

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MITSUBISHI TANABE PHARMA  
CORPORATION, JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA NV, JANSSEN  
RESEARCH AND DEVELOPMENT, LLC,  
and CILAG GMBH INTERNATIONAL,

Plaintiffs,

v.

MSN LABORATORIES PRIVATE LTD.,  
MSN PHARMACEUTICALS INC., and  
ZYDUS PHARMACEUTICALS (USA) INC.,

Defendants.

Civil Action No. 17-5005 (RMB)(JS)  
(consolidated)

(Filed Electronically)

APPOINTMENT OF COMMISSIONERS UNDER THE HAGUE CONVENTION AND  
REQUEST FOR JUDICIAL ASSISTANCE – PERMISSION OF TAKING EVIDENCE BY A  
COMMISSIONER UNDER ARTICLE 17 HAGUE EVIDENCE CONVENTION 1970  
TO THE HIGH COURT OF THE CANTON OF ZURICH, COURT ADMINISTRATION,  
INTERNATIONAL JUDICIAL ASSISTANCE, FOR THE REQUEST FOR JUDICIAL  
ASSISTANCE IN CIVIL MATTERS WITH COPY TO THE FEDERAL OFFICE OF JUSTICE  
(FOJ), CENTRAL AUTHORITY FOR THE REQUEST FOR JUDICIAL ASSISTANCE IN  
CIVIL AND COMMERCIAL MATTERS:

The United States District Court for the District of New Jersey, located at the Mitchell H. Cohen Building & U.S. Courthouse at 4th & Cooper Streets, Camden, New Jersey 08101, presents its compliments to the Federal Office of Justice and has the honor of requesting its assistance in obtaining evidence to be used in a civil proceeding now pending before this Court in the above-captioned matter, specifically by permitting commissioners appointed by this Court to take evidence under Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Convention”).

It appears to this Court that Dr. Fritz Blatter, whose home address is: Oerinstrasse 67, CH-4153 Reinach, Basel-Landschaft, Switzerland, and Dr. Fabia Gozzo, whose home address is Avenue du Léman 33, 1005 Lausanne, Switzerland, are material expert witnesses who have submitted expert reports on behalf of Plaintiffs in this action and therefore have evidence relevant to this action. It is necessary for the purposes of justice and for the due determination of the matters in question between the parties that Dr. Blatter and Dr. Gozzo be examined (remotely) at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”) office at Dufourstrasse 29, 8008 Zurich, Switzerland (“Quinn Emanuel Zurich office”), under oath or affirmation. Given that the depositions and trial testimony<sup>1</sup> would take place (remotely) at the Quinn Emanuel Zurich office at Dufourstrasse 29, 8008 Zurich, Switzerland, the competent authority for the granting of this request is the High Court of the Canton of Zurich, International Judicial Assistance, Hirschengraben 13/15, 8021 Zurich 1, Switzerland. As is customary, a copy of the present Letter of Request is sent to the Federal Office of Justice, Central Authority for the Request for Judicial Assistance in Civil and Commercial Matters, Bundesrain 20, 3003 Bern, Switzerland.

This Court, therefore, respectfully requests your assistance pursuant to the Hague Convention in obtaining the oral testimony of Dr. Blatter and Dr. Gozzo under the terms set forth in this Letter of Request:

## **I. SUMMARY OF ACTION**

1. This action is properly under the jurisdiction of and is now pending before the United States District Court for the District of New Jersey, Mitchell H. Cohen Building & U.S.

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<sup>1</sup> Trial is scheduled for February 23, 2021. In the event that trial will be conducted remotely, or that Dr. Blatter and Dr. Gozzo cannot travel to the United States due to COVID-related restrictions, the current Letter of Request seeks the remote depositions and trial testimony of Dr. Blatter and Dr. Gozzo pursuant to the Hague Convention, whereby the remote depositions will be held separately from the trial testimony. 2

Courthouse at 4th & Cooper Streets, Camden, New Jersey 08101, United States of America. The United States District Court for the District of New Jersey is fully sanctioned as a court of law and equity and is authorized by Rule 28(b) of the Federal Rules of Civil Procedure to direct the taking of evidence abroad by Letters of Request.

