

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

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SAMSUNG BIOEPIS CO., LTD.,
Petitioner,

Vs.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

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Case IPR2023-00884

U.S. Patent No. 11,253,572

PETITION FOR INTER PARTES REVIEW

OF U.S. PATENT NO. 11,253,572

"CONFIDENTIAL"

Videotape deposition of GEORGE D.
YANCOPOULOS, M.D., Ph.D., held on April 12,
2024 at 9:00 a.m. at Westchester Marriott,
670 White Plains Road, Tarrytown, New York
10591 pursuant to notice, before Maureen
Ratto, Certified Court Reporter, License No.
XI01165, Registered Professional Reporter,
License No. 817125, and Notary Public.

Job No: SD6643088

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1 A P P E A R A N C E S: 2 3 Counsel for Petitioner - Samsung 4 Bioepis Co., Ltd. 5 QUINN EMANUEL URQUHART 6 & SULLIVAN, LLP 7 51 Madison Avenue 8 New York, New York 10010 9 BY: MATTHEW TRAUPMAN, ESQ. 10 Matthewtraupman@quinnemanuel.com 11 12 Counsel for Petitioner - Mylan-Biocon: 13 RMMS LEGAL 14 6 West Hubbard Street 15 Chicago, Illinois 60654 16 BY: DEANNE M. MAZZOCHI, ESQ. 17 dmazzochi@rmmslegal.com 18 19 20 21 22 23 24 25 Page 2	1 VIDEOGRAPHER: Good morning. 2 We are going on the record 8:58 3 a.m. on April 12th, 2024. 4 Please note the microphones 5 are sensitive and may pick up 08:58:40 6 whispering and private 7 conversation. Please mute your 8 phones at this time. 9 Audio and video recording will 10 continue to take place unless all 08:58:46 11 parties agree to go off the record. 12 This is Media Unit 1 of the 13 video-recorded deposition of George 14 Yancopoulos, taken by counsel for 15 Petitioners in the matter of 08:58:56 16 Samsung Bioepis Company V Regeneron 17 Pharmaceuticals, Inc. filed in 18 front of the United States Patent 19 and Trademark Office, Case No. IPR 20 2023-00884. 08:59:08 21 The location of this 22 deposition is 670 White Plains Road 23 in Tarrytown, New York, 10591. 24 My name is Adam Venturini 25 representing Veritext and I'm the 08:59:20 Page 4
1 A P P E A R A N C E S, continued: 2 3 Counsel for Patent Owner: 4 MORRISON & FOERSTER LLP 5 425 Market Street 6 San Francisco, California 94105 7 BY: DARALYN J. DURIE, ESQ. 8 ddurie@mofo.com 9 DREW ALAN HILLIER, ESQ. 10 dhillier@mofo.com 11 EMILY ROBERTS, ESQ. 12 emilyroberts@mofo.com 13 14 ALSO PRESENT: 15 GONZALO MERINO, PhD, ESQ., Regeneron 16 Senior Vice President, Chief 17 Intellectual Property Counsel and 18 Associate General Counsel 19 EILEEN WOO, ESQ., Regeneron Senior 20 Director, Assistant General Counsel 21 ADAM VENTURINI, Legal Video Specialist 22 23 24 25 Page 3	1 videographer. The court reporter 2 today is Maureen Ratto also from 3 the firm Veritext. 4 I'm not authorized to 5 administer an oath, I'm not related 08:59:28 6 to any party in this action nor am 7 I financially interested in the 8 outcome. If there are any 9 objections to the proceedings 10 please state them of your 08:59:37 11 appearance. 12 Counsel will state your 13 appearances and affiliations for 14 the record, beginning with the 15 noticing attorney. 08:59:42 16 MR. TRAUPMAN: Matt Traupman 17 from Quinn Emanuel representing 18 Petitioner Samsung Bioepis. 19 MS. DURIE: Daralyn Durie from 20 Morrison & Foerster for Regeneron. 08:59:49 21 MR. HILLIER: Drew Hillier of 22 Morris & Foerster for Regeneron. 23 MR. MERINO: Gonzalo Merino 24 from Regeneron. 25 MS. WOO: Eileen Woo also from 08:59:56 Page 5

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1 YANCOPOULOS - CONFIDENTIAL 2 Regeneron. 3 MS. ROBERTS: Emily Roberts 4 from Morrison & Foerster for 5 Regeneron. 09:00:03 6 MR. TRAUPMAN: Before you 7 swear the witness, I think there is 8 one person on Zoom though. 9 MS. MAZZOCHI: Yes, good 10 morning. This is Deanne Mazzochi 09:00:11 11 from Rokoczy Molino Mazzochi & 12 Siwik in connection with the 13 Mylan-Biocon Joint Petitioners. 14 Thank you. 15 VIDEOGRAPHER: All right. Will 09:00:21 16 the court reporter please swear in 17 witness and then you may proceed. 18 * * * 19 GEORGE D. YANCOPOULOS, 20 having been first duly sworn according 09:00:36 21 to law by the Officer, testifies as 22 follows: 23 DIRECT EXAMINATION BY MR. TRAUPMAN: 24 Q. Good morning, Dr. Yancopoulos. 25 Could you please state your name and 09:00:42 Page 6	1 YANCOPOULOS - CONFIDENTIAL 2 endeavor that we're going through here 3 but you can tell everything that's being 4 said here is on the record. 5 So the court reporter is 09:01:55 6 taking down everything down, you're 7 videotape, so it's just important that 8 you and I, and this applies equally to me 9 as it does to you, to not talk over each 10 other as we go through the day here 09:02:05 11 today. 12 So I ask of you please wait 13 until I'm done with my questions before 14 you begin answering. And similarly, I 15 will do my best, but I sometimes fail, to 09:02:14 16 let you finish your answers before I ask 17 my next question. 18 Sound okay to you? 19 A. Sure. 20 Q. Okay. We're going to go 09:02:21 21 approximately an hour to hour and 15 22 minutes between sessions, but if you need 23 a break before then, just let me know and 24 I'll do my best to accommodate you after 25 we finish a complete question and answer. 09:02:34 Page 8
1 YANCOPOULOS - CONFIDENTIAL 2 business address for the record? 3 A. George Damis Yancopoulos, 4 Regeneron, 777 Old Saw Mill River Road, 5 Tarrytown, New York 10591. 09:00:53 6 Q. And can you please state your 7 current title at Regeneron? 8 A. I'm Co-Founder, Co-Chairman, 9 President, Chief Scientific Officer. 10 Q. Thank you. And I know you've 09:01:10 11 been deposed before. 12 Approximately how many times 13 have you been deposed? 14 A. Not more than two or three 15 times. 09:01:25 16 Q. Okay. Have you been deposed in 17 anything other than patent matters? 18 A. Yes. 19 Q. Okay. What other types of 20 matters, other than that? 09:01:35 21 A. Personal matters. 22 Q. Okay. So I know, again, you've 23 been deposed before, I'm just going to 24 briefly remind you of some of the ground 25 rules. It's a bit of an artificial 09:01:46 Page 7	1 YANCOPOULOS - CONFIDENTIAL 2 Okay? 3 And if there is anything, any 4 of my questions you need clarification or 5 you don't understand my questions, please 09:02:43 6 let me know and I'll do my best to 7 clarify them. 8 A. Okay. 9 Q. Thank you very much. So I'm 10 going to hand you what's been previously 09:02:57 11 marked as Exhibit 2063. 12 (Exhibit 2063, Declaration of 13 Dr. George Yancopoulos having been 14 marked, is shown to the Deponent.) 15 Q. This is a Declaration that you 09:03:07 16 submitted in this matter. Do you 17 recognize this document, Dr. Yancopoulos? 18 (Deponent reviews the 19 document.) 20 A. Yes, I do. 09:04:25 21 Q. Okay. And that's your 22 signature on the last page, correct? 23 A. Yes, it is. 24 Q. And you reviewed this document 25 before you signed it, correct? 09:04:47 Page 9

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1 YANCOPOULOS - CONFIDENTIAL 2 A. Yes, I did. 3 Q. And when you did your review 4 you made sure, you did your best to 5 insure it was truthful, full and 09:04:55 6 accurate, correct? 7 A. I did my best to insure that 8 it was truthful and accurate. 9 Q. Did you have a chance to 10 review this document in preparation for 09:05:02 11 your deposition today? 12 A. Yes, I did. 13 Q. Did you notice anything you 14 wanted to correct or change in your 15 Declaration? 09:05:12 16 A. I did not notice anything that 17 I wanted to correct or change. 18 Q. Okay. Did you draft this 19 document, Exhibit 2063? 20 A. I didn't personally write. I 09:05:24 21 spent many hours with other people 22 explaining the story and they drafted the 23 document based on those sessions. 24 Q. Who, in particular, drafted 25 the document, to the best of your 09:05:39 Page 10	1 YANCOPOULOS - CONFIDENTIAL 2 made to the draft that you were provided? 3 MS. DURIE: I'll object to 4 that question on the basis of 5 attorney-client privilege and 09:06:54 6 instruct you not to answer. 7 MR. TRAUPMAN: Okay. Just 8 thought I'd disagree with that 9 instruction, but we're not going to 10 get into it. 09:07:16 11 Q. How many drafts did you review 12 of Exhibit 2063, Dr. Yancopoulos? 13 A. It's hard to remember. 14 Q. Do you know how many hours you 15 spent in total both working with the 09:07:23 16 attorneys and reviewing drafts of what 17 ultimately became Exhibit 2063? 18 A. I can't remember the details, 19 but it was over several days, several 20 hours and several days. 09:07:43 21 Q. Were the meetings virtually or 22 in person when you were preparing Exhibit 23 2063? 24 A. Some of the people were in 25 person and some of the people were 09:07:55 Page 12
1 YANCOPOULOS - CONFIDENTIAL 2 knowledge? 3 A. I don't know which of the 4 various lawyers actually wrote the 5 document. 09:05:54 6 Q. Okay. Which lawyers do you 7 recall talking with to prepare Exhibit 8 2063? 9 A. The lawyers who are present 10 today, starting with our internal lawyer, 09:06:06 11 Gonzalo, Daralyn and there are probably 12 numerous other people involved as well. 13 Q. So did you write any portion 14 of Exhibit 2063? 15 A. I did not personally write any 09:06:27 16 portion. 17 Q. All right. I take it at some 18 point in time you were presented with a 19 draft of what ultimately became Exhibit 20 2063; is that correct? 09:06:40 21 A. Yes. 22 Q. Did you make any edits to the 23 draft that you were provided? 24 A. Yes, I did. 25 Q. Do you remember what edits you 09:06:46 Page 11	1 YANCOPOULOS - CONFIDENTIAL 2 virtually. 3 Q. So is it fair to say that the 4 Regeneron inhouse counsel were in person, 5 while the outside counsel were virtual? 09:08:01 6 A. I can't really remember who 7 was in person and who was not. 8 Q. Okay. 9 A. I was in person. 10 Q. You weren't communicating with 09:08:17 11 yourself virtually? 12 So when did you begin working 13 on what ultimately became your 14 Declaration Exhibit 2063? 15 A. I'm not very good at putting 09:08:32 16 things in timeframes. 17 Q. Okay. 18 A. I can't remember the time. 19 Q. Well, do you remember how 20 long, from start to finish, the process 09:08:48 21 of drafting your Declaration, Exhibit 22 2063, took? 23 A. Like I said, we had several 24 meetings, each meeting was several hours. 25 I can't remember whether those meetings 09:09:05 Page 13

