

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.)
_____)

CONFIDENTIAL UNDER THE PROTECTIVE ORDER

DEPOSITION OF: CHRISTINE BJØRN JENSEN
London, United Kingdom
Friday, March 22, 2024
9:15 a.m.

Reported by:
Matthew J. Martinez, Registered Professional Reporter
Certified Shorthand Reporter No. 13208 (CA)

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

1 Deposition of CHRISTINE BJØRN JENSEN, taken on
2 behalf of the Petitioner, at 3 New Street Square,
3 London, EC4A 3BF, United Kingdom, beginning at 9:15 a.m.
4 and ending at 1:19 p.m., on Friday, March 22, 2024,
5 before Matthew J. Martinez, Registered Professional
6 Reporter, Certified Shorthand Reporter No. 13208.

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

2 For the Petitioner:

3 Perkins Coie LLP

4 BY: DAVID L. ANSTAETT, ESQ.

5 --AND--

6 BY: AARON SCHINDLER, ESQ.

7 --AND--

8 BY: BRANDON M. WHITE

33 East Main Street

9 Suite 201

Madison, Wisconsin 53703-3095

10 Tel: 608.663.7460

DAnstaett@perkinscoie.com

11 ASchindler@perkinscoie.com

BMWhite@perkinscoie.com

12

For the Patent Owner:

13 Groombridge Wu Baughman & Stone ALPC

BY: J. STEVEN BAUGHMAN, ESQ.

14 801 17th Steet Northwest

Suite 1050

15 Washington DC 20006

Tel: 202.505.5832

16 steve.baughman@groombridgewu.com

-- AND--

17 BY: JENNIFER H. WU, ESQ.

--AND--

18 BY: JOSHUA REICH, ESQ.

565 Fifth Avenue

19 Suite 2900

New York, NY 10017

20 jennifer.wu@groombridgewu.com

joshua.reich@groombridgewu.com

21

Also Present:

22 Chloe Jiang, Novo Nordisk

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12	16	Novo Nordisk [REDACTED]	[REDACTED]
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1 London, United Kingdom; Friday, March 22, 2024

2 9:15 a.m.

3 ---0---

4

5 THE COURT REPORTER: Raise your right hand,
6 please.

7 You do solemnly swear or affirm that the evidence
8 you shall give in this matter shall be the truth, the
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11

12 CHRISTINE BJØRN JENSEN,
13 herein produced as a witness, having been first duly
14 sworn, testified as follows:

15

16 EXAMINATION

17 BY MR. ANSTAETT:

18 Q Good Morning, Dr. Jensen. It's nice to you
19 see you again.

20 Can you state your name for the record?

21 A Christine Bjørn Jensen.

22 Q And I know we've been over these rules many

1 times, but I'll do it again just briefly.

2 I'm going to do my best to ask clear questions
3 today, but if at some point I ask a question that you
4 don't understand, please let me know and I'll try to
5 rephrase it.

6 Okay?

7 A Okay.

8 Q And we have to give -- you have to give verbal
9 answers. We'll try not to talk over each other.

10 Your counsel may object from time to time, but
11 unless he instructs you not to answer a question, you
12 should go ahead and answer the question notwithstanding
13 the objection.

14 And if at any point today you want to take a break,
15 just let me know and we can do that.

16 Okay?

17 A Okay.

18 Q All right. Terrific.

19 MR. ANSTAETT: Can I get the video deposition
20 notice. That's Exhibit 1.

21 (Deposition Exhibit 1 was marked
22 for identification.)

1 BY MR. ANSTAETT:

2 Q So the court reporter has handed you what
3 we've marked as Exhibit 1, which is a deposition notice.

4 Do you understand that you're here today to provide
5 sworn testimony in a proceeding taking place before the
6 United States Patent Trial and Appeal Board?

7 A Yes.

8 Q All right. And you submitted a declaration in
9 these proceedings concerning certain of your activities
10 related to the development of semaglutide; is that
11 right?

12 A Correct.

13 MR. ANSTAETT: Okay. And then we'll mark this
14 as Exhibit 2.

15 (Deposition Exhibit 2 was marked
16 for identification.)

17 BY MR. ANSTAETT:

18 Q Do you recall I took your deposition in
19 November 2023 in related district court litigation?

20 A Yes.

21 Q Okay. We've marked as Exhibit 2 the
22 transcript of that deposition, and I'm just giving it to

1 you now just in case we need to look at it at some point
2 today, but you don't need to look at it now.

3 Okay?

4 A Yes.

5 Q All right. Now, do you recall at the
6 beginning of that deposition in November 2023 you swore
7 an oath to provide truthful testimony?

8 A I do.

9 Q Okay. And did you review that deposition
10 transcript in preparing for today's deposition?

11 A Yes.

12 Q Okay. Who's your current employer?

13 A Novo Nordisk.

14 Q And your current position?

15 A I'm a senior alliance director.

16 Q All right. And I understand you joined
17 Novo Nordisk in September 2007?

18 A That's correct.

19 Q Okay. And when you joined Novo Nordisk, you
20 were not very familiar with GLP-1 receptor agonists.

21 Is that fair to say?

22 MR. BAUGHMAN: Object to the form.

1 THE WITNESS: That's correct.

2 BY MR. ANSTAETT:

3 Q Okay. And you had not heard of semaglutide
4 before you joined Novo Nordisk in September 2007; is
5 that correct?

6 A That's correct.

7 Q And by the time you joined Novo Nordisk, a
8 Phase 1 study of semaglutide was already underway and
9 nearing completion; is that right?

10 A That's correct.

11 Q And you were not -- you were not involved in
12 the invention of the semaglutide compound itself; is
13 that right?

14 A That's correct.

15 Q And you can't identify semaglutide by looking
16 at its chemical structure, correct?

17 A That's correct.

18 Q Okay. And before you joined Novo Nordisk in
19 September 2007, you had never designed a clinical trial
20 for a pharmaceutical product; is that right?

21 A That's correct.

22 Q Okay. Do you know Anne Flint?

1 A I do.

2 Q How do you know Anne Flint?

3 A She used to be my colleague.

4 Q At Novo Nordisk?

5 A At Novo Nordisk.

6 Q Okay. Are you aware that Dr. Flint submitted
7 a declaration in these proceedings?

8 A Yes.

9 Q Okay. Have you seen Dr. Flint's declaration?

10 A No.

11 Q Okay. Have you spoken with Dr. Flint about
12 her declaration?

13 A No.

14 Q Did you review Dr. Flint's deposition
15 transcript in these proceedings?

16 A No.

17 Q Okay. And aside from your lawyers -- and I
18 don't want to hear about any conversations you had with
19 your lawyers -- did you speak with anyone else about
20 your declaration?