2. The parties to the civil action pending in the United States District Court for the District of New Jersey are as follows:

- a. The Plaintiffs are Mitsubishi Tanabe Pharma Corp. (“MTPC”), Janssen Pharmaceuticals, Inc. (“JPI”), Janssen Pharmaceutica NV (“JNV”), Janssen Research and Development, LLC (“JRD”), Cilag GmbH International (“Cilag”) (collectively, “Plaintiffs”). Plaintiff MTPC is a corporation organized and existing under the laws of Japan, having an office and place of business at 3-2-10, Doshomachi, Chuo-ku, Osaka 541-8505, Japan. JPI is a corporation organized and existing under the laws of the State of Pennsylvania, having its principal place of business at 1125 Trenton-Harbourton Road, Titusville, New Jersey 08560. JNV is a corporation organized and existing under the laws of Belgium, having its principal place of business at Turnhoutseweg, 30, 2340 Beerse, Belgium. JRD is a corporation organized and existing under the laws of the State of New Jersey, having its principal place of business at 920 Route 202, Raritan, New Jersey 08869. Cilag is a company organized and existing under the laws of Switzerland, having its principal place of business at Gubelstrasse 34, 6300, Zug, Switzerland. Plaintiffs are represented by Saul Ewing Arnstein & Lehr LLP, One Riverfront Plaza, Suite 1520 Newark, New Jersey 07102 and Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue New York, NY 10010. Correspondence to Plaintiffs can be faxed to Plaintiffs’ representatives at +1 (973) 286-6800 and +1 (212) 849-7100, or

emailed at the following email addresses: [wbaton@saul.com](mailto:wbaton@saul.com),  
[raynimrod@quinnemanuel.com](mailto:raynimrod@quinnemanuel.com), [colleentracyjames@quinnemanuel.com](mailto:colleentracyjames@quinnemanuel.com),  
[catherinemattes@quinnemanuel.com](mailto:catherinemattes@quinnemanuel.com).

- b.** The Defendants are Zydus Pharmaceuticals (USA) Inc. (“Zydus”), MSN Laboratories Private Ltd. (“MSN Labs”), and MSN Pharmaceuticals, Inc. (“MSN Pharms”) (collectively, “MSN”). Zydus is a corporation organized under the laws of the State of New Jersey, having its principal place of business at 73 Route 31 North, Pennington, New Jersey 08534. MSN Labs is an Indian corporation, having its principal place of business at MSN House, Plot No: C-24, Industrial Estate, Sanathnagar, Hyderabad – 18, Telangana, India. MSN Pharms is a corporation organized under the laws of the State of Delaware, having its principal place of business at 343 Thornall Street, Suite 678, Edison, NJ 08837. Zydus is represented by Saiber LLC, 18 Columbia Turnpike Suite 200, Florham Park, NJ 07932 and Kasowitz Benson Torres LLP, 1633 Broadway, New York, NY 10019. Correspondence to Zydus can be faxed to Zydus’s representative at +1 (973) 622-3349 and +1 (212) 500-3580, or emailed at the following email addresses: [skelly@saiber.com](mailto:skelly@saiber.com), [kescanlar@saiber.com](mailto:kescanlar@saiber.com), [jdeshmukh@kasowitz.com](mailto:jdeshmukh@kasowitz.com), [twelch@kasowitz.com](mailto:twelch@kasowitz.com), [hstern@kasowitz.com](mailto:hstern@kasowitz.com), [jwhitehill@kasowitz.com](mailto:jwhitehill@kasowitz.com), and [jguhaniyogi@kasowitz.com](mailto:jguhaniyogi@kasowitz.com). MSN is represented by Midlige Richter, LLC, 645 Martinsville Road, Basking Ridge, NJ 07820 and Winston & Strawn, 1901 L. St. NW Washington, DC 20036. Correspondence to MSN can be faxed to MSN’s representatives at +1 (908) 626-0322 and +1 (312) 558-5700, or emailed at the following email addresses: [jrichter@midlige-richter.com](mailto:jrichter@midlige-richter.com), [glombardi@winston.com](mailto:glombardi@winston.com), [jwong@winston.com](mailto:jwong@winston.com), and [slin@winston.com](mailto:slin@winston.com).

3. This is a civil action for infringement of United States Patent Nos. 7,943,582 (the “’582 patent”) and 8,513,202 (the “’202 patent”) (collectively, the “Patents-in-suit”). Plaintiffs have sued Zydus and MSN for patent infringement. Zydus and MSN have alleged that the asserted patents are invalid, pursuant to United States patent laws.

4. On May 17, 2011, the United States Patent and Trademark Office (“USPTO”) duly and lawfully issued the ’582 patent entitled, “Crystalline form of 1-( $\beta$ -D-glucopyransoyl)-4-methyl-3-[5-(4-fluorophenyl)-2-thienylmethyl] benzene hemihydrate,” to MTPC as assignee of inventors Sumihiro Nomura and Eiji Kawanishi. JPI, JRD, and Cilag are exclusive licensees of the ’582 patent. JNV is an exclusive sublicensee of the ’582 patent.