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1 YANCOPOULOS - CONFIDENTIAL 2 occurred over what timeframe. 3 Q. Right. So you can't -- you 4 can't say whether or not it was over the 5 course of, for instance, weeks or months; 09:09:12 6 is that your testimony? 7 A. It was probably over the 8 course of weeks. 9 Q. Okay. So would you say less 10 than a month from start to finish to 09:09:23 11 finish your Declaration Exhibit 2063? 12 A. I cannot say for sure. 13 Q. So your Declaration is -- your 14 signature is dated February 14th, 2024. 15 You can see that on the last page of the 09:09:42 16 exhibit. 17 Did you do any, spend any time 18 preparing Exhibit 2063 prior to the new 19 year, in other words, in 2023? 20 A. It's possible. 09:09:57 21 Q. Okay. Who identified the 22 documents that are cited in your 23 Declaration Exhibit 2063? 24 A. Some documents identified 25 which were on my computer and some 09:10:45 Page 14	1 YANCOPOULOS - CONFIDENTIAL 2 and a few that we got from other sources. 3 Q. Got it. You're referring to 4 the kickoff meeting with Bayer, the 5 February 2007 PowerPoint presentation 09:12:16 6 that you gave to Bayer representatives? 7 A. Can I see a copy of that? 8 Q. Sure. 9 (Exhibit 2007, document titled 10 VEGF Trap Scientific Background 09:12:52 11 dated February 16, 2007 having been 12 marked, is shown to the Deponent.) 13 Q. For the record, I've just 14 handed you what's been previously marked 15 as Exhibit 2007. It's a document entitled 09:12:46 16 VEGF Trap Scientific Background, dated 17 February 16, 2007. 18 (Deponent reviews the 19 document.) 20 A. For some reason some figures 09:14:00 21 are missing from this, but more or less 22 this is the document. 23 Q. I can only tell you this is 24 how it was given to us by your counsel. 25 A. It just seems the printout, I 09:14:21 Page 16
1 YANCOPOULOS - CONFIDENTIAL 2 documents, referring to various clinical 3 trials and so forth, were collected by 4 others on my behalf. 5 Q. Okay. So in connection with 09:11:02 6 preparing your Declaration you conducted 7 a search, yourself, on your computer; is 8 that correct? 9 A. I did not conduct a search on 10 my computer. 09:11:21 11 Q. You knew what documents you 12 were looking for on your computer and 13 located them for counsel; is that 14 correct? 15 A. Yes, that is correct. 09:11:29 16 Q. Which documents were those? 17 MS. DURIE: I'm going to 18 object that that's compound. 19 A. I can't remember all the 20 documents, but I can give an example. For 09:11:49 21 example, I remember there was an exhibit 22 about a kickoff meeting between Regeneron 23 and Bayer at the early point in that 24 collaboration. So there are a few 25 documents that I got from my computer, 09:12:07 Page 15	1 YANCOPOULOS - CONFIDENTIAL 2 guess, didn't work. But anyway, yes, this 3 is one of the presentations. 4 Q. So just to be clear, this is a 5 presentation that you gave to Bayer on 09:14:31 6 February 16th, 2007, correct? 7 A. I remember this presentation 8 very well. I cannot say I remember the 9 date but it says February 16th, so I 10 assume that's when I gave it. 09:14:49 11 Q. Somewhere -- how about we do a 12 very lawyerly thing and say on or about 13 February 16, 2007 you gave this 14 presentation to Bayer; is that fair? 15 A. Like I say, I can't remember 09:15:02 16 the date that I gave it. That's what it 17 says on the document. 18 Q. Right. And you have no reason 19 to doubt that -- 20 A. Right. 09:15:12 21 Q. -- the date on the document is 22 accurate, correct? 23 A. Right. 24 Q. And just to be clear, the 25 purpose of this document, Exhibit 2007, 09:15:18 Page 17

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1 YANCOPOULOS - CONFIDENTIAL 2 was for you to present your current 3 understanding of the VEGF project as of 4 the date of the presentation; is that 5 correct? 09:15:33 6 A. I'm not sure that my current 7 understanding is what I was trying to 8 communicate. 9 Q. Okay. What were you trying to 10 communicate with this presentation? 09:16:15 11 A. I was trying to communicate my 12 vision for the potential of VEGF Trap or 13 what became Eylea in the future. 14 Q. And I see you've dog-eared 15 some of the pages on the back that talk 09:16:58 16 about upcoming clinical trials, correct? 17 A. I dog-eared some pages in the 18 document. 19 Q. And those are talking about 20 some of the future plans for VEGF Trap 09:17:07 21 the pages you dog-eared? 22 A. Those are not the pages I 23 dog-eared. 24 Q. Let's look at the pages you 25 dog-eared. 09:17:17 Page 18	1 YANCOPOULOS - CONFIDENTIAL 2 patients with the same frequency, that we 3 achieve better preservation and 4 improvement in vision or -- and/or we 5 could show that by -- that perhaps we 09:20:03 6 could achieve similar vision but with a 7 longer dosing interval, meaning less 8 burdensome injections per patient. And 9 then I also showed the data, which to me 10 suggested why Lucentis was limited in the 09:20:44 11 dosing interval, meaning why you had to 12 give Lucentis at a certain frequency and 13 what I thought the first interval at 14 which Lucentis failed might be. 15 Q. Okay. Thank you. 09:21:09 16 So I understand these pages 17 that you dog-eared starting on page 43 18 talk about your -- as to use your 19 words -- your future vision, but I guess 20 starting from call it page 41 and earlier 09:21:23 21 in this presentation, that's the purpose 22 of those earlier pages is to provide 23 background on the science and to provide 24 Bayer with some of the results you had 25 already obtained; is that correct? 09:21:39 Page 20
1 YANCOPOULOS - CONFIDENTIAL 2 A. I dog-eared pages 42, 43, 44, 3 46, 47, pages that, as I said, reflected 4 what was my vision for what was the 5 potential of what would be Eylea in this 09:18:02 6 clinical arena. 7 Q. Got it. And so, for instance, 8 43, the title of that slide is Beating 9 Lucentis Efficacy, correct? 10 A. That is the title. 09:18:20 11 Q. So you talk about in page 43 12 and the succeeding pages in Exhibit 2007 13 what your vision was for how you could 14 conduct testing of what ultimately became 15 Eylea to show that it was more 09:18:37 16 efficacious than Lucentis; is that 17 correct, Doctor? 18 A. I'm not sure if you could term 19 it that these pages that I dog-eared 20 describe how to do the clinical trials. 09:19:24 21 They describe what the opportunity might 22 be and why -- that we could show a 23 benefit compared to Lucentis. 24 That is we could either show 25 using the same regimen, that is dosing 09:19:45 Page 19	1 YANCOPOULOS - CONFIDENTIAL 2 A. Yes. The previous slides 3 leading up to the slides that I dog-eared 4 provide background on what would be 5 Eylea, yes. 09:22:07 6 Q. All right. We'll get back to 7 this document in a second. But just to 8 be clear for the record, this is one of 9 the documents that you located on your 10 computer and provided to counsel in 09:22:18 11 connection with preparing your 12 Declaration, which is marked as Exhibit 13 2063; is that correct? 14 A. Yes. 15 Q. Did you know this document, 09:22:26 16 when you began working on your 17 Declaration, did you know this document 18 existed and go search your computer 19 specifically looking for this document? 20 A. Yes, I knew exactly where this 09:22:41 21 document was on my computer and I knew 22 exactly what was in this document -- 23 Q. So, in other words -- 24 A. -- and I specifically 25 suggested that counsel -- 09:23:58 Page 21

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1 YANCOPOULOS - CONFIDENTIAL 2 MS. DURIE: And I would just 3 caution you don't get into what you 4 communicated with counsel but you 5 can say what you did, if that makes 09:24:05 6 sense. 7 A. So I communicated with counsel 8 that they should -- 9 MS. DURIE: Again, don't say 10 what -- I get it's complicated. 09:24:14 11 Don't say what you told the lawyers 12 but you can just say literally what 13 you did. 14 A. I pointed counsel to this 15 document. 09:24:26 16 Q. Understood. Thank you. 17 Did you, when you -- again, in 18 connection with your work preparing the 19 Declaration that's been submitted in this 20 proceeding -- did you identify on your 09:24:41 21 computer any other documents other than 22 what we just looked at and Exhibit 2007? 23 A. Yes. 24 Q. What other documents did you 25 locate on your computer in connection 09:24:52 Page 22	1 YANCOPOULOS - CONFIDENTIAL 2 could fail. That is if you didn't give 3 it at a certain frequency, if you didn't 4 give it quickly enough, at what point it 5 would fail and, thus, that would suggest 09:27:25 6 at what interval that we should be 7 delivering VEGF Trap or what became known 8 as Eylea, to show it could succeed where 9 Lucentis has failed. 10 So there were a series of 09:27:46 11 related documents that largely reflected 12 what was also seen in this document. 13 Q. Got it. 14 A. But that were either 15 concurrent, a little before, a little 09:27:58 16 after. Some of the documents were 17 corrupted and could not even be opened 18 because they were so old and so this 19 became the document that is, I guess, one 20 of the major documents in the exhibit. 09:28:12 21 Q. Okay. What documents, what 22 type of documents you found that were 23 corrupted? 24 A. PowerPoint presentations. 25 Q. Did you give those corrupted 09:28:23 Page 24
1 YANCOPOULOS - CONFIDENTIAL 2 with preparing your Declaration? 3 MS. DURIE: I also object as 4 compound. Go ahead. 5 A. I pointed them to a number of 09:25:20 6 other documents as well. 7 Q. Can you identify those other 8 documents, please? 9 A. Could I have the other 10 exhibits? 09:26:24 11 Q. Well, I have every single 12 exhibit but -- I can put them all in 13 front of you but I don't think that would 14 be efficient, Dr. Yancopoulos. 15 Can you, sitting here today, 09:26:32 16 recall any specific document, other than 17 Exhibit 2007, that you located on your 18 computer in connection with preparing 19 your Declaration? 20 A. I would have to go through 09:26:42 21 each exhibit one at a time. Maybe, if it 22 helps you, what I can tell you is I 23 pointed specifically to documents that 24 highlighted the point that I was the 25 first to have an idea of when Lucentis 09:27:11 Page 23	1 YANCOPOULOS - CONFIDENTIAL 2 PowerPoint presentations to counsel? 3 A. I know that counsel worked 4 with our IT group to try to open certain 5 documents that were irretrievable but 09:28:50 6 they had largely this sort of 7 information. 8 Q. When you say "this sort of 9 information", you are talking about the 10 information that's contained in the 09:29:06 11 slides beginning around 43 of Exhibit 12 2007, correct? 13 A. Relating to the concept of at 14 what interval Lucentis would fail and 15 that would determine what would be the 09:29:20 16 minimal test interval for VEGF Trap or 17 Eylea, which is the so-called 2q8 18 interval. 19 Q. Right. Every -- dosing 2 20 milligrams of Eylea every eight months -- 09:29:36 21 eight weeks. My apologies. 22 MS. DURIE: That would be 23 great. 24 MR. TRAUPMAN: Still working 25 on that. 09:29:47 Page 25

