 preparing your declaration in this proceeding,
21 correct?

22 MS. WU: Objection. Scope.

1 THE WITNESS: That is correct, I haven't
2 seen this document before.

3 BY MR. ANSTAETT:

4 Q. Okay. So you weren't aware that [REDACTED]

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

10 MS. WU: Objection. Scope.

11 THE WITNESS: I wasn't in the project at
12 that time so I don't know anything about the
13 communication around this.

14 BY MR. ANSTAETT:

15 Q. Okay. In [REDACTED], were you aware of
16 [REDACTED] at Novo Nordisk known
17 as DPComm?

18 MS. WU: Objection. Scope.

19 THE WITNESS: I'm not sure if you are
20 referring to a DPComm meeting or -- I mean, since
21 you're referring to [REDACTED]. Because [REDACTED]
■ [REDACTED], so I'm

1 aware of a DPComm.

2 BY MR. ANSTAETT:

3 Q. Understood. Were you aware in [REDACTED]
4 that [REDACTED] existed?

5 MS. WU: Objection. Scope.

6 THE WITNESS: I mean, it's [REDACTED]
7 [REDACTED], yes.

8 BY MR. ANSTAETT:

9 Q. Okay. Were you aware that in [REDACTED],
10 the Semaglutide project team was specifically
11 directed by [REDACTED]

12 [REDACTED]
13 [REDACTED]?

14 MS. WU: Objection as to form and
15 objection as to scope.

16 THE WITNESS: This is outside my
17 declaration and it's also outside of what I have
18 been involved in.

19 BY MR. ANSTAETT:

20 Q. So if that had happened, you would not
21 have known about that; is that fair to say?

22 MS. WU: Same objection.

1 THE WITNESS: I don't recall --

2 BY MR. ANSTAETT:

3 Q. Okay.

4 A. -- if it had happened.

5 Q. All right.

6 Do you know that if, in [REDACTED],

7 Dr. Jensen and the -- I'll strike that.

8 Do [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]?

13 MS. WU: Objection. Scope.

14 THE WITNESS: I'm not quite sure I'm
15 understanding correctly what you are saying,
16 because are you saying that Christine was proposing
17 [REDACTED]?

18 BY MR. ANSTAETT:

19 Q. Correct.

20 A. I have no recollection of that.

21 Q. Okay.

22 We're going to mark that as Exhibit 4.

1 (Flint Exhibit 4 is received and
2 marked for identification and is
3 attached hereto.)

4 BY MR. ANSTAETT:

5 Q. Let me give you a moment to look over that
6 document that we've marked as Exhibit 4, Flint
7 Exhibit 4, and then I'll ask you some questions
8 about it.

9 A. Are you assuming me reading all of it or
10 do you want to direct me to what you would like to?

11 Q. I can do it that way. I'm happy to just
12 ask you questions about it and direct you to
13 portions of it, but I do want to give you an
14 opportunity to look at the whole thing if you'd
15 like to.

16 A. I'll just look at it briefly but then I
17 won't read the details.

18 Q. Okay.

19 A. Okay.

20 Q. Okay. Let me ask you, is what we've
21 marked as Exhibit 4 a document that you've seen
22 before?

1 A. No, it's not.

2 Q. Okay. And you see it's a [REDACTED]

■ [REDACTED]
■ [REDACTED]?

5 A. I can see that date on the paper, yes.

6 Q. Okay. And do you recognize the initials
7 of any of the meeting participants?

8 A. Yeah. It's the same as we discussed
9 before.

10 Q. With respect to Exhibit 3?

11 A. Yes, exactly.

12 Q. Okay. You were not among the participants
13 in this meeting, though; is that right?

14 MS. WU: Objection. Scope.

15 THE WITNESS: That is right.

16 BY MR. ANSTAETT:

17 Q. Were you aware of this meeting before
18 seeing this exhibit?

19 MS. WU: Objection. Scope.

20 THE WITNESS: I don't recall this meeting
21 or timing of it.

22 ///

1 BY MR. ANSTAETT:

2 Q. Okay. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

7 MS. WU: Objection. Scope.

8 THE WITNESS: I can see what is stated on
9 the exhibit but I haven't seen it before. I have
10 not been involved in it.

11 BY MR. ANSTAETT:

12 Q. Okay. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

17 Do you see that?

18 A. Yes.

19 Q. And the second sentence there says:

20 [REDACTED]

■ [REDACTED]

■ [REDACTED]

1

2

Do you see that?

3

MS. WU: Objection. Scope.

4

THE WITNESS: I can see the text, yes.

5

BY MR. ANSTAETT:

6

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Do you see that?

MS. WU: Objection. Scope.

THE WITNESS: I can see what is stated on

1 this document, yes.

2 BY MR. ANSTAETT:

3 Q. All right. Were you aware that in

4 [REDACTED], the

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MS. WU: Objection. Scope.

9 THE WITNESS: As I said before, I wasn't
10 involved in these discussions and preparations for
11 this meeting. So, no.

12 MR. ANSTAETT: Okay. Can we see the next
13 exhibit?

14 (Flint Exhibit 5 is received and
15 marked for identification and is
16 attached hereto.)