5. On August 20, 2013, the USPTO duly and lawfully issued the ’202 patent entitled, “Crystalline form of 1-( $\beta$ -D-glucopyransoyl)-4-methyl-3-[5-(4-fluorophenyl)-2-thienylmethyl] benzene hemihydrate,” to MTPC as assignee of inventors Sumihiro Nomura and Eiji Kawanishi. JPI, JRD, and Cilag are exclusive licensees of the ’202 patent. JNV is an exclusive sublicensee of the ’202 patent.

6. Through procedures set forth by the United States Food and Drug Administration (“FDA”), MSN seeks permission from the FDA to market generic versions of Plaintiffs’ 100 mg and 300 mg Invokana<sup>®</sup> (canagliflozin) drug products and a generic version of Plaintiffs’ 150 mg/1000 mg Invokamet XR<sup>®</sup> (canagliflozin and metformin) drug product. MSN submitted Abbreviated New Drug Application (“ANDA”) No. 210462 to the FDA seeking approval to market the 100 mg and 300 mg canagliflozin tablets and ANDA No. 213403 for the 150/1000 mg canagliflozin/metformin hydrochloride tablets (collectively, “MSN’s ANDA Products”). Plaintiffs allege that MSN’s submission of ANDA Nos. 210462 and 213403 constitutes infringement of claim 3 of the ’582 patent.

7. Through procedures set forth by the FDA, Zydus seeks permission from the FDA to market generic versions of Plaintiffs' 100 mg and 300 mg Invokana<sup>®</sup> (canagliflozin) drug products and generic versions of Plaintiffs' 50/500 mg, 150/500 mg, 50/1000 mg, and 150/1000 mg Invokamet<sup>®</sup> (canagliflozin and metformin) drug products. Zydus submitted ANDA No. 210541 for the 100 mg and 300 mg canagliflozin tablets and ANDA No. 210542 for the 50 mg/500 mg, 50 mg/1000 mg, 150 mg/500 mg and 150 mg/1000 canagliflozin/metformin tablets (collectively, "Zydus's ANDA Products"). Plaintiffs allege that Zydus's submission of ANDA Nos. 210541 and 210542 constitutes infringement of claim 3 of the '582 patent.

8. Dr. Blatter submitted an opening expert report and a reply expert report on behalf of Plaintiffs, written by Dr. Blatter in the English language. Dr. Blatter was hired by Plaintiffs to perform Raman spectroscopy and polarized light microscopy testing on MSN's and Zydus's active pharmaceutical ingredients ("API"). Dr. Blatter performed such testing and submitted the details of those experiments to Plaintiffs' counsel in opening and reply expert reports setting forth the testimony he plans to present at trial in this matter. Dr. Blatter is expected to testify regarding:

- Dr. Blatter's scientific background;
- Dr. Blatter's Raman spectroscopy and polarized light microscopy testing conducted as an expert witness in connection with the above-captioned litigation;
- The methods and results of Dr. Blatter's Raman spectroscopy and polarized light microscopy testing; and
- Dr. Blatter's analysis and conclusions set forth in his expert reports.

9. Dr. Gozzo submitted an opening expert report and a reply expert report on behalf of Plaintiffs, written by Dr. Gozzo in the English language. Dr. Gozzo was hired by Plaintiffs to perform synchrotron x-ray powder diffraction ("XRPD") on MSN's and Zydus's API and ANDA Products. Dr. Gozzo performed such testing and submitted the details of those experiments to

Plaintiffs' counsel in opening and reply expert reports setting forth the testimony she plans to present at trial in this matter. Dr. Gozzo is expected to testify regarding:

- Dr. Gozzo's scientific background;
- Dr. Gozzo's synchrotron-XRPD testing conducted as an expert witness in connection with the above-captioned litigation;
- The methods and results of Dr. Gozzo's synchrotron-XRPD testing; and
- Dr. Gozzo's analysis and conclusions set forth in her expert reports.

10. Accordingly, the Plaintiffs believe that evidence from Dr. Blatter and Dr. Gozzo, which Dr. Blatter and Dr. Gozzo have agreed to give, is likely to help this Court determine the issues at trial because such evidence is of the type and nature that courts in the United States routinely find relevant to resolving issues of patent infringement. Under United States law, the testimony of experts, generally speaking, has been found to be relevant to patent infringement, and the Plaintiffs believe that the same will be true here as to the evidence obtained from Dr. Blatter and Dr. Gozzo. As Plaintiffs have already offered reports of Dr. Blatter and Dr. Gozzo and as U.S. courts routinely recognize in patent infringement cases such as this one, the Plaintiffs believe that Dr. Blatter's and Dr. Gozzo's testamentary evidence is necessary for the Court's analysis of infringement.

