From: Daniel L. Shores
To: Edwards, Jeremy; Maddox, Steven
Cc: Garrison, Brett; Adam M. Nicolais
Subject: Re: Baran Depo Follow Up
Date: Monday, March 4, 2024 10:46:38 AM
Attachments: image001.jpg
image002.jpg
image003.png

Jeremy,

I am following up with respect to item 5. We do not see a copy of the [redacted] in your production. Please produce it as soon as possible.

Best regards,
Dan

From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Date: Monday, February 26, 2024 at 4:25 PM
To: Daniel L. Shores <DShores@rfem.com>, Maddox, Steven <Steven.Maddox@procopio.com>
Cc: Garrison, Brett <Brett.Garrison@procopio.com>, Adam M. Nicolais <anicolais@rothwellfigg.com>
Subject: RE: Baran Depo Follow Up

Attached and discussed below are PROTECTIVE ORDER MATERIALS – OUTSIDE ATTORNEY'S EYES ONLY

Dan,

Suffice it to say that we disagree with just about everything you are saying below. But I don't think it advances much to detail all those disagreements in this email.

Without waiving anything, we are producing documents in response to your items 1-3 below and Dr. Baran's updated CV. I could not unilaterally produce my client's confidential information before today, as you seem to have been demanding. I needed Hongene's consent first, and as you know, they are located in China.

Some of the emails contain forwarding information at the top from Dr. Baran to me. We are producing those without redaction as a continuation of our prior agreement that such does not constitute a waiver of any kind.

As to item 5, the only agreement between [redacted]. There are no term sheets or draft term sheets.

As to item 4, it is hard to imagine how correspondence between [redacted]

CHEMGENES EXHIBIT 2048
Shanghai Hongene v. ChemGenes
Case IPR2023-00862

[redacted]--is even remotely relevant to your spurious theory that Dr. Baran's 10% stake in Elsie somehow gives rise to any "bias" on his part in rendering his testimony in this case. And although Dr. Baran indicated he is perfectly willing to provide whatever information you have asked for (unless prohibited from doing so by third party confidentiality), and has done so, sometimes even on the fly in deposition by searching up his emails, this does not mean he has the power to waive Elsie's confidentiality. As to Elsie, you are misreading and ignoring Dr. Baran's testimony. The record shows that Dr. Baran owns 10% of stock in Elsie and is a board member and consultant for Elsie. Although you have deposed him *ad nauseum* on three separate occasions, there is no evidence that Dr. Baran is an Elsie employee, let alone an Elsie executive with authority to bind Elsie contractually or waive Elsie's confidentiality. Contrary to your mischaracterizations, Dr. Baran did not consent on behalf of Elsie for [redacted]. Nor could he, as he himself indicated that he does not have the authority to do that. *See, e.g.*, Feb 20, 2024 Dep. p. 138-139; Jan 22 Dep. p. 90-91. Dr. Baran was suggesting that if you want Elsie to [redacted], you should ask Elsie for it. That is exactly what I did in response to your request.

Sincerely,

Jeremy

JEREMY J. EDWARDS
PARTNER

P. 202.830.0540 C. 410.627.6833 | jeremy.edwards@procopio.com
1901 L. Street, N.W., Suite 620, Washington, DC 20036
View Profile | LinkedIn | procopio.com

From: Daniel L. Shores <DShores@rfem.com>
Sent: Friday, February 23, 2024 5:37 PM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>; Maddox, Steven <Steven.Maddox@procopio.com>
Cc: Garrison, Brett <Brett.Garrison@procopio.com>; Adam M. Nicolais <anicolais@rothwellfigg.com>
Subject: Re: Baran Depo Follow Up

*** EXTERNAL EMAIL - Please use Caution. ***

Jeremy,

We are seeking to confirm all of the undisclosed financial and business relationships that Dr. Baran has with Hongene. This is relevant to, at a minimum, Dr. Baran's credibility and bias as Hongene's

entire substantive case is based on his testimony. We believe the record is quite clear regarding the concealment of Dr. Baran's relationship with Hongene and related dissembling and do not need to recite it here. What you erroneously allege is a "side show" is therefore not our doing.

Dr. Baran testified he provided at least some of the documents in categories 1-3 below during his deposition. There is no reason to continue to delay in producing those or Dr. Baran's updated CV, which were requested and **several provided to you during the deposition as demonstrated on the deposition transcript**. Please produce all of those documents immediately.

You are refusing to produce documents [redacted]. That is without merit. First, Dr. Baran is a co-founder of Elsie and can provide permission, which he already gave at the depo when he stated "ask what you want, you'll get whatever you want" and "I have nothing to hide." If there is truthfully nothing to hide, there is no reason not to provide the documents.

If there are concerns over any [redacted] contain standard provisions allowing disclosure relating to document discovery as here and in any case there is a protective order in place protecting their confidentiality. We will accept these documents on outside counsel's eyes only basis in the first instance while reserving the right to challenge any over-designations. Please produce these documents as soon as possible as you have no basis to withhold them.