17 BY MR. ANSTAETT:

18 Q. We're handing you what's been marked as
19 Flint Deposition Exhibit 5. Again, I'll give you a
20 moment to look it over. But my first question is
21 simply going to be whether or not you have ever
22 seen Exhibit 5 before.

1 MS. WU: Objection. Scope.

2 THE WITNESS: I have not, no.

3 BY MR. ANSTAETT:

4 Q. And Exhibit 5 is an e-mail string [REDACTED]

■ [REDACTED] do you see that?

6 MS. WU: Objection. Scope.

7 THE WITNESS: I can see the date of the
8 last, or maybe it's the first, e-mail [REDACTED]

■ [REDACTED]

10 BY MR. ANSTAETT:

11 Q. Okay. And the e-mail I want to direct you
12 to is [REDACTED] [REDACTED]

■ [REDACTED] Do you see that?

14 MS. WU: Objection. Scope.

15 THE WITNESS: I can see that.

16 BY MR. ANSTAETT:

17 Q. Do you know [REDACTED]? Or did you know
18 [REDACTED]?

19 MS. WU: Objection. Scope.

20 THE WITNESS: Yes, I did.

21 BY MR. ANSTAETT:

22 Q. Okay. [REDACTED]

1 [REDACTED] ?

2 A. Yes, I did.

3 Q. Okay. [REDACTED]

4 [REDACTED] :

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] Do you see that?

14 MS. WU: Objection as to form and scope.

15 THE WITNESS: I can see the text, yes.

16 BY MR. ANSTAETT:

17 Q. Were you aware that in [REDACTED], it

18 was [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] MS. WU: Objection as to form and scope.

1 THE WITNESS: I was not involved in the
2 process at that time, so no.

3 BY MR. ANSTAETT:

4 Q. Okay. I want to turn you back to
5 paragraph 5 of your declaration again.

6 A. My declaration, yes?

7 Q. Yes, which is, I think, we marked as
8 Exhibit 2.

9 A. Yeah, okay.

10 Q. So again in paragraph 5, you say, [REDACTED]

[REDACTED]

[REDACTED]

13 A. Sorry, sorry. Was it point 5 or was it
14 page 5?

15 Q. I'm sorry, paragraph 5.

16 A. Yes, okay. Sorry.

17 Q. No, no. No problem.

18 A. I'm with you now, yes.

19 Q. You say there:

20 [REDACTED]

[REDACTED]

[REDACTED]

1

■

3

Do you see that?

4

A. Yes.

5

Q. Okay. And for that proposition, ■

■

■

8

Do you see that?

9

A. Uh-huh.

10

Q. All right.

11

A. Yes.

12

Q. Let's look at ■. So we'll mark that as

13

Exhibit 6.

14

(Flint Exhibit 6 is received and

15

marked for identification and is

16

attached hereto.)

17

BY MR. ANSTAETT:

18

Q. Can you confirm Exhibit 6, what we've

19

marked as Exhibit 6, ■

■

?

21

A. Yes.

22

Q. Okay. And it's an e-mail that ■

1 [REDACTED] is that right?

2 A. Yes.

3 Q. [REDACTED]

4 [REDACTED]
5 that we just looked at in Exhibit 5; is that right?

6 MS. WU: Objection as to form and scope.

7 THE WITNESS: I can see the date. And
8 from that, I guess you're right. But I don't --
9 again I don't really recollect that way, [REDACTED]

10 [REDACTED]
11 BY MR. ANSTAETT:

12 Q. All right. With respect to what we've
13 marked as Exhibit 6, [REDACTED]

14 [REDACTED]; is that
15 right?

16 A. I can see that, yes.

17 Q. All right. You told me this before but
18 remind me of his role again in the Semaglutide
19 project at this time?

20 A. He was project vice president.

21 Q. Okay. And aside from Mr. Ohrner, you
22 copied nine other Novo Nordisk employees on your

1 [REDACTED]; is that right?

2 A. Yes.

3 Q. Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

1

■

■

■

■

■

■

8

Is that right?

9

A. That's correct.

10

Q. Okay.

■

■

■

■

■

■

■

■

■

■

21

So she was, you can say, the spider in the

22

web collecting the information, and driving, you

1 can say, the storyline and the slide deck.

2 Q. Do you know if she is the one who actually
3 put the slide deck together?

4 MS. WU: Objection. Scope.

5 ///

6 BY MR. ANSTAETT:

7 Q. [REDACTED]

8 MS. WU: Objection. Scope.

9 THE WITNESS: Again, I wouldn't know for
10 sure, but [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

15 BY MR. ANSTAETT:

16 Q. Let's go ahead and see [REDACTED].

17 (Flint Exhibit 7 is received and
18 marked for identification and is
19 attached hereto.)

20 BY MR. ANSTAETT:

21 Q. So the court reporter has handed you what
22 we've marked as Exhibit 7.

1 Can you just confirm that what we have
2 marked as Exhibit 7 [REDACTED]

3 [REDACTED]
4 A. Yes, that's correct.