## **II. EVIDENCE REQUESTED**

11. The Plaintiffs contend that Dr. Fritz Blatter and Dr. Fabia Gozzo have material information related to this pending action for use at trial, and that justice cannot be completely done between the parties without their testimony.

12. The Plaintiffs request that this Court issue the present Letter of Request seeking your assistance in obtaining testimony from Dr. Blatter and Dr. Gozzo. The evidence to be obtained is oral testimony to be taken in Switzerland, the country of residence of Dr. Blatter and Dr. Gozzo, and is intended to be used as evidence in the trial for this matter. Dr. Blatter has been

apprised of his rights under Swiss law and has consented to being deposed and questioned during trial in Switzerland. *See Exhibit A.* Dr. Gozzo has also been apprised of her rights under Swiss law and has consented to being deposed and questioned during trial in Switzerland. *See Exhibit B.*

13. The Court requests assistance in permitting the commissioners appointed by this Court to take the following testimony from Dr. Blatter and Dr. Gozzo, which will be given voluntarily by Dr. Blatter and Dr. Gozzo:

- a. Testimony regarding and relating to Dr. Blatter's expert opinions contained within the Opening Expert Report of Dr. Fritz Blatter for MSN signed and dated February 5, 2020.
- b. Testimony regarding and relating to Dr. Blatter's expert opinions contained within the Opening Expert Report of Dr. Fritz Blatter for Zydus signed and dated February 5, 2020.
- c. Testimony regarding and relating to Dr. Blatter's expert opinions contained within the Reply Expert Report of Dr. Fritz Blatter for MSN and Zydus signed and dated July 10, 2020.
- d. Testimony regarding and relating to Dr. Gozzo's expert opinions contained within the Opening Expert Report of Dr. Fabia Gozzo for MSN signed and dated February 5, 2020.
- e. Testimony regarding and relating to Dr. Gozzo's expert opinions contained within the Opening Expert Report of Dr. Fabia Gozzo for Zydus signed and dated February 6, 2020.



f. Testimony regarding and relating to Dr. Gozzo's expert opinions contained within the Reply Expert Report of Dr. Fabia Gozzo for MSN and Zydus signed and dated July 15, 2020.

14. Plaintiffs contend the testimonial evidence is relevant to the pending proceeding and is likely to be used at trial to assist this Court in resolving the dispute presented in the civil action before it. With the approval of this Court, the Plaintiffs and this Court therefore seek permission to have commissioners take this testamentary evidence for the purpose of using such evidence at trial. The Plaintiffs have satisfied this Court that Plaintiffs will pay Dr. Blatter's and Dr. Gozzo's reasonable witness attendance costs.

15. It is requested that the testamentary evidence be given in the English language, and on oath or affirmation. It is also hereby requested that the testimony be in the form of a recorded remote deposition or trial testimony via a secure session using the videoconferencing technology, Zoom, upon questions communicated to the witness by a Swiss attorney acting as commissioner, U.S. counsel of the Plaintiffs, and/or the Honorable Judge Renée Marie Bumb, U.S.D.J., also acting as commissioners. It is requested that the testamentary evidence be given at some time agreeable to all involved, whereby the pre-trial depositions are intended to be conducted between January 4 and February 22, 2021 and the trial testimony is intended to be conducted between February 23, 2021 and the conclusion of the trial (which is currently expected at March 5, 2021, but may be at a later date).

16. The Court hereby appoints Mr. Remo Decurtins to serve as commissioner ("the Swiss commissioner"). Mr. Decurtins is a lawyer with the law firm Quinn Emanuel at Dufourstrasse 29, 8008 Zurich, Switzerland, and admitted to practice as an attorney in Switzerland and New York. In his capacity as commissioner, Mr. Remo Decurtins will complete and oversee the following tasks: liaise with the Swiss authorities, including dispatch/submission of the present

Letter of Request to the High Court of the Canton of Zurich, International Judicial Assistance, Hirschengraben 13/15, 8021 Zurich 1, Switzerland and of a copy of the same to the Federal Office of Justice, Central Authority for the Request for Judicial Assistance in Civil and Commercial Matters, Bundesrain 20, 3003 Bern, Switzerland; act as an agent of service for any communication of the High Court of the Canton of Zurich and/or the Federal Office of Justice to this Court and the parties; invite Dr. Blatter and Dr. Gozzo to the depositions and trial once authorization is granted; verify and confirm the identity of Dr. Blatter and Dr. Gozzo each time before testimonial evidence is taken; supervise the testimony of Dr. Blatter and Dr. Gozzo by remote videoconferencing software from his firm's offices in Zürich; instruct the witnesses on their rights and obligations as per Article 21 of the Hague Convention; and ensure that the testimony is conducted in accordance with those rights and obligations.