Your consistent delay and resistance to these straightforward requests continues to raise questions. We suggest Hongene provide these documents and **full disclosure** of these relationships immediately or we will be forced to move for this discovery to confirm the relationships and whether anything else is being hidden from the record. Our limited requests have, and will continue to, satisfy all *Garmin* factors.

Best regards,
Dan

From: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Date: Friday, February 23, 2024 at 11:06 AM
To: Adam M. Nicolais <anicolais@rothwellfigg.com>
Cc: Daniel L. Shores <DShores@rfem.com>, Maddox, Steven <Steven.Maddox@procopio.com>, Garrison, Brett <Brett.Garrison@procopio.com>
Subject: RE: Baran Depo Follow Up

Adam and Dan,

We are surprised and disappointed that Chemgenes is continuing with this irrelevant sideshow, and now even looking to expand it. Your theory of relevance is false to the point of outlandishness, and would be laughable were it not so offensive to Dr. Baran and so intrusive upon him and Hongene. None of these requests have anything to do with the merits of the IPR. And none satisfy the

standards for obtaining the kinds of limited discovery that are available in an IPR. Hongene reserves all rights in connection with this whole sideshow.

That said, to minimize the time and effort we spend on this sideshow:

(a) Dr. Baran is preparing an updated CV for you. We note that the updates will be duplicative of the testimony you already have, so this is just makework. and

(b) I have inquired about items 1-3 from Dan's email below and will get back to you about those.

Items 4 and 5 from Dan's email below appear to implicate [redacted], which is not a party to the 885 IPR. I do not represent [redacted]. Please provide [redacted] to produce the requested documents. Hongene will further consider your requests at that time.

Sincerely,

Jeremy

JEREMY J. EDWARDS
PARTNER

P. 202.830.0540 C. 410.627.6833 | jeremy.edwards@procopio.com
1901 L. Street, N.W., Suite 620, Washington, DC 20036
View Profile | LinkedIn | procopio.com

From: Adam M. Nicolais <anicolais@rothwellfigg.com>
Sent: Thursday, February 22, 2024 1:46 PM
To: Edwards, Jeremy <Jeremy.Edwards@procopio.com>
Cc: Daniel L. Shores <DShores@rfem.com>
Subject: RE: Baran Depo Follow Up

*** EXTERNAL EMAIL - Please use Caution. ***

Jeremy,

In addition to our document requests sent yesterday, we request that Petitioner provide as soon as possible an updated version of Dr. Baran's CV, as Dr. Baran indicated he would provide during his deposition. (Dep. Tr. at 157:2-4).

Thanks
-Adam

Adam M. Nicolais
Rothwell, Figg, Ernst & Manbeck. P.C.
901 New York Avenue NW, Suite 900 East
Washington, DC 20001
Main: (202) 783-6040
Direct Dial: (202) 626-3552

Admitted in New York and D.C.

The information contained in this communication is confidential, may be subject to attorney-client and/or work product privilege, and/or is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify Rothwell, Figg, Ernst & Manbeck, P.C. at (202) 783-6040.

From: Daniel L. Shores <DShores@rfem.com>
Sent: Wednesday, February 21, 2024 4:59 PM
To: jeremy.edwards@procopio.com
Cc: Adam M. Nicolais <anicolais@rothwellfigg.com>
Subject: Baran Depo Follow Up

Jeremy,

Following up on yesterday's deposition, we respectfully request that Hongene please produce the following documents **by Friday (in view of our 2/27 Sur-Reply deadline**):

1. All email communications and other documents Dr. Baran identified in the deposition not already produced (*see e.g.,* Dep. Tr. at 107:4-19, 108:13-24, 148:9-24)
2. The "slide presentation" referenced during the deposition (Dep. Tr. at 107:25-108:7).
3. The Hongene "CDA" Dr. Baran identified during the deposition (Dep. Tr. at 122:12-123:8).
4. All communications between [redacted] (*See*, *e.g.*, Dep. Tr. at 126:10-127:14)
5. Any and all agreements or term sheets (including drafts) between [redacted] (*See* e.g., Dep. Tr. at 138:8-139:1).

We reserve all rights to make additional document requests.

Best regards,
Dan

Daniel L. Shores, Esq.
10 Post Office Square I Suite 800 I Boston, MA I 02109
P 617.312.3101
F 202.783.6031
dshores@rothwellfigg.com
LinkedIn: https://www.linkedin.com/in/dan-shores-744540/
www.rothwellfigg.com

The information contained in this communication is confidential, may be attorney-client privileged, and/or is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify Rothwell, Figg, Ernst & Manbeck, P.C. at 202.783.6040. Thank you.

Fri Feb 23 2024 08:06:03

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Mon Feb 26 2024 13:20:55

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.