5 Q. All right. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 Q. Okay. Okay. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Do you see that?

1 A. Yes.

2 Q. Let me have you look at page 10. There is
3 page numbers kind of in the bottom right-hand
4 corner. [REDACTED]

6 Do you see that?

7 A. Uh-huh, yes.

8 Q. [REDACTED]

10 A. I believe that it was Christine as the
11 main driver for this process, [REDACTED]

14 Q. So you said she is the main driver. Do
15 you know if she is the one where t [REDACTED]

17 MS. WU: Objection. Scope.

18 THE WITNESS: I would say so, yes.

19 BY MR. ANSTAETT:

20 Q. Does the document say so?

21 Is there any place in this document that
22 says that [REDACTED]

1 [REDACTED]?

2 MS. WU: Objection. Form.

3 THE WITNESS: [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

8 BY MR. ANSTAETT:

9 ■ [REDACTED]

■ [REDACTED]

11 Q. Okay. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ MS. WU: Objection. Scope.

20 THE WITNESS: It's outside my area of

21 expertise but, as you can see, [REDACTED]

■ [REDACTED]

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So I believe that is what is
described here.

BY MR. ANSTAETT:

Q.

Do I have that right?

MS. WU: Objection. Scope.

THE WITNESS: And, again, it's not my area
of expertise but that is what I read out of this.
Again, it's 14 years back and I'm not -- I wouldn't
recall exactly.

BY MR. ANSTAETT:

Q. Okay. Now, in paragraph 5 of your

1 declaration, you say:

2

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Do you see that?

8

A. Uh-huh.

9

Q.

■

■

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. Right?

13

MS. WU: Objection. Form.

14

BY MR. ANSTAETT:

15

Q. I just need you to say "yes."

16

A. Yes. Sorry.

17

Q. No, no, no problem.

18

And so where is it in Exhibit 7 that there

19

is a recommendation to use

■

21

MS. WU: Objection. Form.

22

THE WITNESS: Was it Exhibit 7? Yeah.

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BY MR. ANSTAETT:

9

Q. But my question was slightly different.

10

Where is it in Exhibit 7 that a

11

■

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13

MS. WU: Objection. Form.

14

THE WITNESS:

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17

BY MR. ANSTAETT:

18

Q. Okay.

19

A.

1 [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] Am I right about that?

13 MS. WU: Objection. Form.

14 THE WITNESS: [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED].

18 BY MR. ANSTAETT:

19 Q. But I just need to pin this down,

20 Dr. Flint, and I don't mean to keep pressing you on

21 this. But you can't point to anything in Exhibit 7

22 where [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 MS. WU: Objection. Form.

4 THE WITNESS: I'm sure that if you look at

5 the -- you can say [REDACTED],

6 [REDACTED].

7 BY MR. ANSTAETT:

8 Q. But you -- I'm sorry. Finish your...

9 A. But it is, you can say, what do you call,

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 So it is not, of course, stated highly:

14 [REDACTED]

15 [REDACTED].

16 That is what you would say starting the

17 meeting, I guess. So, yes.

18 Q. And you didn't attach the meeting minutes

19 that you just referred to to your declaration,

20 correct?

21 A. No. I mean, my mail was before the

22 meeting, and I took a look at the meeting slides

1 and commented on the content. So...

2 Q. Let's look at page 6 of Exhibit 7. Do you
3 see on page 6, there is a slide [REDACTED]

4 [REDACTED]
5 A. Yes.

6 Q. Okay. And [REDACTED]

7 [REDACTED]
8 [REDACTED] Correct?

9 MS. WU: Objection to form.

10 THE WITNESS: Could you repeat that? I'm
11 sorry.

12 BY MR. ANSTAETT:

13 Q. Sure, sure, no problem.

14 No decision on which [REDACTED]

15 [REDACTED]
16 [REDACTED] correct?

17 MS. WU: Objection. Form and scope.

18 THE WITNESS: [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1

2 BY MR. ANSTAETT:

3 Q. Again, you keep on saying this

4

5 But, again, that is based on your recollection.

6 You haven't cited any documents, including

7 Exhibit 7, that show that

8

9 Am I right about that?

10

MS. WU: Objection. Form.

11

12 any written statements because, I mean, that is
13 based on discussions around in the office. I don't
14 have a recollection of an

15

16 BY MR. ANSTAETT:

17 Q. And certainly you haven't seen any written
18 statement like that and you haven't attached a
19 written statement like that contemporaneous from
20 that time to your declaration?

21

MS. WU: Objection. Form.

22

THE WITNESS:

1 [REDACTED].

2 BY MR. ANSTAETT:

3 Q. Okay. And again, [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

9 MS. WU: Objection. Form and scope.

10 THE WITNESS: Again, that is -- this
11 statement was not coming out of our area, you can
12 say. It [REDACTED]

■ [REDACTED].

14 BY MR. ANSTAETT:

15 Q. But their evaluation, at least as
16 reflected in this document at the time, [REDACTED]

■ [REDACTED]

■ [REDACTED] Is that fair to
19 say?

