UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC.,

Petitioner

v.

NOVO NORDISK A/S,
Patent Owner

Case IPR2023-00724

Patent 10,335,462

EXPERT DECLARATION OF CHRISTOPHER A. VELLTURO, Ph.D. IN SUPPORT OF PATENT OWNER'S RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT No. 10,335,462

~~PROTECTIVE ORDER MATERIAL~~

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I, Christopher A. Vellturo, Ph.D., hereby declare under penalty of perjury:

I. Overview and Summary

A. Qualifications and Experience

1. I am the founder and president of Quantitative Economic Solutions, LLC, a microeconomic consulting firm. I received a Doctor of Philosophy degree (Ph.D.) in Economics from the Massachusetts Institute of Technology in Cambridge, Massachusetts in 1989. My fields of specialization include industrial organization and econometrics. My curriculum vitae, which lists my testimony for the last four years and my publications, is attached as Appendix A. Except as otherwise indicated, I have personal knowledge of the facts set forth in this Declaration. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true. If called upon to do so, I would testify competently thereto.

2. I have evaluated pharmaceutical patent issues in the context of commercial success and injunctive relief considerations on numerous occasions. I also have extensive experience in the valuation of intellectual property and in the assessment of economic injury/damages sustained as a result of patent, copyright, and/or trademark infringement. Industries that I have studied in this context include: pharmaceutical products, over-the-counter medications and instruments, medical devices, consumer products, computer hardware and software, and semiconductors.

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I have been qualified and have testified as an expert in many federal courts throughout the United States and before the U.S. Patent Trial and Appeal Board ("PTAB") as an economist generally, as an expert in statistics/surveys, and as an expert in the economics of the pharmaceutical industry specifically.

B. Assignment

3. As part of my current assignment, I have been asked by Groombridge, Wu, Baughman and Stone LLP, counsel for Novo Nordisk (or "Patent Owner"), to evaluate the commercial success of the drug Ozempic® and the extent to which Ozempic®'s commercial success is causally linked to the claims-at-issue from U.S. Patent No. 10,335,462 ("the '462 patent"), which I understand covers methods of treating type 2 diabetes ("T2D") using semaglutide 1.0 mg once weekly. I refer to the inventions covered by the '462 patent as the "'462 Patented Inventions." I have also been asked to evaluate the extent to which the presence of U.S. Patent Nos. 8,129,343 ("the '343 patent") and 8,536,122 ("the '122 patent") may have acted as so-called "blocking" patents that would have dampened the marketplace incentives for third parties to undertake efforts to pursue and develop the inventions claimed by the '462 patent. Additionally, I understand from counsel that I may not have the opportunity to submit a reply or otherwise respond to arguments that Petitioners may submit regarding commercial success.

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