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1 YANCOPOULOS - CONFIDENTIAL 2 A. We sort of did it now, but... 3 Q. Let me ask -- let me rephrase 4 my question because I had a mistake. So 5 I'll withdraw that prior question. 09:29:56 6 So, again, 2q8, when you refer 7 to that, you're referring to dosing 2 8 milligrams of Eylea every eight weeks, 9 correct? 10 A. The 2q8 regimen, when we use 09:30:06 11 it as a short phrase, refers to a regimen 12 where we first give loading doses 13 monthly, followed by essentially 14 maintenance or preservation of the 15 initial vision gains with dosing every 09:30:31 16 eight weeks. 17 Q. All right. We'll get to the 18 loading doses later today, but thanks for 19 that clarification. 20 But, again, when you're 09:30:40 21 talking in 2007 about the interval at 22 which Lucentis fails, the interval that 23 you identified was that Lucentis fails at 24 two months, correct? 25 A. Yes. 09:30:51 Page 26	1 YANCOPOULOS - CONFIDENTIAL 2 Q. Sure. 3 (Exhibit 1027, Press release 4 re: VEGF Trap Phase I data having 5 been marked, is shown to the 09:32:35 6 Deponent.) 7 Q. I'm handing you what's been 8 previously marked as Exhibit 1027. 9 (Deponent reviews the 10 document.) 09:33:37 11 A. Sorry. What was the question 12 again? 13 Q. It was hopefully a pretty 14 simple question. 15 In chronological order the 09:33:45 16 first clinical trial that you discuss in 17 your Declaration is the CLEAR-IT-1 trial, 18 correct? 19 A. Correct. 20 Q. And is it accurate to say that 09:33:53 21 CLEAR-IT-1 was the first time that VEGF 22 Trap was administered intravitreally to 23 humans? 24 (Deponent reviews the 25 document.) 09:34:05 Page 28
1 YANCOPOULOS - CONFIDENTIAL 2 Q. Thank you. Okay. We got a 3 little out of order. I'm trying to go 4 chronological to keep at least my sanity 5 straight. 09:31:05 6 If we go to your Declaration, 7 and you have a Section II called -- 8 entitled the Development Timeline Of 9 Eylea, it's on page 2. Do you see that? 10 A. I see that, yes. 09:31:18 11 Q. I'd like to just go through 12 each of the different trials that you 13 identify here in your Declaration. 14 If you turn to page 3, I 15 believe the first clinical trial of what 09:31:31 16 ultimately became Eylea in the eye was 17 the CLEAR-IT-1 study; is that correct? 18 Actually, let me withdraw that 19 question. 20 The first trial you discuss in 09:31:48 21 your Declaration, chronologically 22 speaking, relating to dosing VEGF Trap in 23 the eye is the CLEAR-IT-1 study, correct? 24 A. Could I actually see the 25 Exhibit 1027 that this is referring to? 09:32:31 Page 27	1 YANCOPOULOS - CONFIDENTIAL 2 A. The relative timing of all of 3 these trials and when they initiated, 4 when the first patient might have been 5 dosed, is not clear to me but it is the 09:35:33 6 first trial that we describe in the 7 Declaration. 8 Q. Yeah. And just to be clear, 9 I'm not asking you for, you know, the 10 date when the first human received an 09:35:42 11 intravitreal injection. But you, of 12 course, know that you need an IND before 13 you can administer an investigational 14 biologic to a human, right, Dr. 15 Yancopoulos? 09:35:58 16 A. I'm just referring to the fact 17 that we describe two Phase I trials that 18 are somewhat concurrent. And so I'm not 19 sure at this time, you asked me when was 20 the first time we administered what would 09:36:21 21 be Eylea intravitreally to patients and 22 since the time is not on the slide, I do 23 not remember which of the Phase I trials 24 had the first patient treated first. 25 Q. Okay. So you're just comparing 09:36:38 Page 29

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1 YANCOPOULOS - CONFIDENTIAL 2 the two Phase I trials in your 3 Declaration CLEAR-IT-1 which is on page 4 3, and then CLEAR-IT-DME, which is on 5 page 4; is that right? 09:36:50 6 A. Right. 7 Q. Okay. Well, let's just drill 8 down on that a little bit. 9 You have Exhibit 1027 in front 10 of you, Dr. Yancopoulos, that's a press 09:37:02 11 release dated May 1st, 2006. 12 A. Right. 13 Q. And that's giving the results 14 of the CLEAR-IT-1 trial, correct? 15 A. Right. 09:37:13 16 Q. All right. And paragraph 10 of 17 your Declaration, which is the first part 18 of the discussion on CLEAR-IT-DME states, 19 "In April 2006, Regeneron began its Phase 20 I clinical trial, CLEAR-IT-DME." Do you 09:37:25 21 see that? 22 A. Yes. 23 Q. And given the fact that you 24 had a press release discussing the 25 complete results of the trial on May 1st, 09:37:39 Page 30	1 YANCOPOULOS - CONFIDENTIAL 2 free to look at it. 3 Let me just explain to you, 4 the first part of this is just an 5 affidavit from the folks who run the 09:38:52 6 Wayback Machine, which is the internet 7 archive, to confirm that this 8 presentation was on Regeneron's website 9 as of the date stated on the document. 10 But starting on page 5 of the document 09:39:07 11 there's a -- what appears to be a 12 PowerPoint presentation dated February 13 3rd, 2006. 14 Please feel free to peruse 15 this document and let me know when you're 09:39:26 16 done. 17 (Deponent reviews the 18 document.) 19 A. Sorry. What was the question? 20 Q. I was just giving you some 09:41:08 21 time to review it. It looks like you've 22 had an opportunity to review this 23 document, correct? 24 A. Yes. 25 Q. Do you recognize it? 09:41:13 Page 32
1 YANCOPOULOS - CONFIDENTIAL 2 the CLEAR-IT-1 trial on May 1st, 2006, 3 would that lead you to conclude that that 4 trial started earlier than April 2006, 5 when Regeneron began the CLEAR-IT-DME 09:37:51 6 trial? 7 A. I believe you drew a 8 reasonable conclusion. I'm just saying 9 from my recollection, other than trying 10 to compare the dates as you did, I cannot 09:38:07 11 actually recall from my memory when the 12 first patient was treated in the first 13 trial relatively. I certainly remember 14 that we conducted both of these trials 15 more or less in similar timeframes. 09:38:22 16 (Exhibit 1070, printout from 17 Wayback Machine re: Regeneron 18 PowerPoint presentation dated 19 February 3, 2006, having been 20 marked, is shown to the Deponent.) 09:38:24 21 Q. Got it. Let me see if I can 22 help refresh your recollection, Doctor. 23 I'm handing you what's been 24 marked as Exhibit 1070. This is something 25 that was not in your Declaration, so feel 09:38:42 Page 31	1 YANCOPOULOS - CONFIDENTIAL 2 A. Yes, I do. 3 Q. What is it? 4 A. It describes two of our early 5 studies with what would be Eylea. Should 09:41:24 6 we just refer to it Eylea, VEGF Trap? 7 Doesn't matter? 8 Q. I just want the record to be 9 clear. If we can agree on the term 10 Eylea, even though I understand that is a 09:41:39 11 brand name that did not exist until 2011, 12 I think or 2010, but -- 13 A. If it's easy and we all agree. 14 Q. Let's make this clear for the 15 record. When we're referring to Eylea we 09:41:52 16 are not limiting it by time, we're 17 referring to the molecule known as 18 aflibercept also known as VEGF Trap; is 19 that okay Dr. Yancopoulos? 20 A. Yes. So it describes simply 09:42:04 21 what Eylea is, and two of the very early 22 stages, one in which we delivered Eylea 23 systematically and saw effects, 24 beneficial effects in the eye, and 25 another early study where we were 09:42:35 Page 33

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2 delivering it intravitreally and we also
3 saw beneficial effects in the eye.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
11 MS. DURIE: And can I ask, is
12 this of record because we're not
13 seeing it?
14 MR. TRAUPMAN: I've marked a
15 new exhibit. 09:43:55
16 MS. DURIE: This is something
17 that is not of record in the
18 proceeding?
19 MR. TRAUPMAN: It is now. I'm
20 allowed to mark other exhibits in 09:44:00
21 this proceeding.
22 MS. DURIE: We can agree to
23 disagree about that. But I want to
24 be clear this is not something
25 that, at least up until this point 09:44:14

[illegible][illegible]

09:49:27

CONFIDENTIAL

1 YANCOPOULOS - CONFIDENTIAL
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 Q. So let me also just show you
 13 another exhibit. Again, Daralyn, this is
 14 Exhibit 1071.
 15 (Exhibit 1071, printout from 09:51:24
 16 Wayback Machine re: Investor
 17 Relations Presentation to Merrill
 18 Lynch Global Pharmaceutical
 19 Biotechnology and Medical Device
 20 Conference having been marked, is 09:55:50
 21 shown to the Deponent.)
 22 Q. Feel free to take a look
 23 through that, Dr. Yancopoulos.
 24 Again, it's the same format,
 25 there is a declaration attesting to the 09:51:32
 Page 38

1 YANCOPOULOS - CONFIDENTIAL
 2 conferences on behalf of Regeneron in the
 3 past?
 4 A. I have.
 5 Q. Many times? 09:56:16
 6 A. I'm not sure what the
 7 definition of "many times" is, but I have
 8 attended investor conferences.
 9 Q. Over ten times?
 10 A. Probably over ten times. 09:56:33
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 Page 40

1 YANCOPOULOS - CONFIDENTIAL
 2 date and then a presentation that begins
 3 on page 5.
 4 MR. HILLIER: Counsel, do you
 5 have any other copies? 09:52:16
 6 MR. TRAUPMAN: I'm sorry, I
 7 don't.
 8 A. I reviewed the document.
 9 Q. Do you recognize it?
 10 A. Yes, I do. 09:55:28
 11 Q. What is it?
 12 A. It's a presentation that was
 13 given by our investor relations group at
 14 a conference.
 15 Q. The Merrill Lynch Global 09:55:45
 16 Pharmaceutical Biotechnology and Medical
 17 Device Conference, correct?
 18 A. That's what it says.
 19 Q. Did you attend that
 20 conference? 09:55:56
 21 A. At this point in time, I can't
 22 remember where I was on February 8, 2006.
 23 Q. Understood. But you don't have
 24 any -- let me strike that.
 25 Have you attended investor 09:56:11
 Page 39

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
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 24 [REDACTED]
 25 [REDACTED]
 Page 40

11 (Pages 38 - 41)

[illegible]

Page 42

[illegible][illegible][illegible]

18 MS. DURIE: We've been going
19 over an hour, is this a good time
20 to take our first break? 10:05:21

21 MR. TRAUPMAN: Just let me
22 finish with this document. I may be
23 done. Just give me two seconds.

24 MS. DURIE: Sure.

25. [REDACTED]

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1 YANCOPOULOS - CONFIDENTIAL

[illegible]

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1 YANCOPOULOS - CONFIDENTIAL

2 there in front of you, there you describe
3 the design of the CLEAR-IT-1 study,
4 correct?
5 A. Yes. We describe various 10:25:50
6 features of the CLEAR-IT-1 study.