21 A No.

22 Q All right. So what we've marked as Exhibit 3

1 is -- excuse me -- the declaration that you submitted in
2 these proceedings. And I'll just give you a moment to
3 look it over, if you'd like, but I'll just ask you to
4 confirm that.

5 Can you confirm that Exhibit 3, which was marked as
6 Exhibit 2050 in the IPR, is your declaration?

7 A Yes.

8 (Deposition Exhibit 3 was marked
9 for identification.)

10 BY MR. ANSTAETT:

11 Q All right. And you signed your declaration on
12 January 17, 2024; is that right?

13 A Yes, I can see that.

14 Q Okay. And when were you first contacted about
15 submitting a declaration in this proceeding?

16 A I don't remember.

17 Q Okay. Do you remember who contacted you?

18 A One of the lawyers.

19 Q Okay. How did you prepare the declaration?

20 A So this was -- I mean, since this is a legal
21 document, I would not know the format of it. So I
22 essentially provided the story and then I reviewed how

1 it came out and made sure that it was correct to the
2 best of my knowledge and...

3 Q Okay. The events you described in your
4 declaration took place about 12 to 15 years ago; is that
5 right?

6 A Yes.

7 Q Did you have difficulty recalling events that
8 took place that long ago?

9 A Yes.

10 Q Okay. Did you review documents to refresh
11 your recollection about the events that took place
12 during that time frame?

13 A So this declaration came after preparing for
14 the first deposition, so during that first deposition we
15 reviewed many documents, including those that went --
16 naturally went into this.

17 Q Okay. Did you review -- did you review
18 additional documents in preparing your declaration
19 beyond the ones that you had reviewed in preparation for
20 your November 2023 deposition?

21 A I don't think so.

22 Q Okay. And you've attached certain documents

1 to your declaration as exhibits; is that right?

2 A Yes.

3 Q Okay. And in preparing your declaration, did
4 you review any documents that are not cited as exhibits
5 in your declaration?

6 A Probably.

7 Q Okay. Do you recall what documents those
8 were?

9 A No.

10 Q Okay. How did you select the documents that
11 you cited as exhibits in your declaration?

12 A Those are the ones that are the most essential
13 documents pertaining to the invention.

14 Q All right. Were the documents provided to you
15 by Novo's lawyers?

16 A No.

17 Q Okay. How did you -- how did you obtain them?

18 A They were obtained from -- most of them from
19 my own laptop in the course of collecting evidence for
20 this trial.

21 Q Okay. But -- I guess what I want -- I
22 understand that's the original source, but when you were

1 putting together your declaration, how did you go about
2 obtaining the documents that are cited as exhibits?

3 A I'm not sure I understand the question.

4 Q When you were preparing your declaration, did
5 you go back through your computer and find these
6 documents, or were they given to you by the lawyers when
7 you were preparing your declaration?

8 A Yeah, by that time, they probably had a better
9 overview of what the documents were than I did.

10 Q Okay. By "they," you're referring to Novo's
11 lawyers?

12 A Yes.

13 Q Okay. Do you recall if the lawyers provided
14 you documents that are not cited in your declaration?

15 A I don't remember.

16 Q Okay. In preparing for your deposition today,
17 did you review any documents that are not cited as
18 exhibits in your declaration?

19 A Yes.

20 Q What did you review that is -- that's not
21 cited as an exhibit to your declaration?

22 MR. BAUGHMAN: I'm going to object on the

1 basis of privilege. If you want to ask about individual
2 documents, I think that's appropriate, but the
3 collection of documents, I would assert privilege.

4 So I instruct you not to answer that question.

5 THE WITNESS: Okay.

6 BY MR. ANSTAETT:

7 Q Okay. So after arriving at Novo Nordisk in
8 September of 2007, you helped design a Phase 2
9 dose-finding study of semaglutide in Type 2 diabetes,
10 known as Trial NN9535-1821, or the 1821 trial; is that
11 right?

12 MR. BAUGHMAN: Object to the form.

13 THE WITNESS: Correct.

14 BY MR. ANSTAETT:

15 Q Okay. And that trial tested several
16 once-weekly doses of semaglutide, including once-weekly
17 doses of 0.4 and 0.8 milligrams; is that right?

18 A That's correct.

19 Q Okay. And the trial also included
20 dose-escalated regimens with titrated treatment doses of
21 0.8 and 1.6 milligrams; is that right?

22 A That's correct.

1 Q Okay. But the 1821 trial did not include
2 0.25, 0.1, and 1.0 milligram doses of semaglutide;
3 right?

4 A That's correct.

5 Q Okay. And you and your colleagues at
6 Novo Nordisk received the results of the 1821 trial by
7 [REDACTED] is that right?

8 MR. BAUGHMAN: Object to the form.

9 THE WITNESS: I'll have to check the exact
10 date, but I'm --

11 BY MR. ANSTAETT:

12 Q Sure.

13 I think it's in Paragraph 12 of your declaration,
14 but feel free to look at whatever you need to.

15 A Could you say the date again?

16 Q Yes. [REDACTED]

17 A That's correct.

18 Q Okay.

19 MR. ANSTAETT: This is Exhibit 4.

20 (Deposition Exhibit 4 was marked
21 for identification.)

22 BY MR. ANSTAETT:

1 Q So we've marked as Exhibit 4 U.S. Patent
2 Number 10,355,462, which I'll refer to today as the '462
3 patent.

4 Okay?

5 A Yes.

6 Q And you're the sole-named inventor on the '462
7 patent, correct?

8 A That's correct.

9 Q All right. And if you look the Claim 1, which
10 is at the very back of the patent, Claim 1 recites, "A
11 method for treating Type 2 diabetes comprising of
12 administering semaglutide once weekly in an amount of
13 1.0 milligram to a subject in need thereof."

14 Do you see that?

15 A I do.

16 Q All right. Now, Claim 1 does not mention any
17 particular balance of tolerability and efficacy in
18 treating Type 2 diabetes.

19 Do you agree with that?

20 A That's correct.

21 Q All right. And then if you -- I'm sorry, I'm
22 going to have you hop around between documents today,

1 but if you'll look at Paragraph 6 in your declaration.

2 In Paragraph 6 of your declaration, Exhibit 3, also
3 Exhibit 2050, you say in the last sentence of that
4 paragraph that you proposed the [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A That's what it says.

9 Q All right. And in Paragraph 7 of your
10 declaration, [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A Yes.

14 Q All right. In fact, you were not the first
15 person at Novo Nordisk [REDACTED]

16 [REDACTED]

17 [REDACTED] correct?