20 MS. WU: Objection. Form and scope.

21 THE WITNESS: It's fair to say that it was
22 discussed at this meeting as a consideration, a

1 project consideration as the headline is --

2 BY MR. ANSTAETT:

3 Q. The PowerPoint actually says [REDACTED]

■

■

■

MS. WU: Objection. Form and scope.

7 THE WITNESS: I can see the exact sentence
8 that you're referring to. So that wording, I can
9 sign to.

10 BY MR. ANSTAETT:

11 Q. And then also as of [REDACTED], the

12

■

■

■

?

16 MS. WU: Objection. Form and scope.

17 THE WITNESS: Again, I can see the text
18 stated here, so yes.

19 BY MR. ANSTAETT:

20 Q. And was that within your area?

21 A. It's in medical and science, so as part of
22 medical and science, yes. But it also -- I mean,

1 it's not that strange that it's cited like that

2 because [REDACTED]

■ [REDACTED]. [REDACTED]

■ [REDACTED]

5 Q. Right. [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]; fair to say?

9 MS. WU: Objection. Form and scope.

10 THE WITNESS: Again, [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]. It was a

14 concern for everybody in that field at that time.

15 BY MR. ANSTAETT:

16 Q. Okay. Then this also says -- do you see

17 there is a heading at the bottom -- or a bullet,

18 I'm sorry, at the bottom of the page that says

19 [REDACTED]"?

20 A. Yes.

21 Q. This document that you've cited indicates

22 that the [REDACTED]

1 [REDACTED]

■ [REDACTED]

■ [REDACTED]. Correct?

4 MS. WU: Objection. Form and scope.

5 THE WITNESS: I can see the text, yes.

6 BY MR. ANSTAETT:

7 Q. Okay. The last bullet on the page says:

8 [REDACTED]

■ [REDACTED]

■ [REDACTED]

11 Do you see that?

12 MS. WU: Objection. Scope.

13 THE WITNESS: Yes, I can see that.

14 BY MR. ANSTAETT:

15 Q. And you appended a comment to that bullet;
16 is that right?

17 A. Yes.

18 MS. WU: Objection. Scope.

19 BY MR. ANSTAETT:

20 Q. [REDACTED]

■ [REDACTED]

■ [REDACTED]

1 MS. WU: Objection. Scope.

2 THE WITNESS: As a normal procedure, the

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED].

7 So I mean, there was a number of

8 discussions around this complexity, that it would

9 [REDACTED]. So

10 everything kind of had to be balanced as a

11 risk/benefit. So that is what it comes down to.

12 BY MR. ANSTAETT:

13 Q. All right. And your comment says:

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Do you see that?

18 MS. WU: Objection. Scope.

19 BY MR. ANSTAETT:

20 Q. That is on the next page.

21 A. Yeah. Yeah, that is mine.

22 Q. What is an [REDACTED]

1 MS. WU: Objection. Scope.

2 THE WITNESS: That is -- it was at that

3 time a [REDACTED]

4 [REDACTED].

5 BY MR. ANSTAETT:

6 Q. Okay. [REDACTED]

7 [REDACTED]

8 MS. WU: Objection. Scope.

9 THE WITNESS: [REDACTED]

10 [REDACTED]

11 BY MR. ANSTAETT:

12 Q. Right. Right. That is a fair point.

13 I [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 MS. WU: Objection. Form and scope.

17 THE WITNESS: I guess it was -- I am just
18 thinking, hang on one second.

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 BY MR. ANSTAETT:

1 Q. [REDACTED]
[REDACTED] ?

3 MS. WU: Objection. Form and scope.

4 THE WITNESS: I believe my comment was to
5 say that -- I mean, [REDACTED]

[REDACTED], [REDACTED]

[REDACTED]

[REDACTED]

9 BY MR. ANSTAETT:

10 Q. Okay. [REDACTED]

[REDACTED]

[REDACTED] That's fair to
13 say, isn't it?

14 MS. WU: Objection. Form and scope.

15 THE WITNESS: Again, it was slightly prior
16 to what my entry in the project was. But it was
17 discussed, I mean heavily, [REDACTED]

[REDACTED]. So -- and that is
19 always the case at that point of time in the
20 project, I would say.

21 BY MR. ANSTAETT:

22 Q. Okay. Let me ask you to look at

1 paragraph 6 of your declaration. Okay. So in
2 paragraph 6, [REDACTED]

■ [REDACTED]

■ [REDACTED]

5 A. That is right.

6 Q. All right. And you reference [REDACTED]

7 in your declaration, and [REDACTED]

■ [REDACTED], right?

9 A. Correct.

10 Q. Okay. We're going to mark those.

11 (Flint Exhibit 8 is received and
12 marked for identification and is
13 attached hereto.)

14 BY MR. ANSTAETT:

15 Q. So the court reporter has handed you
16 what's been marked as Exhibit 8. And if you will
17 just confirm for me that Exhibit 8 is [REDACTED]

■ [REDACTED].