1. [REDACTED]
 [REDACTED]
 [REDACTED]
 2. [REDACTED]
 [REDACTED]
 [REDACTED]
 3. [REDACTED]
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 4. [REDACTED]
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 6. [REDACTED]
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 7. [REDACTED]
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 8. [REDACTED]
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 [REDACTED]
 9. [REDACTED]
 [REDACTED]
 [REDACTED]
 10. [REDACTED]
 [REDACTED]
 [REDACTED]

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3 MR. TRAUPMAN: Let's take a
4 break.
5 MS. DURIE: Great. 10:06:59
6 VIDEOGRAPHER: We are off the
7 record 10:07 a.m.
8 (Recess is taken.)
9 VIDEOGRAPHER: Okay. We are
10 back on the record 10:25 a.m. 10:25:03
11 Q. Welcome back, Dr. Yancopoulos.
12 A. It's a pleasure to be here.
13 Q. I understand it's maybe not
14 the most fun day but we'll try to get you
15 through as quick as we can. 10:25:18
16 During the break did you
17 discuss the substance of your deposition
18 testimony?
19 A. No.
20 Q. So before we took our break we 10:25:
21 were talking about the CLEAR-IT-1 trial
22 and I'd like to pick up that discussion.
23 Okay?
24 So if you look at paragraph 9
25 of your Declaration, I think you have it 10:25:

[illegible]

13 (Pages 46 - 49)

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Regeneron Pharmaceuticals, Inc. Exhibit 2246 Page 14
Samsung et al. v. Regeneron IPR2023-00884

[illegible]

Regeneron Pharmaceuticals, Inc. Exhibit 2246 Page 15
Samsung et al. v. Regeneron IPR2023-00884

(b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

17 A. Yes.

[illegible]

Page 58

[illegible]

1. [REDACTED]
 2. [REDACTED]
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 93. [REDACTED]
 94. [REDACTED]
 95. [REDACTED]
 96. [REDACTED]
 97. [REDACTED]
 98. [REDACTED]
 99. [REDACTED]
 100. [REDACTED]

17 So you don't know whether the
18 trial started first without the name
19 CLEAR-IT-1 or whether or not it was
20 called CLEAR-IT-1 from the start; is that 10:53:09
21 fair, Dr. Yancopoulos?

22 A. I cannot remember who, when or
23 however, and I do not remember it as
24 CLEAR-IT-1.

25 Q. You just remember it as a 10:53:10

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1 YANCOPOULOS - CONFIDENTIAL 2 Phase I trial for Eylea? 3 A. Yes. I remember that we 4 actually did a Phase I intravitreal with 5 AMD patients and that's how I remember 10:53:23 6 it. 7 Q. Got it. 8 A. I guess if we talk about it 9 enough I'll associate it with the name 10 CLEAR-IT-1. 10:53:30 11 Q. So if we go to your 12 Declaration on page 4, we briefly touched 13 upon it earlier, but let me ask a few 14 followup questions. 15 On CLEAR-IT-DME, understanding 10:53:58 16 that name doesn't mean much to you, I'm 17 talking, as you describe in paragraph 10, 18 the trial that began in April 2006 which 19 was a Phase I clinical trial to test the 20 safety and tolerability of VEGF Trap-Eye 10:54:11 21 in five subjects suffering DME. 22 Do you recall that trial, Dr. 23 Yancopoulos? 24 A. Could I see the referred to 25 Exhibits 2012, and I guess that means 10:54:50 Page 62	1 YANCOPOULOS - CONFIDENTIAL 2 Q. And here, Dr. Yancopoulos, is 3 Exhibit 1009, when you're ready. 4 (Exhibit 1009, article from 5 Informa Healthcare written by James 10:56:17 6 A. Dixon having been marked, is 7 shown to the Deponent.) 8 (Deponent reviews the 9 documents.) 10 A. I'm sorry. What was the 10:59:53 11 question? 12 Q. I was just -- I just asked if 13 you recalled the trial. 14 A. It's almost 20 years ago. This 15 reminds me of the trial. Whether I would 11:00:29 16 have recalled it on my own, I can't say. 17 Q. You said you remember data. 18 You don't remember the data that was 19 generated from this trial? 20 A. Could you show me the data 11:00:40 21 that was generated from this trial? 22 Q. I believe, you know, the only 23 material that's of record are the three 24 exhibits that you cited in your 25 Declaration here, which I just gave you. 11:01:05 Page 64
1 YANCOPOULOS - CONFIDENTIAL 2 2014 and 1009 and 1003, those are all 3 exhibits referring to this trial. 4 Q. The answer is yes, but let me 5 just clarify. I believe that is Exhibit 10:55:03 6 2010, page 4 is what that means. So I'm 7 not going to give you 2014, just because 8 I don't think that's what it refers to. 9 A. I was hoping to get the 10 exhibits that are referred to here, so I 10:55:17 11 didn't understand the nomenclature. You 12 got a 2001, 1030 and 1009. 13 Q. Sure. So here I'm presenting 14 you what's been marked previously as 15 Exhibit 2012. 10:55:34 16 (Exhibit 2012, Printout from 17 ClinicalTrials.gov Re: Phase I 18 study of VEGF Trap for DME having 19 been marked, is shown to the 20 Deponent.) 10:55:54 21 Q. And here, Doctor, when you're 22 ready, is Exhibit 1030. 23 (Exhibit 1030, May 2007 ARVO 24 Annual Meeting Abstract having been 25 marked, is shown to the Deponent.) 10:56:12 Page 63	1 YANCOPOULOS - CONFIDENTIAL 2 So I don't know, when you were 3 reviewing exhibits 2001 and 1030 and 4 1009, whether you saw the data that was 5 generated from this trial. 11:01:19 6 A. The data was referred to but 7 the data wasn't actually provided. It is 8 hard for me to remember whether I 9 specifically remember the data from this 10 trial or I'm simply reminded of it by 11:01:37 11 looking at these documents. 12 Q. Right. Do you remember the 13 design of this trial? 14 A. I am reminded of the design of 15 this trial from reviewing these 11:02:14 16 documents. 17 Q. And reviewing those documents 18 doesn't generate a recollection of the 19 design, an independent recollection of 20 the design of the trial; is that correct? 11:02:25 21 MS. DURIE: Objection. 22 A. I'm certainly reminded of this 23 trial and obviously have considered it. 24 Whether you're asking whether 25 I specifically recall the trial and the 11:04:59 Page 65

17 (Pages 62 - 65)

1 YANCOPOULOS - CONFIDENTIAL
2 results, itself, other than my reviews of
3 it recently, it's hard to distinguish
4 whether I'm remembering my review of it
5 or whether I'm remembering the actual, 11:05:15
6 you know, trial and the results from 20
7 years ago.
8 Q. Understood. Did you design the
9 protocol that was used for the
10 CLEAR-IT-DME trial? 11:05:23
11 A. As I've said before, in
12 general, the way we operate is I work
13 with my team, input, get input from
14 everybody, integrate it with my own ideas
15 and generally go forward with a clinical 11:06:08
16 design.
17 This particular design,
18 choosing a single dose to go forward with
19 and treating five patients, I mean, I've
20 been involved in design and treatment of 11:06:37
21 studies involving tens of thousands of
22 patients. I can't remember the specifics
23 of this trial involving five subjects.
24 [REDACTED]
25 [REDACTED] Page 66

1 [REDACTED]
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5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
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12 [REDACTED]
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17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Q. Got it. And is it fair to say, 11:10:31
6 typically things like Phase III trials
7 are the types of trials that require, to
8 use your term, more creative design; is
9 that accurate?
10 A. I don't think one can 11:10:41
11 necessarily relate the phase of the trial
12 with the creativity and design aspects
13 and so forth.
14 I'm sure I could remember, if
15 I took the time, Phase I trials that 11:11:10
16 required creativity and novelty and so
17 forth in the design and Phase II trials
18 as well as Phase III trials. So one has
19 to look at each one with a sort of, you
20 know, independent lean and I can tell. 11:11:26
21 Q. Can you think of any Phase III
22 trial that you were involved in that
23 falls under the category of being rote,
24 to use your term?
25 A. I don't want to belittle Phase 11:11:38

1 YANCOPOULOS - CONFIDENTIAL 2 III trials because they're all difficult 3 and they all have a high chance of 4 failure and so forth, but for sure there 5 are some trials that require less novelty 11:12:40 6 and creativity in the thinking and the 7 design. 8 For example, if one is testing 9 a biosimilar, one would largely be 10 repeating and doing exactly what was done 11:12:59 11 before, so there would not be too much of 12 an element of novelty in the design and 13 the creativity. And there's, you know, 14 many Phase III trials that either involve 15 biosimilars or me-too's that are pretty 11:13:16 16 much trying to reproduce what was done 17 before. 18 So yes, there can be Phase III 19 trials that don't require too much 20 novelty and creativity and design, but 11:13:28 21 there are obviously a lot of Phase III 22 trials, Phase II trials and maybe even 23 Phase I trials that require novelty and 24 creativity in the design in terms of 25 trying to come up with something that 11:13:42	[REDACTED] [REDACTED] 3 Q. So, again, you mentioned 4 earlier in your testimony that you tend 11:15:10 5 to recall data as opposed to names. 6 Is the CLEAR-IT-2 trial the 7 trial for which you recall the data that 8 you obtained? 9 A. Do we have Exhibit 1009 here? 10 We do. 11:15:24 11 Q. I think you have that one 12 already. I think that's right in front of 13 you. Feel free to refer to it. I have all 14 the exhibits in your Declaration. Just 15 tell me what you want, Doctor, and I'll 11:15:33 16 be happy to give it to you. 17 A. I guess I need 2004, if I 18 don't have it. 19 Q. Here you go. Here is 2004. 20 (Exhibit 2004, Regeneron Press 11:16:03 21 release dated May 27, 2007, having 22 been marked, is shown to the 23 Deponent.) 24 (Deponent reviews the 25 document.) 11:17:05
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Regeneron Pharmaceuticals, Inc. Exhibit 2246 Page 19
Samsung et al. v. Regeneron IPR2023-00884