18 MR. BAUGHMAN: Object to the form.

19 THE WITNESS: I think [REDACTED]

20 [REDACTED]

21 [REDACTED].

22 BY MR. ANSTAETT:

1 Q And among those suggestions was a suggestion
2 to potentially [REDACTED]

3 [REDACTED] correct?

4 A I think it was suggested at [REDACTED]

5 [REDACTED].

6 Q Okay. And suggested by [REDACTED]

7 [REDACTED] is that right?

8 A Yes.

9 Q Okay. And after receiving the results of the
10 1821 trial in [REDACTED] it was [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] is that right?

14 MR. BAUGHMAN: Object to the form.

15 THE WITNESS: Can you state that again?

16 BY MR. ANSTAETT:

17 Q Sure.

18 After receiving the results of the 1821 trial in

19 [REDACTED], it was one of your [REDACTED]

20 [REDACTED]

21 [REDACTED]?

22 MR. BAUGHMAN: Object to the form.

1 THE WITNESS: I don't remember.

2 (Deposition Exhibit 5 was marked
3 for identification.)

4 BY MR. ANSTAETT:

5 Q Okay. So what we've marked as Exhibit 5 is
6 [REDACTED].

7 Do you see that?

8 A Yes.

9 Q All right. And you -- you describe, and,
10 again, I apologize for asking you to hop back and forth.
11 I don't know that you actually need to do it, but [REDACTED]

[REDACTED]

[REDACTED]

14 Do you see that?

15 A Was that a question?

16 Q Yes.

17 A What was the question?

18 Q Oh, I'm sorry.

19 In -- [REDACTED]

[REDACTED]; is that right?

21 A Correct.

22 Q Okay. And [REDACTED]

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A Yes.

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Q

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A Yes.

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Q All right.

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A Yes.

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A That's correct.

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Q Okay.

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me. Let me ask that again.

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A I don't think so.

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Q Okay. And you don't know who the members of

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that committee were in ■■■■■; is that right?

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A I knew back then, but I don't remember that

13

anymore.

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Q Okay.

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1 [REDACTED]

2 Do you see that?

3 A Yes.

4 Q [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

11 Do you see that?

12 A Yes.

13 Q And you're CBJJ, correct?

14 A That's correct.

15 Q So in this e-mail Dr. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] es, correct?

19 MR. BAUGHMAN: Object to the form.

20 THE WITNESS: Yes, he's -- well, I don't know

21 if he's doing that, but he's asking me to look into the

[REDACTED]

1 BY MR. ANSTAETT:

2 Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 A I didn't have when I saw it the first time.

16 Q Okay.

17 A Back in November.

18 Q Okay. And you don't remember whether or not

19 you looked into the [REDACTED]

[REDACTED]

[REDACTED] correct?

22 MR. BAUGHMAN: Object to the form.

1 THE WITNESS: No, but I'm pretty certain that
2 I also told you that I -- I mean, I would have looked
3 into it because that's -- I mean, there's no reason why
4 I should not look into it.

5 BY MR. ANSTAETT:

6 Q But you don't remember doing that, right?

7 A No.

8 Q And you haven't attached anything to your
9 declaration showing that you did that, correct?

10 A No.

11 Q Okay. And you don't remember responding to
12 [REDACTED] correct?

13 MR. BAUGHMAN: Object to the form.

14 THE WITNESS: I don't remember what I did.

15 BY MR. ANSTAETT:

16 Q Okay. And you don't remember if you had ever
17 considered using [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 MR. BAUGHMAN: Object to the form.

21 THE WITNESS: No, there are many things I
22 don't remember, that including.

1 BY MR. ANSTAETT:

2 Q That including?

3 A Yes, I don't remember.

4 Q Okay.

5 A It could have happened. I don't know.

6 Q Okay. Are you aware of any other discussions

7 within Novo Nordisk [REDACTED]

8 [REDACTED]
9 [REDACTED]?

10 MR. BAUGHMAN: Object to the form.

11 THE WITNESS: I'm not aware.

12 BY MR. ANSTAETT:

13 Q Okay.

14 MR. ANSTAETT: Can we go off the record for a
15 second?

16 (Discussion off the record.)

17 MR. ANSTAETT: We can go back on.

18 (Deposition Exhibit 6 was marked
19 for identification.)

20 (Deposition Exhibit 7 was marked
21 for identification.)

22 BY MR. ANSTAETT:

1 Q So the court reporter has handed you what
2 we've marked as Exhibits 6 and 7, and they've been
3 produced in the district court litigations.

4 Counsel and I have had a discussion about using
5 them in -- in the IPR. They're marked as confidential
6 under the protective order, and that should be
7 understood to apply to the IPR protective order as well.

8 Okay. Exhibit 6 is an e-mail to a number of
9 people, including you, from Dr. Zdravkovic dated
10 June 17th, 2009.

11 Do you see that?

12 A Yes.

13 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]

Row	Category	Value (approx. %)
1	Category 1	10
2	Category 2	85
3	Category 3	35
4	Category 4	15
5	Category 5	90
6	Category 6	75
7	Category 7	30
8	Category 8	95
9	Category 9	25
10	Category 10	100
11	Category 11	80
12	Category 12	85
13	Category 13	95
14	Category 14	88
15	Category 15	75
16	Category 16	40
17	Category 17	20
18	Category 18	100
19	Category 19	98
20	Category 20	70

1 A [REDACTED]

2 Q Okay. Do you recall in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 A I don't remember it. But I've since reviewed

8 the documents, so I can see that that's what we did.

9 Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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202-232-0646

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20

MR. BAUGHMAN: Object to the form.

21

THE WITNESS: I can see that, yes.

22

BY MR. ANSTAETT:

A horizontal bar chart titled "Percentage of respondents who believe that the U.S. should take action to address climate change." The chart displays data for two main categories: "All respondents" and "U.S. adults", each further broken down by "Age group" and "Gender". The x-axis represents the percentage, ranging from 0 to 100. The y-axis lists the categories. The bars are color-coded: blue for "All respondents", green for "U.S. adults", and red for "U.S. adults" (Note: the original image has a red bar for "U.S. adults" which is not explicitly labeled in the legend, but it is the only red bar). The data shows that a majority of respondents believe the U.S. should take action to address climate change, with the highest percentages among U.S. adults aged 18-29 and 30-49.

Category	Age group	Gender	Percentage
All respondents	18-29	Male	78%
		Female	75%
	30-49	Male	72%
		Female	70%
50-69	Male	65%	
	Female	63%	
70+	Male	58%	
	Female	55%	
U.S. adults	18-29	Male	82%
		Female	79%
	30-49	Male	76%
		Female	74%
50-69	Male	68%	
	Female	66%	
70+	Male	60%	
	Female	57%	

19 THE WITNESS: I mean, that would be intuitive.

21 Q [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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MR. BAUGHMAN: Object to the form.