19 A. I'm not quite sure about the numbers, but

20 [REDACTED].

21 Q. Okay. Okay. And you see it's got at
22 least -- it's got in the bottom right-hand corner

1 the [REDACTED] on it?

2 A. Oh, you can see, yes, yes. It is, yes.

3 Q. And you note in your declaration in
4 paragraph 6 that [REDACTED]

5 [REDACTED]; is that right?

6 A. That is correct.

7 Q. And the [REDACTED] that you have
8 there, and I think it's on pages 3 to 4, [REDACTED]

9 [REDACTED]

10 [REDACTED]; is

11 that right?

12 A. Yeah.

13 Q. [REDACTED]

14 [REDACTED] Do you see that?

15 A. Yes.

16 Q. Who was Peter Kristensen?

17 A. Senior Vice President for Global
18 Development.

19 Q. Okay. And did you know him at that time?

20 A. Yes.

21 Q. Okay. And what was his role in the
22 Semaglutide project?

1 A. He was, you can say, the boss of the
2 project, vice president.

3 Q. So he was Niklas Ohrner's boss?

4 A. Yes.

5 Q. Okay. And nowhere in this exhibit,
6 Exhibit 8, [REDACTED] is Dr. Jensen identified
7 as the first person to conceive of using a
8 once-weekly 1 mg dose of Semaglutide to treat
9 Type 2 diabetes, correct?

10 MS. WU: Objection. Form and scope.

11 THE WITNESS: I mean, that is not the
12 purpose of this document. [REDACTED]

[REDACTED]

[REDACTED]

15 ///

16 BY MR. ANSTAETT:

17 Q. Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED] is that right?

2 MS. WU: Objection. Form.

3 THE WITNESS: It is correct that that was
4 the outcome of the discussion.

5 BY MR. ANSTAETT:

6 Q. All right. And then in paragraph 7 of
7 your declaration -- I'm sorry, I keep asking you to
8 switch between documents -- you state that you
9 recall that [REDACTED]

[REDACTED]

[REDACTED].

12 Do you see that?

13 A. Yes. Yes.

14 Q. And [REDACTED]

[REDACTED]?

16 A. [REDACTED]

[REDACTED]

[REDACTED].

19 Q. Okay. And then you say:

20 You say, "[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

2 Do you see that?

3 A. Yes.

4 Q. And "[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED].

8 Q. Okay. And [REDACTED]

■ [REDACTED]; is that

10 right?

11 A. Correct.

12 Q. Okay. And that was a clinical

13 pharmacology trial, right?

14 A. Correct.

15 Q. And in paragraph 8, [REDACTED]

■ [REDACTED]

■ [REDACTED].

18 Do you see that?

19 A. Yes.

20 Q. And it's also true that you worked with

21 many other Novo Nordisk employees besides

22 Dr. Jensen on the design of that trial as well,

1 correct?

2 A. Sorry, could you repeat that?

3 Q. Sure. Aside from Dr. Jensen, you also
4 worked with many other Novo Nordisk employees on
5 the design and execution of that trial, correct?

6 MS. WU: Objection to form.

7 THE WITNESS: No, that is not correct. It
8 was her and me [REDACTED].

9 BY MR. ANSTAETT:

10 Q. Okay. Well, in paragraph 8, [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A. Yes.

14 MR. ANSTAETT: Let's go ahead and mark

15 [REDACTED]

16 (Flint Exhibit 9 is received and
17 marked for identification and is
18 attached hereto.)

19 BY MR. ANSTAETT:

20 Q. [REDACTED] is what we marked as
21 Exhibit 9.

22 Can you just confirm that for me?

1 A. Correct.

2 Q. And Exhibit 9 is [REDACTED]

3 [REDACTED]

4 [REDACTED] is that right?

5 A. Sorry for being a little confused here.

6 Q. No problem.

7 A. But I think my -- [REDACTED]

8 [REDACTED]

9 Q. Now I'm lost.

10 A. I'm so sorry. Maybe it's me being

11 completely -- [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Your recollection is the -- just to be

16 clear, there is two e-mails. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

Do you see that?

20 A. Yes.

21 Q. And you believe you were just [REDACTED]

22 [REDACTED]

?

1 A. I mean, I'm completely sure about the

2 [REDACTED].

3 Q. And when you say the [REDACTED], which one
4 do you mean?

5 A. That is, sorry, [REDACTED]

6 [REDACTED]

7 Q. Okay. Okay. It's stamped -- all the
8 pages are stamped as [REDACTED]?

9 A. My fault.

10 Q. I don't think -- I don't think it's going
11 to be that consequential. No, it's no problem.

12 But let me just start with Exhibit 9,

13 [REDACTED], we agree is an e-mail string

14 including [REDACTED]

15 [REDACTED], right?

16 A. Yes.

17 Q. And in each of those e-mails, [REDACTED]

18 [REDACTED] is that right?

19 A. Yes.

20 Q. And in each of those e-mails, [REDACTED]

21 [REDACTED]

22 [REDACTED] is that right?