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1 YANCOPOULOS - CONFIDENTIAL 2 Q. Okay. So sitting here today, 3 you can't identify who was on your team 4 in the April and May timeframe of 2006 5 regarding the clinical trials of VEGF 11:19:21 6 Trap? 7 A. I can tell you who, if you 8 want it, quite a few names of people on 9 the team across that time period. 10 Whether anybody was -- any of those 11:19:38 11 people or which of those people were on 12 the team for any particular date or 13 trial, I can't specifically recall. I can 14 recall names of people who were spanning, 15 you know, the whole period of time. 11:19:53 16 Q. Okay. Well, let's start with 17 that and see if we can get a little bit 18 more precise. 19 Who do you recall working on, 20 again, the clinical trials relating to 11:20:02 21 what became Eylea? 22 A. Individual's names like Jesse 23 Cedarbaum, Avner Ingerman, Alyson 24 Berliner, Karen Chu. 25 Q. You just need to slow down for 11:21:24 Page 74	1 YANCOPOULOS - CONFIDENTIAL 2 A. He's a neurologist. 3 Q. And is he still at Regeneron 4 today? 5 A. No. 11:23:17 6 Q. What was his role in the 7 clinical trials that ultimately -- for 8 the molecule that ultimately became 9 Eylea? 10 A. He was part of the clinical 11:23:30 11 team, he played a leadership role in 12 conducting and running a number of the 13 trials. 14 Q. Okay. 15 A. That was his role. 11:24:07 16 Q. Do you recall which trial or 17 trials, clinical trials of VEGF Trap Dr. 18 Cedarbaum was involved in? 19 A. I know he was involved in the 20 earliest trials. The trial that's 11:24:32 21 referred to in Exhibit 1070 as the 22 systemic administration trial and the 23 intravitreal safety study, I do not know 24 how far into all the studies he continued 25 to contribute because I know he left 11:25:12 Page 76
1 YANCOPOULOS - CONFIDENTIAL 2 the court reporter to get all these 3 names. 4 A. Karen Chu -- I lost my train 5 of thought -- Peter Powchik, Bob Vitti. 11:21:41 6 That's a start. 7 Q. And I saw you were looking at 8 one of the exhibits. Is that 1030 that 9 you were looking at to help remind 10 yourself of some names? 11:22:28 11 A. I was hoping to see author 12 list but I cannot find any. 13 Q. So that was all just from your 14 memory; is that right? 15 A. That was all from my memory, 11:22:37 16 yes. 17 Q. Let's get a lay of the land. I 18 think I recognize a lot of these names 19 but make sure we're on the same page. 20 Who is Jesse Cedarbaum? 11:22:52 21 A. He was an individual that was 22 involved in leading a number of clinical 23 trials. 24 Q. Okay. What is his scientific 25 or medical specialty? 11:23:06 Page 75	1 YANCOPOULOS - CONFIDENTIAL 2 Regeneron at some point during these 3 ongoing studies. 4 Q. Got it. So he would have left 5 Regeneron before the VIEW 1 and VIEW 2 11:25:27 6 trials had been completed; is that 7 correct? 8 A. I believe he would have left 9 before the VIEW 1 and VIEW 2 trials were 10 completed, but I'm not 100% sure. 11:25:41 11 Q. Got it. And who is Avner 12 Ingerman? 13 A. He had a similar role in the 14 conduction and operation of the trials. 15 Q. Did he replace Dr. Cedarbaum 11:26:01 16 when he left? 17 A. It's hard to remember the 18 exact timing and whether he was an exact 19 replacement but he played a similar role, 20 leadership role in the conduct and 11:26:37 21 operation of clinical trials for a period 22 of time. 23 Q. Do you know which clinical 24 trials involving VEGF Trap Dr. Ingerman 25 would have been involved in? 11:26:54 Page 77

20 (Pages 74 - 77)

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1 YANCOPOULOS - CONFIDENTIAL 2 A. I can't say which team members 3 were involved in designing or in 4 conducting or in operation of which 5 trials that were occurring more than 15 11:27:05 6 to 20 years ago. 7 Q. Was Dr. Cedarbaum someone you 8 would have collaborated with and bounced 9 ideas off of in connection with designing 10 clinical trials for VEGF Trap? 11:27:22 11 MS. DURIE: Objection. 12 A. He was part of the team with 13 which I constantly exchanged ideas and 14 thinking and planning. 15 Q. I take it the same is true of 11:27:41 16 Dr. Ingberman? 17 A. Right. And I also just 18 recollect, you know, as we're talking 19 about these, adding various other names, 20 I should mention people like Neil Stahl, 11:27:54 21 people like John Rudge. More names will 22 probably come to me. 23 Q. And as they do, feel free to 24 let us know. I appreciate that. 25 So you've talked about how you 11:28:09 Page 78	1 YANCOPOULOS - CONFIDENTIAL 2 Papadopoulos was either a current or 3 former Regeneron employee, correct? 4 A. Yes. 5 Q. And same thing, I don't know 11:29:18 6 if it's a doctor or not, but Mr. or Dr. 7 Davis, was that person a current or 8 former Regeneron employee? 9 A. Yes, he was one of my first 10 hires in the early days of Regeneron. We 11:29:29 11 were very desperate to hire people. 12 Nobody would come work for a small, tiny 13 biotech company and I was desperate to 14 hire him. 15 It's a good story, it's worth 11:29:42 16 hearing. And I was bemoaning the fact 17 that I couldn't convince anybody to come 18 from academia to join me. And a friend 19 of mine, a professor at Harvard, said I 20 have this theoretical physicist who just 11:29:59 21 walked into my lab looking to change his 22 career and become -- you know, try to 23 become a molecular biologist and why 24 don't you talk to him? And he doesn't 25 know how to spell DNA, but he seems 11:30:12 Page 80
1 YANCOPOULOS - CONFIDENTIAL 2 would collaborate with the team. 3 A. I should mention Jim Fandl, 4 Tom Daly. 5 Q. I just want to make sure 11:28:22 6 you're done with your answer. 7 A. I'm sure there's many more 8 that come to mind as we go on. 9 Q. All the people -- just point 10 of clarification -- all the people you 11:28:33 11 mentioned so far are current or former 12 Regeneron employees? 13 A. Yes. 14 Q. So you talked about how you 15 would collaborate -- 11:28:44 16 A. Nick Papadopoulos, Sam Davis. 17 Q. I don't want to interrupt you. 18 I'm just giving you a pause. 19 A. Many more will probably come 20 to mind. 11:29:02 21 Q. And I'm just trying to keep 22 the record clean by not interrupting you, 23 Doctor, so let me know when someone else 24 does. 25 I'm pretty sure I know Dr. 11:29:11 Page 79	1 YANCOPOULOS - CONFIDENTIAL 2 pretty smart. If you're really 3 desperate, you know, you can hire him and 4 see if you can turn him into a molecular 5 biologist and, yeah, that was Sam Davis 11:30:22 6 who I think I hired in 1991. 7 Q. I hope he stayed long enough 8 to -- 9 A. He still, like me, is at 10 Regeneron and still kicking. 11:30:33 11 Q. Good story. Thanks for 12 sharing. 13 A. There's a story behind almost 14 every one of the names. 15 Q. And in the interest of time I 11:30:40 16 might not -- I might not take you up on 17 every story. We can do that over a beer 18 sometime. 19 Focusing back into something 20 that you testified, you said repeatedly 11:30:52 21 how you would collaborate with the team 22 and understand that the composition of 23 the team changes over time, but how would 24 you collaborate? Would you have in-person 25 meetings? Send memos back and forth, et 11:31:05 Page 81

21 (Pages 78 - 81)

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1 YANCOPOULOS - CONFIDENTIAL 2 cetera? How would the collaboration work? 3 A. The most important way I like 4 to operate is by having everybody in the 5 room, in person, not remote, and debate 11:31:15 6 everything from first principles. 7 Q. So free exchange of ideas, 8 everyone with an equal voice to try to 9 give their ideas proper airtime, critique 10 other's ideas and reach some sort of 11:31:37 11 consensus? 12 A. There is no more important 13 diversity than diversity of expression 14 and ideas. 15 Q. So then you would just -- 11:31:46 16 would there be a scrivener, a note-taker 17 at these meetings? How would it be 18 organized? 19 A. So for the longest time, in 20 the history of Regeneron, I was the 11:32:13 21 script-taker and the note-taker, and at 22 some point we started engaging what we 23 call program managers to take over that 24 role. But for a long time I was the one 25 who sort of collated the ideas and try to 11:32:28 Page 82	1 YANCOPOULOS - CONFIDENTIAL 2 if our legal counsel went back and 3 looked. 4 Q. Okay. So the meetings that you 5 had -- 11:33:53 6 A. I also don't know if I have 7 any of those notes. 8 Q. I understand. The meetings 9 that you described, the in-person 10 meetings, how often would they occur? 11:34:01 11 A. As often as daily, as often as 12 multiple times a day. It depends on the 13 issues, what we were discussing, you 14 know, urgency. 15 Q. So, yeah, there's different 11:34:20 16 levels of urgency, you might have a 17 deadline for any number of reasons and 18 the pace of the meetings might pick up. 19 And conversely, it might be relatively 20 slow and there might be a longer gap 11:34:32 21 between meetings. Is that -- 22 A. Probably, yes. 23 Q. So when you were working 24 towards developing -- and let's just 25 start with the CLEAR-IT-2 trial because 11:34:44 Page 84
1 YANCOPOULOS - CONFIDENTIAL 2 synthesize them at meetings. 3 Q. And so did you take those 4 notes longhand with a pad or pencil or 5 did you do them on a computer? 11:32:39 6 A. Usually longhand. 7 Q. Did you save those notes? 8 A. It's hard to remember what I 9 saved and what I didn't save. 10 Q. Did you look at your files, in 11:32:57 11 particular hardcopy, you know, 12 non-electronic files, to see if you had 13 any relevant information in connection 14 with preparing your Declaration in this 15 proceeding? 11:33:11 16 A. I believe that I gave access 17 to my legal team for everything that I 18 had in my possession. 19 Q. Okay. But you didn't 20 specifically look, yourself, to see if 11:33:25 21 you had notes from any meetings related 22 to clinical trials for the molecule that 23 became Eylea; is that right? 24 A. I don't remember myself going 25 back trying to find notes. I don't know 11:33:41 Page 83	1 YANCOPOULOS - CONFIDENTIAL 2 that's where we are right now -- how 3 often would the team meet in the run-up 4 to, say, May 1st, 2006 when the trial 5 starts? 11:34:55 6 A. I can't say that I recall 7 specifically how many meetings, at what 8 frequency, and how long. I know that 9 there was -- we had a lot of discussion 10 about the ultimate design, which focused 11:35:46 11 on at least over the time period that we 12 could officially assess in the Phase II 13 trial, trying to look at monthly dosing 14 versus just a single dose and what doses 15 to try and use for those various 11:36:10 16 purposes. 17 Q. Whose idea was it to try 18 monthly doses of either .5 milligrams or 19 2 milligrams of VEGF Trap-Eye in the 20 CLEAR-IT-2 studies? 11:36:27 21 A. Monthly dosing was the 22 standard of care at the time, either 23 monthly dosing or so-called PRN dosing, 24 dosing as needed, those were the standard 25 of care. 11:37:16 Page 85

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2 So as I discussed before, the
3 notion of testing our own agent at a
4 monthly basis was consistent with that
5 current standard of care and something 11:37:33
6 that I think many of us would have agreed
7 was a worthwhile thing that we should
8 try.

9 Q. So the monthly dosing is
10 closer on the spectrum to rote design of 11:37:50
11 a clinical trial, compared to creative
12 design, to use the other term you used;
13 is that fair, Doctor?

14 A. I don't know if I would use
15 the term "rote". 11:38:13

16 When I was referring to "rote"
17 I was referring to the Phase I trials
18 where the FDA mandates you can only give
19 a single dose, so there's no choice of
20 how to give multiple doses. When you 11:38:25
21 first dose in human you can only dose it
22 once. So it's rote, you don't have
23 choices.

24 Once you get into these Phase
25 II studies you can give it an infinite 11:38:37

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2 number of ways. Nothing is really rote.
3 But I think many of us were aligned that
4 deciding on a dose and testing at a
5 monthly level was an important thing to 11:38:57
6 be doing in these studies.

Age Group	Should Take Action	Should Not Take Action
18-29	95%	5%
30-49	95%	5%
50-69	95%	5%
70+	95%	5%

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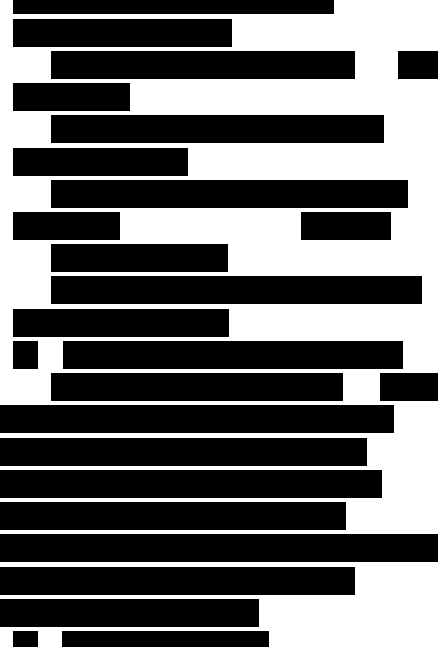
[illegible]

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[illegible]

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[illegible][illegible]

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2 data, I don't remember what was the
3 Avastin data at this particular time. So
4 I was trying to integrate everything into
5 my decisionmaking process. 12:31:33
6 Q. Got it. Thank you.