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BY MR. ANSTAETT:

14

Q Okay. And then if I can turn you back to your

15

declaration.

16

If you'll look at Paragraph 17 of your declaration,

17

and ■ in that paragraph.

18

Do you see that?

19

A Yes.

20

Q All right. We've marked as Exhibit 8 ■

■

■

And then

22

in Paragraph 17, ■

1 [REDACTED]
2 [REDACTED]; is that right?

3 A Yes.

4 (Deposition Exhibit 8 was marked
5 for identification.)

6 BY MR. ANSTAETT:

7 Q All right. And do you believe that you
8 authored this document?

9 A Yes, at least -- I mean, most of the slides.

10 Q Okay. Did you review it in preparation for
11 your deposition today?

12 A Yes.

13 Q Okay. And then if you look at Page 9 -- and
14 here I'm referring to the page numbers that are kind of
15 in the bottom kind of the left-hand corner.

16 A So this one?

17 Q Yeah, exactly.

18 MR. BAUGHMAN: Do you mean right?

19 MR. ANSTAETT: Yes. I mean right, yeah.

20 MR. BAUGHMAN: Sorry.

21 BY MR. ANSTAETT:

22 Q What do we see on Page 9, please?

1

[REDACTED]

3

[REDACTED]

[REDACTED]

[REDACTED]

7

[REDACTED]

[REDACTED]

10

A Yes.

11

Q Okay. And on the X-axis there, [REDACTED]

[REDACTED]

13

A Yes.

14

Q And then on the Y-axis, [REDACTED]

[REDACTED]

16

A Yes.

17

Q All right. And on the right-hand side of the

18

slide, there are some [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], right?

22

A Yes.

1 Q All right. And so, for example, [REDACTED]

[REDACTED]

[REDACTED] correct?

4 A That's how I understand it.

5 Q Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] is that right?

9 MR. BAUGHMAN: Object to the form.

10 THE WITNESS: Yes, that's how I understand it.

11 BY MR. ANSTAETT:

12 Q Okay. And if I wanted to determine the

13 percent reduction in Hb1 -- HbA1c relative to placebo

14 for a 1.0 milligram once-weekly semaglutide dose, [REDACTED]

[REDACTED] how

16 would I go about doing that?

17 A Yeah, so you may not want to use this as the

18 only basis because it's [REDACTED]

[REDACTED]. But,

20 in principle, you would find 1 milligram on the X-axis

21 and then find the corresponding change in HbA1c on the

22 Y-axis.

1 Q Okay. So you can just essentially read it
2 from [REDACTED]; is that right?

3 MR. BAUGHMAN: Object to the form.

4 THE WITNESS: I mean, that's the idea of
5 producing it, that you want to extrapolate between
6 doses.

7 BY MR. ANSTAETT:

8 Q Okay. Okay. You can set that aside.

9 So I'm giving you what we've marked as Exhibit 9
10 today, and which was previously marked as
11 Jensen Deposition Exhibit 15 when you were deposed in
12 the district court litigation in November of 2023.

13 And as far as I can tell, this is a document that
14 is not cited in your declaration; is that right?

15 A That's correct.

16 (Deposition Exhibit 9 was marked
17 for identification.)

18 BY MR. ANSTAETT:

19 Q Okay. And did you review this document in
20 preparing for your deposition today?

21 A No.

22 Q Okay. [REDACTED]

1 is that right?

2 A Yes.

3 Q And DPcomm stands for [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]; is that right?

7 A Yes.

8 Q All right. And this document indicates that

9 [REDACTED] is that right?

10 A Yes.

11 Q And you don't recall who at Novo Nordisk

12 remembers a DPComm in this time frame of [REDACTED]

13 [REDACTED]; is that also right?

14 A That's correct.

15 Q And you were not a member of DPComm, correct?

16 A [REDACTED]

17 Q And it's your belief that Niklas Öhrner

18 authored this [REDACTED]; is that right?

19 A So he would have -- at least he would have
20 been collecting the information from the project to put
21 in, but most likely he would have prepared it.

22 Q Okay. And Niklas Öhrner was the semaglutide

1 product vice president in [REDACTED], correct?

2 A That's how I remember it.

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q Okay. And your belief is that this [REDACTED]

7 [REDACTED] was prepared [REDACTED]

8 meeting date; is that right?

9 MR. BAUGHMAN: Object to the form.

10 THE WITNESS: Could you say that again?

11 BY MR. ANSTAETT:

12 Q Sure.

13 Your belief is that this [REDACTED] was

14 prepared after the [REDACTED].

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. BAUGHMAN: Object to the form.

19 THE WITNESS: I think you're referring back to

20 the discussion we had in November.

21 BY MR. ANSTAETT:

22 Q Correct.

1

1



1

1



21

Q

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 BY MR. ANSTAETT:

20 Q Okay. Okay. You can set that aside.

21 So the court reporter has handed you what we've

22 marked today as Exhibit 10 and [REDACTED]

1 [REDACTED].

2 Do you see that?

3 A Yes.

4 (Deposition Exhibit 10 was marked

5 for identification.)

6 BY MR. ANSTAETT:

7 Q All right. And Exhibit 10 is [REDACTED]

8 [REDACTED]
9 [REDACTED], correct?

10 A Yes.

11 Q And who is Daniel Jonker?

12 A He was a modeler at Novo Nordisk.

13 Q And you wrote an e-mail to Daniel Jonker [REDACTED]

14 [REDACTED]
15 Do you see that?

16 A Yes.

17 Q All right. And you wrote that e-mail just a

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 MR. BAUGHMAN: Object to the form.

22 THE WITNESS: I wrote that after we'd asked to

[illegible]

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1

2 BY MR. ANSTAETT:

3

Q

■

■

■

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■

■

■

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■

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■

■

18 BY MR. ANSTAETT:

19

Q Right.

20

21

22

1 Is that fair to say?

2 A I don't remember a --

3 MR. BAUGHMAN: Object to the form.

4 You may answer.

5 THE WITNESS: Sorry.

6 I don't -- I mean, I don't remember the specific
7 e-mail.

8 BY MR. ANSTAETT:

9 Q Right.

10 And you also, before looking at those documents
11 that we discussed earlier today, you didn't remember one
12 way or the other [REDACTED]

[REDACTED]

[REDACTED], correct?