1 A. Yes.

2 Q. Okay. [REDACTED]

■

■

[REDACTED] correct?

5 A. Yes. Business as usual at that time
6 point, yes.

7 Q. [REDACTED]

■

■

[REDACTED] is that right?

10 A. Yes.

11 Q. And you wrote:

12 [REDACTED]

■

■

15 Do you see that?

16 A. Yes.

17 Q. [REDACTED]

■

[REDACTED] is that right?

19 A. Yes.

20 Q. Okay. And nowhere in this exhibit,
21 Exhibit 9, [REDACTED] is Dr. Jensen's role in
22 [REDACTED] described; is

1 that right?

2 MS. WU: Objection. Form.

3 THE WITNESS: I believe you're right

4 because [REDACTED],

5 [REDACTED]

■ [REDACTED]

■ [REDACTED].

8 [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

15 BY MR. ANSTAETT:

16 Q. Okay. Fair enough.

17 Let's see [REDACTED].

18 (Exhibit 10 is received and marked

19 for identification and is attached

20 hereto.)

21 BY MR. ANSTAETT:

22 Q. And what we've marked as Exhibit 10 is

1 what is referred to as [REDACTED]

2 [REDACTED]; is that right?

3 A. Yes.

4 Q. Okay. And this is the [REDACTED]

5 [REDACTED]

6 [REDACTED] is that right?

7 A. Yes.

8 Q. And just as with the e-mail in

9 [REDACTED] Exhibit 10 here, nowhere does [REDACTED]

10 [REDACTED] describe Dr. Jensen's role in designing

11 [REDACTED]; is that right?

12 A. As part of [REDACTED], [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 But I mean, [REDACTED]

19 [REDACTED]

20 [REDACTED] So

21 this is, you can say, the result of what was going

22 on [REDACTED].

1 MR. ANSTAETT: Okay. Let's mark the next
2 exhibit. This is a big one.

3 (Exhibit 11 is received and marked
4 for identification and is attached
5 hereto.)

6 BY MR. ANSTAETT:

7 Q. So what we marked as Exhibit 11 is [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Do you see that?

11 A. Yes.

12 Q. Okay. So in paragraph 9 of your
13 declaration, you say:

14 "[REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Do you see that?

22 A. Yes.

1 Q. All right. And in paragraph 9, [REDACTED]

2 [REDACTED]

3 [REDACTED]; is that right?

4 MS. WU: Objection. Form.

5 THE WITNESS: I mean, the two numbers
6 correspond.

7 BY MR. ANSTAETT:

8 Q. Right. It's fair to say that again

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] right?

12 A. That would -- [REDACTED] never
13 do, no.

14 Q. Okay. And in paragraph 12 of your
15 declaration, if you could take a look at that, [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] Strike that.

19 You say -- I'll just read the whole
20 sentence. You say:

21 [REDACTED]

22 [REDACTED]

1 [REDACTED] ."

2 Right?

3 A. Correct.

4 Q. Was that your role?

5 A. At that time point, I was the lead, you
6 can say, because there we had other clinical
7 pharmacology specialists on board. So yes, I was
8 involved.

9 Q. Okay. And then you say:

10 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

16 Do you see that?

17 A. Yes.

18 Q. Okay. And you don't cite anything for the
19 proposition that it was [REDACTED]

[REDACTED]

[REDACTED] right, in your declaration?

22 A. Maybe I misunderstood you but that is

1 exactly what I say here, that she was the -- as per
2 her role in the project, [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

6 Q. And I completely understand that that is
7 what your declaration says.

8 A. Yes, yes.

9 Q. But you haven't cited a document
10 corroborating that in your declaration. Is that
11 fair to say?

12 A. No. [REDACTED]

■ [REDACTED]

14 Q. Right. But there is no document cited for
15 this proposition in your declaration. You're
16 testifying that [REDACTED]

■ [REDACTED]; do I understand that
18 correctly?

19 A. Yes.

20 Q. Okay. Okay. Then in paragraph 13 of your
21 declaration, [REDACTED], which you
22 describe as [REDACTED]

1 [REDACTED]

2 is that right?

3 A. Yes.

4 Q. Okay. Let's give you that.

5 (Exhibit 12 is received and marked
6 for identification and is attached
7 hereto.)

8 BY MR. ANSTAETT:

9 Q. So we've marked as Exhibit 12 [REDACTED]
[REDACTED]; is that
11 right?

12 A. Yes, correct.

13 Q. Okay. If we look at Exhibit 12,

14 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]; is that right?

1 MS. WU: Objection. Form.

2 THE WITNESS: Business as usual as per

3 [REDACTED], yes.

4 BY MR. ANSTAETT:

5 Q. Okay. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

10 A. Correct.

11 Q. Okay. [REDACTED]

■ [REDACTED]

■ [REDACTED]

14 A. Correct.

15 Q. Okay. And [REDACTED] was an open
16 label trial, right?

17 A. Correct.

18 Q. And for the record, what is an open label
19 trial?

20 A. That is investigator and subject and
21 sponsor and everybody knows who is getting the
22 active drug.

1 Q. Okay. There is no blinding?

2 A. There is no blinding.

3 Q. Okay. And there was also no control
4 group?

5 A. Actually, I have to say that when we are
6 [REDACTED], there
7 would be blinding. But who was getting what, that
8 is unblinded, yes.