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5 Q. Okay. So nonhuman primate 12:32:49
6 data --
7 A. Yes.
8 Q. -- certainly would have been
9 one category of animal data --
10 A. Yes. 12:32:59
11 Q. -- that was available to you?
12 A. Yes.
13 Q. -- before the CLEAR-IT-2
14 study, correct?
15 A. Yes. And like I said, just as 12:33:03
16 critical was some of the data from the
17 field that I've already referred to, it
18 was one of the key pieces of data that I
19 had dog-eared in the scientific
20 background that we had provided in 12:33:27
21 Exhibit 2007 that you had asked me about,
22 which is, for example, understanding the
23 first interval at which Lucentis failed.
24 And one of my visions and goals from the
25 beginning was to try to understand when 12:33:47

14 What, if you know and you
15 recall, what other categories of data 12:30:52
16 would have been available to you in
17 connection with preparing the CLEAR-IT-2
18 study?
19 A. Well, as I referred to also
20 before, it's all in the context of the 12:31:01
21 entire wealth of data that was available
22 for all molecules that had ever been
23 studied up until that time in the eye
24 diseases, including all available Macugen
25 data, all available, you know, Lucentis 12:31:2

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1 YANCOPOULOS - CONFIDENTIAL 2 Lucentis failed, if Lucentis couldn't be 3 given -- if it could be given effectively 4 every month but it couldn't be given 5 every two months. 12:33:56 6 I was trying to understand; 7 did we have data suggesting that, for 8 example, the VEGF Trap or Eylea at the 9 right dose might be able to succeed at 10 that first point of failure of Lucentis, 12:34:11 11 that would demonstrate the benefit versus 12 Lucentis? That was my goal and my 13 vision, you know, from the very earliest 14 stages of this program. 15 So I was constantly trying to 12:34:25 16 integrate all of our data, all of our 17 clinical data, all of our preclinical 18 data, together with all the data that's 19 in the field. Page 106	1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 Q. So the -- and, again, 10 understanding you don't independently 12:36:24 11 recollect the dates, you have no doubt to 12 -- no reason to doubt that the kickoff 13 presentation happened sometime around 14 February 16th, 2007, correct? 15 A. That's the date it says on the 12:36:36 16 presentation, February 16th, 2007. 17 Q. Right. And was this an 18 in-person meeting between representatives 19 from Bayer and Regeneron? 20 A. Yes, it was. 12:36:47 21 Q. Do you know where it took 22 place, the meeting? 23 A. I could not recall. 24 Q. You recall there, though, 25 personally, right? 12:36:57
1 [REDACTED] 2 [REDACTED] 3 [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 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] Page 109	1 YANCOPOULOS - CONFIDENTIAL 2 A. Yes. 3 Q. You gave this presentation, 4 correct? 5 A. Yes, I did. 12:37:00 6 Q. Did anyone else give -- help 7 give the presentation? 8 A. As far as I recall, I gave 9 this entire presentation. 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] Page 109

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[illegible]

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[REDACTED] 12:50:50

11 Q. So one seminal moment is the
12 kickoff presentation that you gave to
13 Bayer in February 2007; is that correct?

14 A. The meeting was not the
15 seminal moment, but the document reflects 12:51:04
16 or summarizes the sort of seminal point
17 and realization, which I've tried to
18 articulate before. It's summarized in the
19 presentation.

20 So it was not the -- the 12:51:26
21 meeting was not the seminal meeting but
22 it reflected the thinking. And my
23 thinking was, we had designed a better
24 molecule and we could give it at a higher
25 concentration. And there were two ways 12:51:41

[illegible]

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2 to really win here, to show better
3 efficacy at the same regimen, which was a
4 monthly regimen, or to show less
5 treatment burden to get the same efficacy 12:51:58
6 but with many less treatments so these,
7 you know, poor, elderly people with their
8 caregiver has to bring them to the
9 hospital every time and so forth, you
10 know, to come up with some way so they 12:52:11
11 wouldn't have to come in every month to
12 get these injections directly into their
13 eye, which a lot of people don't look
14 forward to. And that was the big vision
15 and one of the aha moments which 12:52:27
16 summarized in here is the realization at
17 where Lucentis failed, what was the first
18 point of failure of Lucentis in dosing,
19 which I summarize nicely on these slides.
20 Q. Right. 12:52:50
21 A. And that was the beginning of
22 how we came up with this so-called 2q8
23 regimen, which was loading monthly,
24 followed by 2q8 for maintenance of the
25 gains. 12:53:14

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1 YANCOPOULOS - CONFIDENTIAL 2 [REDACTED] 3 [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 Q. Understood. Are there any 20 other seminal moments in the development 12:54:15 21 of Eylea that you went to your computer 22 to find documents to reflect the seminal 23 aha memo? 24 A. Of course. First seminal 25 moment was the idea of how to make Eylea, 12:54:40 Page 122	1 YANCOPOULOS - CONFIDENTIAL 2 all aha moments. 3 And then I think another aha 4 moment was, as is summarized a little bit 5 on slide 46 but also primarily on slide 12:57:14 6 47, that Lucentis fails when you go from 7 one month to two months. And as I said, 8 that was the beginning of the realization 9 that perhaps if we could wean at two 10 months we would really have a benefit for 12:57:38 11 patients because now they would have to 12 go to their doctors half as many times, 13 six times a year, instead of 12 times a 14 year, which would obviously be, you know, 15 life-changing for these poor people. And 12:57:56 16 so, yeah, those were some of the pivotal 17 aha moments that were summarized in these 18 presentations. 19 Q. Okay. Let's talk about maybe 20 the earlier-in-time -- I'm trying to go 12:58:13 21 chronological here, so before you have 22 your aha moment about having to dose 23 aflibercept you have to talk about 24 designing the molecule. 25 So I think you mentioned page 12:58:22 Page 124
1 YANCOPOULOS - CONFIDENTIAL 2 and the actual design and composition and 3 matter of it, that sort of long preceded 4 this. 5 Other seminal moments were the 12:54:58 6 validation or demonstration that it 7 really did look like it was a better 8 molecule. Some of that data is summarized 9 here and in other documents. If I can 10 find the slide, for example, slide data 12:55:17 11 summarized on page 26, 27. 12 Q. So you're at Exhibit 2007 13 still, Doctor? 14 A. Yes. 15 Q. And you said page 26? 12:55:38 16 A. Yes. Some of the data on 26, 17 27, again on 35, again on 43. It's in 18 these documents as well. 19 So, for example, in Exhibit 20 1070 I had seen some of the data that I'm 12:56:08 21 referring to. Give me a minute. 22 Yeah, for example, slide 15 in 23 Exhibit 1071, that major aha moment that 24 shows VEGF Trap is much more powerful at 25 blocking VEGF than Avastin. So these were 12:56:56 Page 123	1 YANCOPOULOS - CONFIDENTIAL 2 35 reflected at least part of that aha 3 moment, page 35 of Exhibit 2007. You're 4 there, right? I want to make sure you're 5 there. 12:58:41 6 A. Right. 7 Q. And is it fair to say that 8 this is talking about some of the thought 9 processes that went into designing what's 10 called VEGF Trap a/k/a aflibercept? 12:58:51 11 A. Aha moments in science often 12 involve a realization in one field 13 totally unrelated to another field, and 14 then a rare moment in a rare person who 15 puts things that are totally seemingly 12:59:38 16 unconnected together to perhaps -- to 17 perhaps solve a major problem. 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] Page 125

32 (Pages 122 - 125)

[illegible]

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22 Q. Thank you. So just to talk
23 briefly about the structure of the
24 aflibercept molecule, it's -- correct me
25 if I'm wrong, it's two amino acid chains 13:04:34

[illegible]

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2 joined by disulfide bonds, correct?
3 A. That is correct.
4 Q. And so each chain has, as
5 shown here in Figure 35, the second 13:04:47
6 domain of the VEGFR-1 molecule and the
7 third domain of the VEGFR-2 molecule
8 fused to an Fc region, correct?
9 A. That is correct.
10 Q. And if you put those two 13:05:02
11 chains together you get, as it says here
12 on page 35, a molecule with a molecular
13 weight somewhere around 110 Daltons --
14 110,000 Daltons, correct?
15 A. Correct. 13:05:19
16 Q. And just to be clear, that
17 reflects not just the primary amino acid
18 sequence but also glycosylation of that
19 molecule, correct?
20 A. Say that again. 13:05:32
21 Q. Yeah. The 110,000 Dalton
22 weight is the molecular weight of
23 aflibercept post-glycosylation, correct?
24 A. Yes, I believe so.

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1 YANCOPOULOS - CONFIDENTIAL 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 Q. Thank you. So on page 37 of 8 the -- you had it, it's right there, the 9 bottom box, the first two bullets say, 10 state, "Preclinical studies on critical 13:16:40 11 path revealed strong activity at 12 full-length Trap." And second bullet 13 says, "Therefore, full-length Trap 14 pursued clinically." 15 I just want you to confirm 13:16:53 16 that some of those preclinical studies 17 are described in the subsequent pages, 18 for instance, pages 39, 40 and 41 of 19 Exhibit 2007, correct? 20 A. Yes. 39, 40, 41, you said? 13:17:06 21 Q. Yes. 22 A. Yes. 23 Q. And these are -- these are, as 24 it says at the top of page 40, "studies 25 involving intravitreal administration of 13:17:19 Page 138	1 YANCOPOULOS - CONFIDENTIAL 2 Application re: U.S. 2005/0175610 3 A1, having been marked, is shown to 4 the Deponent.) 5 Q. This is a published patent 13:18:54 6 application, Patent Application No. 7 2005/0175610. Do you see that on the top 8 right corner, Doctor? 9 A. I do. 10 MS. DURIE: And just, before 13:19:10 11 you continue, I'm going to object 12 on 402 and 403 grounds to this 13 exhibit. 14 Q. Okay. And you're listed as 15 one of the co-inventors on this patent 13:19:17 16 application. Do you see that? 17 A. Yes. 18 Q. Do you recall this patent 19 application? 20 A. While I'm reviewing this, Stan 13:20:03 21 Wiegand, because he retired a number of 22 years ago, had escaped me. He would have 23 been another one of the people who was -- 24 would have been represented at a lot of 25 meetings that I mentioned before, by the 13:20:17 Page 140
1 YANCOPOULOS - CONFIDENTIAL 2 the full length VEGF Trap into primates", 3 correct? 4 A. Yes. 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 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 Q. And I just want to show you 23 one other exhibit. It's been marked as 24 1073. 25 (Exhibit 1073, Patent 13:18:46 Page 139	1 YANCOPOULOS - CONFIDENTIAL 2 way. 3 Q. Yeah. And in the interest of 4 time I'm happy to have you review it. I 5 just really have one simple question. If 13:20:23 6 you go to page -- 7 A. I just want to remind myself 8 because it's really -- I mean, it's hard 9 to -- 10 Q. I understand. I really do. 13:20:32 11 That's totally fine. 12 MS. DURIE: And while the 13 witness is doing that, I will note 14 for the record that I'm having a 15 very hard time seeing how this 13:20:44 16 could possibly be relevant to this 17 proceeding. 18 MR. TRAUPMAN: Well, I will 19 hopefully show the relevance to 20 this proceeding. 13:20:52 21 (Deponent reviews the 22 document.) 23 A. So I was not in charge of 24 writing patents and so forth, and I can't 25 say I specifically remember this patent. 13:27:50 Page 141