15 MR. BAUGHMAN: Object to the form.

16 THE WITNESS: I don't remember -- I didn't
17 remember it, but now I've reviewed all the documents.

18 BY MR. ANSTAETT:

19 Q Okay. All right.

20 Look at -- if you would, look at Paragraph 18 of
21 your declaration. And in Paragraph 18 you state, "I

[REDACTED]

1

■

■

■

■

■

7

Do you see that?

8

A Yes.

9

Q Now, you have no recollection, independent of

10

the documents, of

■

■

correct?

13

MR. BAUGHMAN: Object to the form.

14

THE WITNESS: I don't have any recollections

15

of me doing it.

16

BY MR. ANSTAETT:

17

Q Okay.

■

?

19

MR. BAUGHMAN: Object to the form.

20

THE WITNESS:

■

■

1 BY MR. ANSTAETT:

2 Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 A Yes.

8 Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 MR. BAUGHMAN: Object to the form.

13 THE WITNESS: No. And I can't remember

14 whether they came directly to me or -- I mean, I don't

15 remember how it arrived on my desk.

16 BY MR. ANSTAETT:

17 Q Okay. And, in fact, you have no independent
18 recollection at all of anything about the e-mail

19 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: Yes. I don't have any -- I
3 didn't have any recollection of receiving that e-mail.

4 BY MR. ANSTAETT:

5 Q Okay. And then at the bottom of your e-mail,

6 [REDACTED]

7 [REDACTED]

8 Do you see that?

9 A I see that, yes.

10 Q All right. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: Yes. [REDACTED]

3 [REDACTED]

4 BY MR. ANSTAETT:

5 Q Okay. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. BAUGHMAN: Object to the form.

10 THE WITNESS: No. So you had to be a modeler
11 to do it.

12 BY MR. ANSTAETT:

13 Q Okay.

14 A But we had been developing the model together.

15 Q But the model that generated that [REDACTED]
16 data, that was something that you were not capable of
17 doing yourself, correct?

18 A Yes, it required a different type of computer.

19 Q Okay. And in an e-mail, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 Right? Do you see that?

2 A Yes.

3 Q And we looked at that dose response curve that
4 you were referring to [REDACTED]

5 [REDACTED], correct?

6 MR. BAUGHMAN: Object to the form.

7 THE WITNESS: Yes.

8 BY MR. ANSTAETT:

9 Q Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 MR. BAUGHMAN: Object to the form.

15 THE WITNESS: Yes. So [REDACTED]

[REDACTED]

[REDACTED]

18 BY MR. ANSTAETT:

19 Q [REDACTED]

[REDACTED]

[REDACTED]

22 Q Okay. And you had in your possession that

1 [REDACTED]

2 [REDACTED] correct?

3 A [REDACTED]

4 [REDACTED] [REDACTED] ?

5 A Yes.

6 Q Okay. But before [REDACTED] that you

7 learned about in early [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED],

10 correct?

11 MR. BAUGHMAN: Object to the form.

12 THE WITNESS: I don't remember -- I don't

13 remember what I had looked at.

14 BY MR. ANSTAETT:

15 Q Okay.

16 A Most likely we would have looked at many

17 different things in that dose response curve.

18 Q Okay. And then looking at [REDACTED] again,

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A [REDACTED]

1 Q Okay. Are you okay to keep going, or do you
2 want to take a break? We've been going for about an
3 hour.

4 A I'm fine.

5 Q Okay.

6 MR. BAUGHMAN: It doesn't need to be right
7 now, but in the next maybe 15 minutes or so can we take
8 a break?

9 MR. ANSTAETT: Yes, absolutely.

10 (Deposition Exhibit 11 was marked
11 for identification.)

12 BY MR. ANSTAETT:

13 Q So we've marked as Exhibit 11 what [REDACTED]

[REDACTED].

15 Do you see that?

16 A Yes.

17 Q Okay. [REDACTED]

18 [REDACTED]

19 A Yes.

20 Q [REDACTED]

[REDACTED]

[REDACTED]

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: I don't remember if this is the
3 first time we did it.

4 BY MR. ANSTAETT:

5 Q All right. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 MR. BAUGHMAN: Object to the form.

13 THE WITNESS: Yes. [REDACTED]

[REDACTED]

15 BY MR. ANSTAETT:

16 Q Okay. And you don't recall exactly what went
17 into the model, correct?

18 MR. BAUGHMAN: Object to the form.

19 THE WITNESS: I know parts of what went into
20 it.

21 BY MR. ANSTAETT:

22 Q Okay.

1 A And I knew exactly what it was back then.

2 Q Okay. And you state in your declaration --

3 and, again, I apologize, but this is at Paragraph 21 of
4 your declaration.

5 So you state in Paragraph 21 that you [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]."

13 Do you see that?

14 A I do.

15 Q All right. And then you state, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Do you see that?

2 A Yes.

3 Q And for those propositions, [REDACTED]
[REDACTED], which we looked at, at Pages 8 and 9,
5 which dealt with [REDACTED], and Pages 5 and 7 of this
6 [REDACTED] dealing with [REDACTED], correct?

7 MR. BAUGHMAN: Object to the form.

8 THE WITNESS: Yes.

9

10 BY MR. ANSTAETT:

11 Q All right. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]."

15 What are -- what are you talking about?

16 [REDACTED]

[REDACTED]

18 Q Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



22

1 A [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]

[REDACTED]

[REDACTED]

17 A [REDACTED]

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1 How did you come to that conclusion?

2 A Because I had a chance to look at it since.

3 Q Okay. All right.

4 Now, neither -- so [REDACTED]

5 [REDACTED] [REDACTED]

[REDACTED]

7 In neither [REDACTED] nor [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 MR. BAUGHMAN: Object to the form.

13 THE WITNESS: Not in this specific document,

14 no.

15 BY MR. ANSTAETT:

16 Q All right.

17 A [REDACTED]

18 Q Okay. So not in [REDACTED]

[REDACTED]

[REDACTED]

21 MR. BAUGHMAN: Object to the form.

22 THE WITNESS: Yes, because -- I mean, so this

1 is [REDACTED]

2

3 BY MR. ANSTAETT:

4 Q All right.

5 MR. BAUGHMAN: I don't want to interrupt you,
6 but is this a good time for a break?

7 MR. ANSTAETT: Yeah. Sure.

8 (Recess taken.)

9 MR. ANSTAETT: So we can --

10 MR. BAUGHMAN: Can I put on record, I just
11 want to mark this transcript confidential under the
12 protective order, please. Thanks.

13 BY MR. ANSTAETT:

14 Q Doctor, I just want to understand one -- one
15 thing you said about [REDACTED]

[REDACTED]

17 A Yes.

18 Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

[REDACTED]

[REDACTED]

4 A Correct.

5 MR. BAUGHMAN: Object to the form.

6 BY MR. ANSTAETT:

7 Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

22 BY MR. ANSTAETT:

1 Q Okay.

2 A -- as expected.

3 And I think what we were mostly interested in was

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q All right. And both -- is it fair to say that

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MR. BAUGHMAN: Object to the form.