9 Q. And when you say the PK, you're referring
10 to the pharmacokinetic data?

11 A. The pharmacokinetic data of [REDACTED]
12 [REDACTED]. They were reviewed in a blinded
13 session.

14 Q. Of [REDACTED]?

15 A. Yes.

16 Q. Okay. There was also no control group in
17 [REDACTED]; is that right?

18 A. That is correct.

19 Q. Okay. [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 A. [REDACTED]

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Q. Okay. And reduction of HbA1c and reduction of weight were exploratory endpoints in this trial; is that right?

MS. WU: Objection. Scope.

THE WITNESS: It is correct, as per protocol.

BY MR. ANSTAETT:

Q. Okay. And what is an exploratory endpoint in a clinical trial?

A. It is something -- a parameter that is basically not powered to be, you can say, have the power to be analyzed as a primary endpoint.

And

this would, per definition, not be in scope for power calculations.

Q. When you say would not be in scope, you're saying doing a statistical calculation for the

1 pharmacodynamic endpoints, is that right, of
2 efficacy and tolerability?

3 MS. WU: Objection. Form.

4 THE WITNESS: Correct, that it was not
5 done for these parameters, yes.

6 BY MR. ANSTAETT:

7 Q. Okay. And that is why the non-PK
8 endpoints [REDACTED] were exploratory in
9 nature; is that fair to say?

10 MS. WU: Objection to form.

11 THE WITNESS: It is, yeah, a natural
12 follow-on from that, so not everything. I mean,
13 you can only define one as a primary. So, by
14 nature, it cannot be other.

15 BY MR. ANSTAETT:

16 Q. And you would agree, I think, that the
17 [REDACTED] was not designed to evaluate the effect
18 of Semaglutide on pharmacodynamic endpoints like
19 reduction in body weight and HbA1c, correct?

20 MS. WU: Objection. Form and scope.

21 THE WITNESS: I mean, you can say as per
22 trial design, as has already been said several

Page 105

1 times, that it was set up to analyze the primary
2 endpoint. And you can say the other parameters was
3 things that we could evaluate at the same time, but
4 it was not powered to do so.

5 BY MR. ANSTAETT:

6 Q. Okay.

7 A. I mean, it was not powered to take firm
8 conclusions on these parameters, but it [REDACTED]

9 [REDACTED].

10 Q. Okay.

11 MS. WU: Dave, do you think we're at a
12 point where we can make a natural stopping point?

13 MR. ANSTAETT: Yeah, yeah, we can take a
14 break.

15 MS. WU: We've been going for about an
16 hour. Let's do a quick break.

17 (Recess was taken.)

18 BY MR. ANSTAETT:

19 Q. So I'm going to ask you, Dr. Flint, to
20 look at Exhibit 2 again, which is your declaration.
21 If you look at paragraph 13 near the very end, one
22 of the things you say in that paragraph is that you

1 recall thinking that:

2 "... [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

8 Do you see that?

9 A. Yes.

10 Q. What did you mean by that exactly?

11 A. Looking at the [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED].

16 Q. Okay. One of the things I didn't
17 understand was I thought that one of the inclusion
18 criteria for [REDACTED] was that the patients
19 had to be on stable treatment of diabetes, either
20 diet and exercise only or a stable dose level of
21 metformin, for at least three months; is that
22 right?

1 MS. WU: Objection to form.

2 THE WITNESS: To the best of my
3 recollection, yes, I believe that the -- in an
4 inclusion criteria resembled this.

5 BY MR. ANSTAETT:

6 Q. That was one of the inclusion criteria,
7 right?

8 A. Yeah.

9 Q. And so when you say that [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 MS. WU: Objection to form.

18 THE WITNESS: You can say it's a matter
19 of, yeah, avoiding, of course. But we included
20 subjects that was on metformin but not -- I mean,
21 we didn't impose diet and exercise, you can say
22 regimen, on top of the treatment. [REDACTED]

1

2 BY MR. ANSTAETT:

3 Q. Okay. But I just want to pursue it a
4 little bit so I understand it.5 If you look at the big [REDACTED] I
6 think we marked it as maybe 11, the trial results.

7 A. Yes.

8 Q. So if you look at page 31, and listed
9 there are the inclusion criteria. And number 5 is:

10

" [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]."

13 Right?

14 A. Correct.

15 Q. So the patients who were in this trial
16 already had -- well, let me ask you this: What
17 does stable treatment of diabetes, either diet and
18 exercise only or a stable dose level of metformin
19 for at least three months mean to you, that
20 inclusion criteria?21 A. If I understand you correctly, this stable
22 dose of metformin would be a consideration of the

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1 investigator that this person had been on the same
2 dose of metformin for three months.