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1 YANCOPOULOS - CONFIDENTIAL 2 I don't know if you said it was filed or 3 whether it was an issued patent, and it 4 says "a continuation in part", so I'm not 5 sure I know all the legalese and so 13:28:04 6 forth, but it certainly refers to work 7 and experiments that I oversaw. 8 Q. Right. So if you go to 9 paragraph 126, it's on page 16 -- 10 A. Page 16. This one? 13:28:24 11 Q. Paragraph 126, page 16, not 12 figure 16. Paragraph numbers are at the 13 beginning of each paragraph. 14 A. I have different pages than 15 you have. 13:28:52 16 Q. At the top, 16. 17 A. Oh, this top page. I was 18 looking at the bottom page number. 19 Q. My apologies. You see 20 paragraph 126 on the left-hand column? 13:29:01 21 A. Okay. 22 Q. And it talks about the effect 23 of VEGFR1 R2-Fc delta C1a on 24 laser-induced choroidal 25 neovascularization also as evaluated in 13:29:14 Page 142	1 YANCOPOULOS - CONFIDENTIAL 2 Q. Thank you. 3 MR. TRAUPMAN: All right. I 4 think we've been going about an 5 hour. Why don't we take a break. 13:32:14 6 MS. DURIE: Okay. 7 VIDEOGRAPHER: Off the record 8 1:32 p.m. 9 (Lunch recess is taken.) 10 VIDEOGRAPHER: Back on the 13:57:38 11 record 1:58 p.m. 12 Q. Welcome back, Dr. Yancopoulos. 13 So before we broke for lunch we were 14 talking about the Bayer/Regeneron 15 collaboration and the presentation you 13:58:17 16 gave in February of 2007. Do you recall 17 that? 18 A. Yes, I do. 19 Q. I'd like to now pick up that 20 section of your Declaration, it's pages 7 13:58:26 21 and 8. Are you there? 22 A. Yes, I am. 23 Q. All right. So here you have 24 now a section, section of your 25 Declaration titled, "The '2q8' dosing 13:58:51 Page 144
1 YANCOPOULOS - CONFIDENTIAL 2 an adult cyno -- 3 A. Cynomolgus. 4 Q. -- cynomolgus monkeys, and 5 goes onto describe that study. And I'm 13:29:25 6 just calling your attention, it 7 references at the bottom of that 8 paragraph Figure 20. Do you see that? 9 A. Let me just read that section. 10 Q. Yeah. Sure. 13:29:36 11 (Deponent reviews the 12 document.) 13 A. Yes, I see that. 14 Q. So my question, it seems like 15 you have Figure 20 in front of you, in 13:31:25 16 Exhibit 1072 -- 1073, correct? 17 A. Yes. 18 Q. My only question was, the 19 left-hand side of Figure 20, the placebo 20 data, the 50 microgram data, the 250 13:31:37 21 microgram data and the 500 microgram 22 data, that appears to be the same data as 23 what's on page 40 of Exhibit 2007, 24 correct? 25 A. Yes, it appears to be. 13:31:53 Page 143	1 YANCOPOULOS - CONFIDENTIAL 2 regimen." Do you see that? 3 A. Yes. 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 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] Page 145

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2 information without it being publicly
3 released for any significant period of
4 time. And we also wanted to always be
5 very clear and transparent in that we 14:14:26
6 want to give a real fair and transparent
7 perspective of the data so that the
8 initial data that we would release
9 publicly would fairly represent at a
10 meaningful level what had actually been 14:14:51
11 found in the study.

12 Q. You said, in your answer, you
13 said you wanted to disclose information
14 that you thought was material. What did
15 you mean by "material"? 14:15:12

16 A. Information that was
17 considered important to people who were
18 evaluating the company and, for example,
19 could affect the valuation of the
20 company. 14:15:33

21 Q. So material from an investor
22 relations standpoint; is that right?

23 A. Yes.

24 Q. All right. You can put 2005,
25 2006 aside, Doctor. Feel free to rely on 14:15:46

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[illegible]

14 Q. Understood. Did Regeneron have
15 a policy at the time, again 2007 14:13:02
16 timeframe, with respect to reporting,
17 making corporate communications regarding
18 the results of the clinical trials?

19 A. I don't believe we had an
20 articulated, formal, written down policy, 14:13:31
21 per se, but we had a generalized approach
22 that if we had data that we thought was
23 material, that we wanted to provide that
24 data as soon as possible so that people
25 would not be pregnant with that 14:14:09

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2 them if you want but I have a few
3 questions about 2071 and 2072. And you
4 have them in your right hand, that's 2071
5 and 2072 in front of you, Doctor. 14:16:08

6 A. Yes.

[illegible]

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[illegible]

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[illegible]

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[illegible]

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

42 (Pages 162 - 165)

15:01:19

13:37

19:01

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
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24 [REDACTED]
25 [REDACTED]
[REDACTED]

15:11:36
11 Q. Okay. Got it. Back to 2008,
12 please, it's right on your right forearm.
13 A. Yes.
14 Q. So this is an email dated
15 April 2nd, 2007. Do you see that at the 15:11:56
16 very top?
17 A. Yes.
18 Q. All right. And it references
19 an AMD PH3 program meeting on 4/2/07,
20 second line? 15:12:12
21 A. Yes.
22 Q. That's a Phase III meeting
23 related to macular degeneration, testing
24 in macular degeneration, correct?
25 A. Say that again? 15:12:23
[REDACTED]

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1 YANCOPOULOS - CONFIDENTIAL 2 Q. Let me withdraw it. It was a 3 bad question. 4 Did you attend the AMD Phase 5 III program meeting on April 2nd, 2007? 15:12:31 6 A. It's impossible for me to 7 remember whether I attended a meeting 8 almost 20 years ago. 9 There are, however, action 10 items from that meeting that I am listed 15:13:32 11 on, which might lead me to think that, 12 since other people wouldn't be assigning 13 me actions, that I was assigning these 14 actions, yes. So I can't say for sure, 15 but the summary of the meeting might 15:13:53 16 suggest that I was there, yes. 17 Q. So sitting here today, even 18 with the benefit of the summary of the 19 meeting, you don't have any recollection 20 of the meeting that occurred on April 15:14:05 21 2nd, 2007; is that correct? 22 A. All I can say is, since this 23 meeting occurred less than two weeks 24 after my proposal to Len Schleifer about 25 what the new study design should be, the 15:14:28 Page 186	1 YANCOPOULOS - CONFIDENTIAL 2 A. -- in the Eylea program, 3 reporting to Caroline Saxton. 4 Q. Okay. 5 A. I believe she has red hair. 15:16:20 6 Q. Very good. So we then go look 7 down at the body of the document and it 8 says "Decision: 0605 Design." Do you see 9 that? 10 A. Yes, I do. 15:16:40 11 Q. And 0605 -- well, let me 12 strike that. 13 What does 0605 refer to? 14 A. I constantly hammered the team 15 for using numbers or even names to define 15:16:58 16 trials, but this is referring to our 17 proposed Phase III design for Eylea in 18 AMD. 19 Q. Okay. And so that goes down 20 and says in the subbullets under that 15:17:23 21 mention of 0605 design, "1,200 patients 22 estimate 12 month enrollments, use these 23 assumptions for contracting and budgeting 24 with CRO." Do you see that? 25 A. Yes, I do. 15:17:38 Page 188
1 YANCOPOULOS - CONFIDENTIAL 2 fact that this meeting summarizes exactly 3 that design, as we talked about, meaning 4 2 milligrams q8 weeks following monthly 5 dosing for three months, I had either 15:14:46 6 communicated that to the team to follow 7 up at this meeting, before this meeting 8 or at this meeting. 9 Q. But, again, you don't, 10 independent of the words that are written 15:15:03 11 on the page here in Exhibit 2008, you 12 don't remember -- 13 A. I cannot remember whether I 14 was at one particular meeting almost 20 15 years ago. 15:15:13 16 Q. Got it. And so if you look 17 down farther -- so first of all, it's 18 written, the email is drafted by Kathleen 19 Lawrence. I'm not sure we've talked about 20 that person yet today. Can you tell us 15:15:31 21 who she was? 22 A. If I'm remembering the right 23 Kathleen, I believe that she would have 24 been a program manager -- 25 Q. Okay. 15:16:09 Page 187	1 YANCOPOULOS - CONFIDENTIAL 2 Q. What's CRO? 3 A. A contract research 4 organization. 5 Q. Got it. Thank you. Understood. 15:17:42 6 And then the next -- 7 A. Or clinical research 8 organization. 9 Q. Right. You engaged a third 10 party to help you conduct the clinical 15:17:52 11 trial, correct? 12 A. Correct. 13 Q. So then it describes the arms. 14 Do you see that? 15 A. I do. 15:18:01 16 Q. And the first arm is Lucentis, 17 right? 18 A. First arm is Lucentis. 19 Q. Second arm is .5 milligrams q4 20 weeks, correct? 15:18:13 21 A. Correct. 22 Q. And the next arm is 2 23 milligrams q8 weeks -- 24 A. I think that the Lucentis .5 25 milligram q4 weeks, that's all one. 15:18:27 Page 189

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1 YANCOPOULOS - CONFIDENTIAL 2 That's, the first two lines probably 3 refer to Lucentis and the dosing schedule 4 and then the third line refers to 2 5 milligrams every 8 weeks following 15:18:34 6 monthly dosing for three months -- oh, 7 no, you're right. .5 milligram q4 weeks, 8 that would be Eylea. Sorry. 9 Q. Yeah. So just -- 10 A. So it's Lucentis, .5 15:18:45 11 milligrams q4 weeks, which is not 12 indicated. Then it's Eylea, .5 13 milligrams q4 weeks, 2 milligrams every 14 eight weeks following loading, 2 15 milligrams every four weeks, and note, 4 15:18:57 16 milligram dose we have not completely 17 ruled out. Yes. 18 Q. Got it. So this is a four 19 armed -- was proposed to be a four armed 20 study, correct? 15:19:10 21 A. Could we take a short break? 22 Very short. I've been drinking too much 23 coffee. Can I come back in two minutes? 24 I really have to -- 25 Q. I'll withdraw my question in 15:19:23 Page 190	1 YANCOPOULOS - CONFIDENTIAL 2 Bob Terifay? -- Bob Terifay, Peter 3 Powchik, maybe I assume Kathleen 4 Lawrence, the program manager, maybe 5 other people listed in the "from", such 15:28:32 6 as William Roberts, who at the time was 7 the head of regulatory or apology (sic), 8 he was also in regulatory so -- but I 9 can't -- I can't -- I can only try to 10 presume from this who was there. It's 15:28:58 11 impossible to remember 20 years ago. 12 Q. Got it. So I mean, for 13 instance, I think -- yeah, Dr. 14 Schleiffer, I'm sorry if I'm 15 mispronouncing his name, is listed in the 15:29:13 16 "to" field, you wouldn't have expected 17 him to have been at this meeting, 18 correct? 19 A. No. Correct. 20 Q. So really, sitting here today, 15:29:20 21 you just can't say one way or the 22 other -- 23 A. Correct. 24 Q. -- who was at the meeting, 25 correct? 15:29:28 Page 192
1 YANCOPOULOS - CONFIDENTIAL 2 the interest of moving things along. 3 VIDEOGRAPHER: Off the record 4 3:19 p.m. 5 (Recess is taken.) 15:26:52 6 VIDEOGRAPHER: Back on the 7 record 3:27 p.m. 8 Q. Welcome back, Dr. Yancopoulos. 9 We were, before we took our quick break, 10 we were on Exhibit 2008. Do you still 15:27:10 11 have that in front of you? 12 A. Yes, I do. 13 Q. Great. I know you said you 14 couldn't recall who attended the meeting 15 on April 2nd, 2007 so you may or may not 15:27:21 16 be able to answer my question, but do you 17 know who else would have been in 18 attendance at that meeting, based on what 19 is set forth here in Exhibit 2008? 20 A. Well, I would assume that most 15:27:37 21 of the people who's given an action item 22 would probably have been at the meeting. 23 So that would be Avner Ingram, George 24 Papadopoulos, Peter Powchik, Neil Stahl, 25 Karen Chu -- would that be Bob Vitti or 15:28:01 Page 191	1 YANCOPOULOS - CONFIDENTIAL 2 [REDACTED] 3 [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 So, again, back to Exhibit 18 2008, again, before we took our break we 19 were discussing the arms of the trial 20 that was designated 0605. And one of the 15:30:27 21 arms was -- is described in this document 22 as 2 milligrams q8 weeks with PIER 23 Lead-In. Do you see that? 24 A. Yes. 25 Q. Can you tell us what is meant 15:30:41 Page 193