14 THE WITNESS: Yes. They both -- yes, the

15 [REDACTED].

16 BY MR. ANSTAETT:

17 Q Okay. You can set that aside again.

18 Okay. The court reporter is going to hand you what

19 we've marked as Exhibit 12. And you see that's

20 [REDACTED]

21 A Thank you.

22 (Deposition Exhibit 12 was marked

1 for identification.)

2 BY MR. ANSTAETT:

3 Q And just to frame this up, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 A So it would be between -- between [REDACTED]

[REDACTED]

[REDACTED]

13 Q Okay. Well, one of the dates that you
14 identify in your declaration very specifically is
15 March 17th, right?

16 A Yes.

17 Q Is it your position that you had conceived of
18 and proposed using a once-weekly dose, a 1.0 milligram
19 dose of semaglutide for Type 2 diabetes Phase 3 trials
20 by March 17th, 2010?

21 A So by that time we had a pretty good idea
22 about that this dose would be both efficacious and

1 tolerable.

2 Q Okay. And when you say "we," who are you
3 referring to?

4 A The project -- I mean, me and the project
5 team.

6 Q Okay. Did other folks on the project team
7 analyze the modeling data?

8 A No.

9 Q Okay. So as I understand it, you said, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]?

13 A Yes. That's why we presented it at that [REDACTED]

[REDACTED].

15 Q Okay. Then let's talk about that [REDACTED]

[REDACTED].

17 You recognize what we marked as Exhibit 12 as

18 [REDACTED], correct?

19 A Yes.

20 Q And let's look at Paragraph 22 of your

21 declaration. And in that paragraph, [REDACTED]

[REDACTED]

1 [REDACTED] in

2 New York City on March 17th, 2010, correct?

3 A Yes.

4 Q All right. And [REDACTED] Exhibit 12, are

5 slides that [REDACTED]

6 [REDACTED], correct?

7 A Yes.

8 Q All right. And the metadata -- the metadata,
9 which is the first page of the exhibit, that identifies
10 you by your initials as an author of this document,

11 [REDACTED] and also identifies Niklas Öhrner by his
12 initials as the last author of the document.

13 Do you see that?

14 A I see that.

15 Q Okay. And you refer in your declaration to
16 Slide 38, [REDACTED]. And so

17 let's take a look at that.

18 A Page 40?

19 Q Yeah, I'm using the page numbers at the bottom
20 right-hand corner.

21 So you refer to that page, Page 40, and you write,

22 "[REDACTED]"

1

■

■

■

■

■

7 Do you see that?

8 A I do.

9 Q Now, if we look at that slide at Page 40 of

10 this exhibit, it says nothing about a ■

11 ■, correct?

12 MR. BAUGHMAN: Object to the form.

13 THE WITNESS: So this presents the rationale.

14 BY MR. ANSTAETT:

15 Q Right.

16 A So, essentially, what are the requirements for
17 the doses.

18 Q Right.

19 But just to be clear, it doesn't -- this slide
20 doesn't identify any dose of semaglutide, right?

21 A Not on this slide.

22 Q All right. And in the slide at Page 40, it

1 also says nothing about a [REDACTED]

■ [REDACTED]

■ [REDACTED]

correct?

4 MR. BAUGHMAN: Object to the form.

5 THE WITNESS: No, not on this slide.

6 BY MR. ANSTAETT:

7 Q Okay. And you reference in your declaration
8 again that your reasoning for selecting a Phase 3 dosing
9 regimen was to "[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

13 Do you see that?

14 A Yes.

15 Q And that reasoning would also apply to [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

correct?

19 MR. BAUGHMAN: Object to the form.

20 THE WITNESS: So I can't remember what the

21 [REDACTED]

22 BY MR. ANSTAETT:

1 Q Okay. Well, if you look at Page 42, what does

2 [REDACTED]

3 [REDACTED]?

4 A So if you refer to what's on the right-hand

5 side of the slide, it [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q And that would fit that rationale for clinical

9 relevance that you identified, correct, [REDACTED]

10 [REDACTED]?

11 A Yes. So it might be a little bit lower in the

12 full analysis set, which is what's normally used.

13 Q Okay. But that's what we see on Slide 42 of

14 your presentation, correct?

15 A I mean, we see the model difference between

16 [REDACTED].

17 Q Okay. And now you also state -- strike that.

18 Now, it's also true, isn't it, that you don't

19 remember telling [REDACTED] that met in New York

20 from March 17 [REDACTED]

21 [REDACTED],

22 correct?

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: Can I flip through the --

3 BY MR. ANSTAETT:

4 Q Take all the time you need.

5 A So there's no slide in here identifying the

6 [REDACTED]

7 Q Okay. And there's no slide in there
8 identifying that. And you yourself have no recollection
9 of telling the [REDACTED] that met in New York from

10 [REDACTED]

11 [REDACTED],
12 correct?

13 MR. BAUGHMAN: Object to the form.

14 THE WITNESS: So, I mean, it's not explicitly
15 called out, but the whole idea about showing them the
16 [REDACTED]s to have
17 that conversation with the advisors.

18 BY MR. ANSTAETT:

19 Q My question was slightly different.

20 You don't have any independent recollection
21 yourself of telling [REDACTED] that met in
22 New York from March [REDACTED]

1 [REDACTED], correct?

2 MR. BAUGHMAN: Object to the form.

3 THE WITNESS: I don't recall, but I'd like to
4 see what we put on the slides --

5 (Reporter clarification.)

6 THE WITNESS: I don't recall if we said what
7 [REDACTED]. I can only speak to what we have on
8 the slides.

9 BY MR. ANSTAETT:

10 Q And in the slides -- which slides are you
11 referring to?

12 A So the model slides.

13 Q Okay.

14 A [REDACTED].

15 Q Page 46 and Page 47, are those the two slides
16 that you're referring to?

17 A So that would be -- 46 and 47. And, of
18 course, the [REDACTED].

19 Q Okay. And [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED] correct?

2 A And if you look on the X-axis, you will see

3 [REDACTED]

4 Q Well, you see [REDACTED] That's

5 just the -- that's just identifying the range on the

6 X-axis of doses, right?

7 MR. BAUGHMAN: Object to the form.

8 THE WITNESS: Yes. But you could have done

9 that in any number of ways in increments. So it

10 specifically calls out [REDACTED].

11 BY MR. ANSTAETT:

12 Q Are you saying that this -- it's your

13 testimony that Slide 42 shows that you had [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 A No, I'm just saying that [REDACTED]

18 is on that slide.