3 Q. Right. And so to be in this trial at all,
4 you had to -- your diabetes had to be subject to
5 stable treatment either via metformin or diet and
6 exercise, right?

7 A. [REDACTED], for at least
8 three months, yes.

9 Q. Okay. So then I still am having trouble
10 understanding [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] MS. WU: Objection. Form.

17 THE WITNESS: You can say that in the
18 [REDACTED], you would typically both be
19 obliged to both do the active treatment of the
20 medication, or your drug and scope, and the diet
21 and exercise, counsel-ation along the way. And we
22 [REDACTED]. So those being on diet and

Page 110

1 exercise, they were continuing on diet and exercise
2 on their own, you can say. The ones being on
3 metformin, they were not counseled in addition to
4 that with diet and exercise.

5 BY MR. ANSTAETT:

6 Q. But they had -- according to the inclusion
7 criteria, they did have to be on stable treatment
8 of diabetes for at least three months either
9 through metformin or diet and exercise in [REDACTED]
[REDACTED], right?

11 A. Stable diabetes treatment, yes.

12 Q. Okay. All right. I'm sorry, I want to
13 turn you back to [REDACTED] which we marked
14 today as Exhibit 8. [REDACTED]
[REDACTED]

16 A. Yes.

17 Q. So if you look at page -- sorry, page 4 of
18 the exhibit, and there is a section there on page 4
19 with the heading [REDACTED]." Do you
20 see that?

21 A. Yes.

22 Q. [REDACTED]

Page 111

1

■

■

4

Do you see that?

5

A. Yes.

6

MS. WU: Objection. Form and scope.

7

BY MR. ANSTAETT:

8

Q. ■

■

■

11

Do you see that?

12

MS. WU: Objection. Scope.

13

THE WITNESS: I can see the text, yes.

14

BY MR. ANSTAETT:

15

Q. Okay. ■

■

■

■

■

20

Do you see that?

21

A. I see this, yes.

22

Q. Okay. ■

1

■

■

■

■

■

7

MS. WU: Objection. Form and scope.

8

THE WITNESS: It resonates with the text

9

here, yes.

10

BY MR. ANSTAETT:

11

Q. Okay.

■

13

MS. WU: Objection. Scope.

14

THE WITNESS: ■ ■ .

15

///

16

BY MR. ANSTAETT:

17

Q. ■

■

19

Q. Okay.

■

■

22

A. ■

1

2

Q. Okay. The

■

, right?

4

A. Yes.

5

Q. And that was designed

■

■

is that right?

8

A. Correct.

9

Q. Okay.

■

■

■

■

is that right?

14

MS. WU: Objection. Form and scope.

15

THE WITNESS: I would say at that time

16

point, we hadn't

17

as such.

18

///

19

BY MR. ANSTAETT:

20

Q. You hadn't discussed that

21

?

22

MS. WU: Objection. Form and scope.

1 THE WITNESS: You can say yeah. It is
2 outside the scope of what I've stated, but we
3 had -- we had not discussed that explicitly for the

4 [REDACTED]

5 BY MR. ANSTAETT:

6 Q. Before --

7 A. [REDACTED].

8 Q. [REDACTED] Sorry, I didn't
9 mean to talk over you.

10 A. No. Sorry.

11 Q. [REDACTED],
12 you [REDACTED]

[REDACTED]

[REDACTED]?

15 MS. WU: Objection. Form, scope.

16 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 But, I mean, based on this input from the
2 FDA, [REDACTED]
3 [REDACTED], yes.

4 BY MR. ANSTAETT:

5 Q. Okay. All right. Well, why don't we take
6 another short break, but I think we may be done.

7 A. We are done?

8 Q. I'm going to take a break.

9 A. Oh, you're going to take a break. Yeah,
10 that's fine.

11 (Recess was taken.)

12 MR. ANSTAETT: We don't have any more
13 questions. I don't know if Jenny has any
14 questions.

15 MS. WU: Would it be possible for -- I
16 think we could just take a -- I didn't realize. If
17 we could just take a break, we'll confer and see if
18 we have anything else we want to do, and otherwise
19 we can wrap up.

20 MR. ANSTAETT: Yeah, sure.

21 (Recess was taken.)

22 MR. ANSTAETT: So we have no further

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1 questions for Dr. Flint. Thank you for taking the
2 time to come today.

3 THE WITNESS: No problem.

4 MS. WU: We have no other questions
5 either.

6 Thank you, Dr. Flint.

7 THE WITNESS: Thank you.

8 (Whereupon, the deposition was
9 concluded at 1:21 p.m. GMT)

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1 REPORTER'S CERTIFICATE

2 I, ANA MARIA GALLEGOS, RPR, CLR, CA CSR
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4 certify that the testimony of the witness, ANNE
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20 Ana Maria Gallegos, RPR, CLR, CSR

21 CA CSR #9246, NM CCR #190

22 Dated: 03/21/2024

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1 Dr. Anne Flint, c/o
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2 565 Fifth Avenue, Suite 2900
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3
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9 Witness Name: Dr. Anne Flint

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