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[illegible][illegible]

[REDACTED]	[REDACTED]
Page 210	
[REDACTED]	[REDACTED]

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1 YANCOPOULOS - CONFIDENTIAL 2 having been marked, is shown to the 3 Deponent.) 4 Q. Okay. I've handed you what's 5 been marked as Exhibits 2010 and 2011. 16:30:59 6 Again, these are documents you referenced 7 in your Declaration, Dr. Yancopoulos, but 8 feel free to give them a quick peruse 9 before I ask you questions. 10 A. I mentioned Bob Vitti in the 16:31:29 11 group. 12 Q. You did. 13 A. Just checking, trying to keep 14 track. 15 (Deponent reviews the 16:31:35 16 document.) 17 A. Okay. 18 Q. All right. So now we've now 19 jumped ahead in time to November of 2010. 20 Do you see that? 16:34:14 21 A. Yes, I do. 22 Q. And here you're getting the 23 results of the VIEW 1 and VIEW 2 Phase 24 III clinical trials, correct? 25 A. Yes. 16:34:26 Page 226	1 YANCOPOULOS - CONFIDENTIAL 2 VIEW 2. Do you see that? 3 A. I see that he's forwarding 4 this presentation. 5 Q. Right. Do you know where he 16:35:50 6 got that presentation? 7 A. Do you know what this word 8 here is that's missing? 9 Q. I'm sorry, I don't. This is 10 how it was given to us by your lawyers. 16:36:36 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] Page 228
1 YANCOPOULOS - CONFIDENTIAL 2 Q. So if we look at Exhibit 2010, 3 the cover email, it's sent from Robert 4 Terifay to you at 9:26 p.m. Do you see 5 that? 16:34:41 6 A. Yes, I do. 7 Q. But then lower down it 8 reflects a separate email that 9 Mr. Terifay sent to Alyson Berliner and 10 Robert Vitti. Do you see that? 16:34:53 11 A. Yes, I do. 12 Q. And so it appears that 13 Mr. Terifay obtained the data reflected 14 in the results of the VIEW 1 and VIEW 2 15 trials. Do you see that? 16:35:13 16 A. I don't see that. 17 Q. Right. So he forwards a 18 message to -- Mr. Terifay forwards a 19 message to Ms. Berliner and Mr. Vitti, 20 Dr. Vitti, and maybe Dr. Berliner too, my 16:35:28 21 apologies. 22 A. Berliner. 23 Q. Berliner, saying here you go 24 and he's forwarding what's Exhibit 2011, 25 which is one-year results for VIEW 1 and 16:35:44 Page 227	1 [REDACTED] 2 [REDACTED] 3 [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 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 Q. Understood. And "this" is 24 Exhibit 2011, just for the record? 25 A. Yes. 16:38:53 [REDACTED]

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1 YANCOPOULOS - CONFIDENTIAL [REDACTED] 3 Q. Thank you. And then if you go 4 to page 6, here there is some slightly 5 different data, this is reflecting for 16:44:13 6 VIEW 1 and VIEW 2 mean change in visual 7 acuity to one year compared to baseline, 8 correct? 9 A. Unfortunately my figure is 10 very washed out, so I can't really see 16:44:45 11 many of the graphs. But yes, this 12 appears to represent the mean change in 13 visual acuity over the first year 14 compared to baseline for all four 15 treatment groups in VIEW 1 and for all 16:44:58 16 four treatment groups in VIEW 2. [REDACTED] Page 234	[REDACTED] 7 Q. Okay. You can put that down. 8 Heading to the end here, Dr. Yancopoulos, 9 let's switch gears one more time. 10 Let me ask you, have you ever 16:48:01 11 communicated with members of the Bayer 12 biostatistics group? 13 A. It's hard for me to 14 specifically remember. If I did so, I 15 would imagine that at some point they 16:48:39 16 would have presented some data to me or 17 we would have had some discussions, but I 18 can't say for sure whether all my 19 interactions with them were through my 20 team or not. 16:48:55 21 [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]

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

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

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1 YANCOPOULOS - CONFIDENTIAL 2 MR. TRAUPMAN: Great. Thank 3 you. Well, Dr. Yancopoulos, I've 4 heard around that I might have been 5 insufferable today but I appreciate 17:22:23 6 your time here and I have no 7 further questions for you. 8 MS. DURIE: I'd like to 9 designate the transcript as 10 "Confidential" under the Protective 17:22:29 11 Order as containing Protective 12 Order material. 13 THE WITNESS: Okay. 14 VIDEOGRAPHER: We are 15 concluded? 17:22:36 16 MS. DURIE: Yes. 17 VIDEOGRAPHER: Let me take us 18 off the record. 19 We are off the record and 20 concluded for the day 5:23 p.m. 17:22:43 21 (The deposition were adjourned 22 at 5:23 p.m.) 23 24 25 Page 254	1 I N D E X 2 WITNESS: GEORGE D. YANCOPOULOS 6 3 DIRECT EXAMINATION BY 6 4 MR. TRAUPMAN 5 6 E X H I B I T S 7 Exhibit 2063, Declaration of Dr. 9 8 George Yancopoulos 9 Exhibit 2007, document titled 16 10 VEGF Trap Scientific Background 11 dated February 16, 2007 12 Exhibit 1027, Press release re: 28 13 VEGF Trap Phase I data 14 Exhibit 1070, printout from 31 15 Wayback Machine re: Regeneron 16 PowerPoint presentation dated 17 February 3, 2006, 18 Exhibit 1071, printout from 38 19 Wayback Machine re: Investor 20 Relations Presentation to 21 Merrill Lynch Global 22 Pharmaceutical Biotechnology and 23 Medical Device Conference 24 Exhibit 1072, printout from 56 25 Wayback Machine re: Investor Page 256
1 C E R T I F I C A T E 2 I, MAUREEN M. RATTO, a 3 Registered Professional Reporter, do 4 hereby certify that prior to the 5 commencement of the examination, GEORGE 6 YANCOPOULOS, M.D., Ph.D. was sworn by 7 me to testify the truth, the whole 8 truth and nothing but the truth. 9 I DO FURTHER CERTIFY that the 10 foregoing is a true and accurate 11 transcript of the proceedings as taken 12 stenographically by and before me at 13 the time, place and on the date 14 hereinbefore set forth. 15 I DO FURTHER CERTIFY that I am 16 neither a relative nor employee nor 17 attorney nor counsel of any of the 18 parties to this action, and that I am 19 neither a relative nor employee of such 20 attorney or counsel, and that I am not 21 financially interested in this action. 22 23  MAUREEN M. RATTO, RPR 24 License No. 817125 25 Page 255	1 relations presentation to Lehman 2 Brothers Conference on Global 3 Healthcare, dated March 8, 2006 4 Exhibit 2012, Printout from 63 5 ClinicalTrials.gov Re: Phase I 6 study of VEGF Trap for DME 7 Exhibit 1030, May 2007 ARVO 63 8 Annual Meeting Abstract 9 Exhibit 1009, article from 64 10 Informa Healthcare written by 11 James A. Dixon 12 Exhibit 2004, Regeneron Press 72 13 release dated May 27, 2007, 14 Exhibit 1073, Patent Application 139 15 re: U.S. 2005/0175610 A1, 16 Exhibit 2005, email dated March 145 17 22, 2007, 18 Exhibit 2006, attachment to 145 19 Exhibit 2005, 20 Exhibit 2073, PowerPoint re: Eye 146 21 Phase II Data, 22 Exhibit 2074, email dated March 146 23 22, 2007, 24 Exhibit 2071, email dated March 148 25 22, 2007, Page 257

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1 Exhibit 2072, Top Line 148 2 Presentation with graphs, 3 Exhibit 2070, email dated March 163 4 22, 2007, with attached 5 presentation re Trap Eye Phase 6 III meeting, 7 Exhibit 2008, email dated April 181 8 2, 2007 re: Decision and 9 Actions, 10 Exhibit 2075, email dated April 183 11 10, 2007 to Darlene Jody 12 Exhibit 2076, Protocol for 204 13 VGFT-OD-0605 14 Exhibit 2010, email dated 225 15 November 19, 2010, 16 Exhibit 2011, Presentation re: 225 17 VIEW1 and VIEW2 1-year Results 18 Exhibit 2039, email dated 236 19 January 9, 2008, 20 Exhibit 2040, Guidance Memo 238 21 dated March 28, 2008 re: JSC 22 Exhibit 2041, Action Items dated 238 23 February 15, 2008, 24 Exhibit 2017, redacted email 242 25 dated February 1, 2010, Page 258	1 J U R A T 2 3 I do hereby certify that I 4 have read the foregoing transcript of 5 my deposition. 6 _____ 7 GEORGE D. YANCOPOULOS, M.D., Ph.D. 8 9 10 Sworn and subscribed 11 before me 12 this _____ day of 13 _____, 2024 14 _____ 15 a Notary Public of 16 the State of _____ 17 18 19 20 21 22 23 24 25 Page 260
1 Exhibit 2018, VGFT-OD-0706 Week 242 2 24 Topline Results, 3 Exhibit 2019, Presentation Draft 242 4 re: DA VINCI 6-month Primary 5 Endpoint 6 Exhibit 2035, email dated 242 7 February 2, 2010, 8 Exhibit 2048, Protocol for 246 9 VGFT-OD-0706 dated January 28, 10 2009 11 Exhibit 2014, article re: 246 12 One-Year Outcomes of DA VINCI 13 Study 14 Exhibit 2015, Presentation re: 249 15 DA VINCI One-Year Data, 16 17 18 19 20 21 22 23 24 25 Page 259	1 ERRATA SHEET 2 I WISH TO MAKE THE FOLLOWING CHANGES: 3 Page Line From To 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 261

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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