19 Q Okay. And if we -- aside from the X-axis,

20 there are [REDACTED] of semaglutide called out on the

21 right side of that slide, right?

22 A Yes.

1 Q And those are [REDACTED], right?

2 A Yes.

3 Q Okay. And then the [REDACTED] there's two
4 slides, Page 46 and Page 47.

5 Are those two of the slides that [REDACTED] had
6 put together?

7 A Yes, in a slightly modified version.

8 Q All right. And those -- those slides,
9 likewise, include semaglutide [REDACTED]
[REDACTED]

11 correct?

12 A Yes.

13 Q Okay.

14 MR. ANSTAETT: We've got three minutes, so we
15 better -- we better go off the record.

16 (Recess taken.)

17 BY MR. ANSTAETT:

18 Q Okay. So still on [REDACTED], Dr. Jensen,
19 which we marked as Exhibit 12.

20 We were looking at Slides 46 and 47. And if we
21 look at the slide on Page 46, it's -- it's titled

22 "[REDACTED]."

1 Do you see that?

2 A Yes.

3 Q And you don't remember what "[REDACTED]" on this
4 slide is referring to; is that right?

5 A No.

6 MR. BAUGHMAN: Object to the form.

7 THE WITNESS: I don't remember it anymore.

8 BY MR. ANSTAETT:

9 Q Okay. And on the next slide, there's a
10 reference to [REDACTED], Slide 47.

11 You also don't remember what is meant by [REDACTED]
12 [REDACTED] " correct?

13 MR. BAUGHMAN: Object to the form.

14 THE WITNESS: I don't remember it, but I can
15 tell you what I think it was.

16

17 BY MR. ANSTAETT:

18 Q I don't want you to speculate. If you don't
19 remember, you don't have any -- you don't have any
20 recollection from the presentation?

21 A No. So when we discussed this back in
22 November, I was confused about the labeling of the

1 different lines.

2 Q Okay.

3 A Having thought about it since, I think I know
4 what it is.

5 Q And what do you think it is?

6 A So what was confusing me when we discussed it
7 in November was that it had -- [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q Okay.

14 A Since it doesn't really include [REDACTED].

15 Q So your understanding is the [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A Yes. Because if you look at the lines, you
20 can clearly see that it [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 Q Okay. And if you look at slide -- or Page 48,
2 and this is a slide titled [REDACTED]

3 [REDACTED]

4 Do you see that?

5 A Yes.

6 Q [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Do you see that?

10 A I do.

11 Q All right. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A Yes.

16 Q Do you have a recollection now of what that
17 means?

18 A No. But I can -- I can tell you what I think
19 it means.

20 Q Okay.

21 A [REDACTED]

22 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. BAUGHMAN: Object to the form.

10 THE WITNESS: I don't know what the interest
11 was, but my job was just to make sure that we had
12 information about how to do it.

13 BY MR. ANSTAETT:

14 Q Okay. Okay.

15 If we go back to your declaration, and I'm looking
16 at Page 14. And you have a heading on Page 14 that says
17 "May 28th, 2010."

18 Do you see that?

19 A Yes.

20 Q All right. And in Paragraph 23, you refer to
21 a set of documents related to a May 28, 2010, [REDACTED]
22 meeting, correct?

1 A Yes.

2 Q All right. And you acknowledge in your
3 declaration that you don't remember the May 28th, 2010,
4 [REDACTED] or the associated documents at this time,
5 correct?

6 A Yes.

7 Q All right. And you don't recall if you
8 actually attended this meeting, correct?

9 A If the -- I mean, if the documents state that
10 I did, I did, but I don't remember the specific meeting.

11 Q Okay. And -- and you say that "The documents
12 confirmed to you that the project team and I met with

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 A Correct.

18 MR. ANSTAETT: All right. And let's look at
19 the documents that you cite.

20 (Deposition Exhibit 13 was marked
21 for identification.)

22 BY MR. ANSTAETT:

1 Q Okay. So do you recognize that what we've

2 marked as Exhibit 13 is [REDACTED]

3 [REDACTED]?

4 A Yes.

5 Q Okay. And Exhibit 13 is a [REDACTED]

6 [REDACTED] correct?

7 A That's correct.

8 Q All right. [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 (Interruption in proceedings.)

13 MR. BAUGHMAN: Off the record.

14 (Recess taken.)

15 BY MR. ANSTAETT:

16 Q Okay. So we're back on the record, and we

17 were looking at what we've marked as Exhibit 13, and is

18 [REDACTED]. These are the

19 [REDACTED]-- or this is the [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

[illegible]

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: I can read it as well as you

3 can.

4 BY MR. ANSTAETT:

5 Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18 Q Okay. And those weren't your doses that you

19 refer to in your declaration, right?

20 MR. BAUGHMAN: Object to the form.

21 THE WITNESS: So I don't -- so say the

22 question again.

1 BY MR. ANSTAETT:

2 Q [REDACTED]

■ [REDACTED]

■ [REDACTED]

5 MR. BAUGHMAN: Object to the form.

6 THE WITNESS: I don't understand the question.

7 BY MR. ANSTAETT:

8 Q Okay. Well, let's look at -- let's look at
9 your deposition transcript, which you have there from
10 the district court case, okay?

11 And that transcript should have page numbers, and
12 then it's got these little numbers that run down the
13 left-hand side of the page, and I'll refer to the page
14 number and the line number.

15 And so when we were talking in November of 2023, if
16 you look at Page 197 of the transcript.

17 MR. BAUGHMAN: The numbers are in the upper
18 right-hand corner under the clip. Sorry.

19 THE WITNESS: 194?

20 MR. ANSTAETT: 197.

21

22 BY MR. ANSTAETT:

1 Q So we were talking about this document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Do you see that?

17 A Yes.

18 Q And it refers to a [REDACTED]

[REDACTED], correct?

20 A Yes.

21 Q [REDACTED]

[REDACTED]

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A Yes.

15

Q And I believe you testified that on

16

March 17th, 2010, you were in New York City for a

17

■

is that right?

18

A That's correct.

19

Q Would you have attended the

■

■

if you were

■

■

■?

22

A No. This was before --

1 (Reporter clarification.)

2 MR. ANSTAETT: Before remote meetings.

3 BY MR. ANSTAETT:

4 Q Okay. And then describing that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 BY MR. ANSTAETT:

21 Q Okay. [REDACTED]

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q Do you recall [REDACTED]

8 [REDACTED]

9 [REDACTED]?

