

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IN RE: OZEMPIC (SEMAGLUTIDE)
PATENT LITIGATION**

No. 22-md-3038-CFC

**NOVO NORDISK INC. and NOVO
NORDISK A/S,**

No. 22-cv-294-CFC
CONSOLIDATED
ANDA CASE

Plaintiffs/Counterclaim
Defendants,

CONFIDENTIAL

v.

RIO BIOPHARMACEUTICALS INC. et al.,

Defendants/Counterclaim
Plaintiffs.

**NOVO NORDISK INC. and NOVO
NORDISK A/S,**

No. 22-cv-1040-CFC
ANDA CASE

Plaintiffs/Counterclaim
Defendants,

CONFIDENTIAL

v.

MYLAN PHARMACEUTICALS INC.,

Defendant/Counterclaim
Plaintiff.

**REPLY EXPERT REPORT OF WILLIAM J. JUSKO, PH.D. REGARDING
INVALIDITY OF U.S. PATENT NO. 10,335,462**

1. I am the same William J. Jusko, Ph.D. who previously submitted an opening report (“Opening Report” or “Jusko Op.”) in this proceeding dated March 19, 2024 on behalf of Mylan Pharmaceuticals Inc.; Dr. Reddy’s Laboratories, Ltd. and Dr. Reddy’s Laboratories, Inc. (collectively, “Dr. Reddy’s”); Rio Biopharmaceuticals Inc. and EMS S/A (collectively, “Rio”); Sun Pharmaceutical Industries Ltd. and Sun Pharmaceutical Industries, Inc. (collectively, “Sun”); and Zydus Worldwide DMCC, Zydus Pharmaceuticals (USA) Inc., and Zydus Lifesciences Limited (collectively, “Zydus”) (collectively, the “defendants”). I submit this reply report on behalf of defendants¹ in response to opinions expressed in the Rebuttal Expert Report of Michael E. Trautmann, M.D. Regarding Validity of U.S. Patent No. 10,335,462 (“Trautmann Report” or “Trautmann Rep.”) dated June 3, 2024 and the Rebuttal Expert Report of Patrick Sinko, Ph.D. Regarding Validity of U.S. Patent No. 10,335,462 (“Sinko Report” or “Sinko Rep.”) dated June 3, 2024.

2. A copy of my *curriculum vitae* was submitted as Exhibit A with my Opening Report.

¹ I understand that Dr. Reddy’s and Sun do not adopt my opinions as they relate to anticipation or obviousness of the ’462 patent, *see also* Jusko Op. at Sections IX.A. and IX.B., because they stipulated in related proceedings not to pursue such arguments in this case. I also understand that Mylan Pharmaceuticals Inc. will not pursue by motion or at trial in this litigation anticipation of the claims of the ’462 patent by WO ’421 or Lovshin or obviousness of the claims of the ’462 patent by WO ’537 in view of Lovshin, *see also* Jusko Op. at Sections IX.A.1, IX.A.2, and IX.B.3, unless a change in law otherwise permits.

3. I reaffirm that my scope of work and compensation has not changed since I submitted my Opening Report in this proceeding. I have been retained by the defendants as a technical expert in this matter to provide various opinions regarding the '462 patent. I receive my standard consulting rate of \$800 per hour for my services. No part of my compensation is dependent upon my opinions given or the outcome of this proceeding.

I. BASIS FOR OPINIONS AND MATERIALS CONSIDERED

4. In providing my opinions in this report, in addition to my experience, education, and training, and the materials identified in Exhibit B to my Opening Report, I have also considered the materials cited in Exhibit B of the Trautman Report and Exhibit B of the Sinko Report, the materials identified in Exhibit A attached to this report, as well as any materials cited herein not otherwise identified in Exhibit A.

II. SUMMARY OF OPINIONS

5. For the reasons stated in my Opening Report and in this report, I conclude that International Patent Application Publication No. WO 2011/138421 ("WO '421"), which was published on November 10, 2011, anticipates claims 1 and 3 of the '462 patent.

6. For the reasons stated in my Opening Report and in this report, I conclude that a review article titled "Incretin-Based Therapies for Type 2 Diabetes

been obvious over WO '537 in view of Lovshin for the reasons discussed above and for the reasons discussed by Dr. Dalby.

X. RESERVATION OF RIGHTS

654. I reserve the right to supplement and/or expand on the opinions I set forth in this report based on the information I reviewed and/or based on any additional information produced in this litigation, any relevant claim construction, in response to any expert reports submitted on behalf of Plaintiffs, or any other circumstances that may impact my opinions.

655. Further, during this litigation and at trial I may rely upon documents and/or other materials produced in the litigation, publicly available documents, and/or any documents the parties have exchanged, such as discovery responses. Additionally, I may rely on visual aids and/or demonstrative exhibits that I prepare or have prepared on my behalf based upon my opinions.

Dated: 7/16/2024

By:

A handwritten signature in black ink, appearing to read "William J. Jusko", written over a horizontal line.

William J. Jusko, Ph.D.