10 MR. BAUGHMAN: Object to the form.

11 THE WITNESS: I don't recall any -- I mean, I
12 don't remember any of this.

13 BY MR. ANSTAETT:

14 Q [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Do you see that?

20 A Yes.

21 Q And you have no independent recollection, one
22 way or another, whether this was, in fact, the

1 recommendation of the [REDACTED]
2 [REDACTED] correct?

3 MR. BAUGHMAN: Object to the form.

4 THE WITNESS: I think maybe that's a stretch.

5 I mean, I can read that that's the recommendation by the
6 project by this date.

7 BY MR. ANSTAETT:

8 Q You can see it on the document, but you don't
9 have any independent recollection that on that date that
10 was the recommendation, right?

11 A As with most of this, I don't remember it. I
12 don't remember dates.

13 MR. ANSTAETT: Okay. Okay. You can set that
14 exhibit aside.

15 (Deposition Exhibit 14 was marked
16 for identification.)

17 (Deposition Exhibit 15 was marked
18 for identification.)

19 MR. ANSTAETT: Okay. We've marked Exhibit 14,
20 [REDACTED], and

21 Exhibit 15, [REDACTED].

22 And do you see in your declaration in Paragraph 25

1 [REDACTED]?

2 A I can see that [REDACTED].

3 Q And then if you look in the footnote, you'll
4 see there's a footnote date and it references --

5 A Oh, yeah.

6 Q [REDACTED].

7 A Yes.

8 Q [REDACTED]
[REDACTED]

10 A Yes.

11 Q Now, is this a document that you reviewed in
12 preparation for your deposition today?

13 A I think so.

14 Q Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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1 Q All right. And in no place in this Exhibit 15
2 or [REDACTED], does it state that the dosing regimen
3 that includes a [REDACTED]
4 [REDACTED] correct?

5 A We would never write something like that in a
6 presentation like this.

7 Q Okay.

8 A So, no.

9 Q Okay. You can set that --

10 A But, essentially, that was my role.

11 Q What are you referring to?

12 A I mean, I would be the one [REDACTED]
13 [REDACTED]

14 Q But that's not -- the fact that you were -- I
15 know that's your testimony, but that's not corroborated
16 by this document, correct?

17 MR. BAUGHMAN: Object to the form.

18 THE WITNESS: I don't know, but that's
19 implicit if you look at the compound.

20 BY MR. ANSTAETT:

21 Q It's implicit, but it's not stated in this
22 document, correct?

1 MR. BAUGHMAN: Object to the form.

2 THE WITNESS: No.

3 MR. ANSTAETT: Okay. All right.

4 Let's see [REDACTED].

5 That's okay. We don't even necessarily need to do
6 that. You can hold off on that.

7 Why don't we take a break, and I think we'll be
8 able to finish up before lunch. So we'll come back,
9 probably go back for a little bit longer, but I think
10 we'll be done.

11 MR. BAUGHMAN: Thanks for the heads-up.

12 Would you like more than 10 minutes?

13 MR. ANSTAETT: Just like 10 or 15 minutes.

14 (Recess taken.)

15 BY MR. ANSTAETT:

16 Q Dr. Jensen, I'm going to have you look at
17 Paragraph 27 of your declaration.

18 And in that paragraph, [REDACTED]

[REDACTED]

[REDACTED]; is that right?

21 A Yes.

22 Q And then in Paragraph 28, you say, [REDACTED]

1

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6

Do you see that?

7

A Yes.

8

Q All right. So that was ■

■

■

■, correct?

11

MR. BAUGHMAN: Object to the form.

12

THE WITNESS: Yes.

13

BY MR. ANSTAETT:

14

Q All right. And when did you personally begin

15

work on ■?

16

A I don't remember, but probably ■

■

18

Q Okay. And then in Paragraph 29 of your

19

declaration, you say -- or you state, ■

■

■

■

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3

Do you see that?

4

A I do.

5

6

MR. ANSTAETT: And then I'm going to -- we're
going to mark the [REDACTED].

7

(Deposition Exhibit 16 was marked

8

for identification.)

9

BY MR. ANSTAETT:

10

Q We've handed you what we've marked as

11

Exhibit 16 and [REDACTED]

12

13

Do you see that?

14

A Yes.

15

Q All right. And [REDACTED]

16

17

[REDACTED] correct?

18

A That's correct.

19

20

Q All right. And then if you turn to Page 4 --
well, let's use the -- it's Page 7, using the numbers on

21

the bottom right-hand corner.

22

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Well, I think your declaration says

9

A So that was the specific trial design that we

10

ended up having, but I -- and I don't remember this, but

11

it would have been normal if we included a draft

12

version, a rough outline of what that study would look

13

like.

14

Q Okay. You ran this -- why did you run that

15

?

16

A

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1 [REDACTED]

2 Q And that [REDACTED] was kind
3 of seen as a difficulty, would have made those trials
4 more difficult; is that right?

5 A It would have been difficult to recruit for
6 and it would likely have ended up in our label.

7 Q [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Do you see that?

18 A Yes.

19 Q All right. And are you testifying now that
20 you believe that there would have been a [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 A I mean, I don't remember what we had at the
2 time, but in order to write up the briefing document, we
3 would have had some thoughts about what it would look
4 like.

5 Q Did you come up with the idea to [REDACTED]
6 [REDACTED] -- strike
7 that.

8 Did you come up with the idea to [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 A I don't remember. But for sure I was
12 reassured that it was a good idea based on their
13 recommendation.

14 MR. ANSTAETT: Okay. Okay.

15 You can set that aside, and I don't have any
16 further questions.

17 MR. BAUGHMAN: Let's take a lunch break.

18 Let's go off the record.

19 MR. ANSTAETT: Okay. Okay.

20 (Recess taken.)

21 MR. BAUGHMAN: Back on the record for a
22 second.

1 We have no questions. Thanks, Dr. Jensen.

2 I think we're done here today.

3 MR. ANSTAETT: Yeah.

4 (The deposition concluded at

5 1:19 p.m.)

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2 I, Matthew J. Martinez, Registered

3 Professional Reporter and Certified Shorthand Reporter
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I further certify I am neither financially
16 interested in the action nor a relative or employee of
any attorney or party to this action.

17 IN WITNESS WHEREOF, I have this date
subscribed my name.

18 Dated: Wednesday, April 3, 2024

19

20

21

22

A handwritten signature in black ink, appearing to read "Matthew J. Martinez", is written over a horizontal line.

Matthew J. Martinez, CSR, RPR

1 Christine Bjørn Jensen, c/o
Groombridge Wu Baughman & Stone ALPC
2 801 17th Steet Northwest, Suite 1050
Washington DC 20006

3
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4 Date of deposition: March 22, 2024
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10 Deposition Date: March 22, 2024

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