17. The Plaintiffs also request that for trial testimony, the Honorable Judge Bumb may instruct the witnesses on their rights and obligations as per Article 21 of the Hague Convention; ensure that the testimony is conducted in accordance with those rights and obligations; and ask questions to witnesses during trial.

18. The U.S. counsel of the Plaintiffs, which the Court upon request of the Plaintiffs hereby also appoints as commissioners, and who will be present for the depositions and trial testimony of Dr. Blatter and Dr. Gozzo, are the following:

- a. For Plaintiffs:
  - i. Colleen Tracy James, Ray Nimrod, and Catherine Mattes from Quinn Emanuel Urquhart & Sullivan, LLP at 51 Madison Avenue, New York, NY 10010, USA;
  - ii. Carly Romanowicz from Quinn Emanuel Urquhart & Sullivan, LLP at 111 Huntington Ave., Suite 520, Boston, MA 02199, USA.

- b. For Defendants Zydus and MSN:
  - i. Trevor J. Welch, Hershy Stern, Joshua A. Whitehill, and Jayita Guhaniyogi, Ph.D. from Kasowitz Benson Torres LLP, 1633 Broadway, New York, NY 10019, USA for Zydus;
  - ii. Jovial Wong and Sharon Lin from Winston & Strawn, 1901 L. St. NW, Washington, DC 20036, USA for MSN.

19. In addition to the U.S. counsel and commissioners listed above and of the Swiss commissioner, it is also requested that client representatives for each party be allowed to be present, and that a videographer and a stenographer be present to take and record a verbatim transcript of all testimony and proceedings in the English language and that the transcript of the testimony be authenticated. When necessary, persons belonging to the information technology departments of the law firms of U.S. counsel may enter the rooms where U.S. counsel are remotely attending the deposition. U.S. counsel, the party representatives, the videographer, and the stenographer will attend the deposition remotely from their offices in the U.S.A. The Swiss commissioner, Dr. Blatter, and Dr. Gozzo will attend the depositions by videoconference from the Quinn Emanuel Zurich office. Similarly, for any remote trial testimony, the Swiss commissioner, Dr. Blatter, and Dr. Gozzo will attend the trial by videoconference from the Quinn Emanuel Zurich office. When necessary, persons belonging to the IT department of the Quinn Emanuel law firm may enter the room where Dr. Blatter or Dr. Gozzo is remotely attending the deposition or trial.

20. As mentioned, it is requested that the commissioners and U.S. counsel for Zydus and MSN take Dr. Blatter's and Dr. Gozzo's testimony in the English language (to which Dr. Blatter and Dr. Gozzo have agreed; *see Exhibit A and B*), under oath or affirmation, and that the Swiss commissioner or the Honorable Judge Bumb accordingly be allowed to administer such oath or request for affirmation on Dr. Blatter and Dr. Gozzo in accordance with United States law, as

follows: “Do you swear or affirm that the testimony you are about to provide is the truth, the whole truth, and nothing but the truth?”.

21. It is also requested that after giving testimony, Dr. Blatter and Dr. Gozzo be allowed after completion of the transcript to review, submit any errata, and sign the transcript of their testimony, and that the signed, transcribed, and videotaped testimony together with any documents marked as exhibits be transmitted to the parties’ U.S. counsel as soon as possible thereafter.

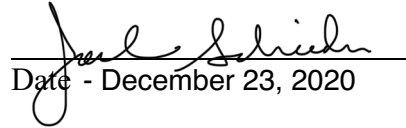
22. Accordingly, it is hereby requested that you grant assistance and authorize the Swiss and U.S. commissioners appointed above to question Dr. Blatter and Dr. Gozzo under oath or affirmation at the remote depositions and remote trial between January 4 and the conclusion of the trial (which is currently expected at March 5, 2021, but may be at a later date), or at another time determined by you, and that a verbatim transcript and videotape be prepared and be transmitted to the parties’ U.S. counsel for submission and use before this Court.

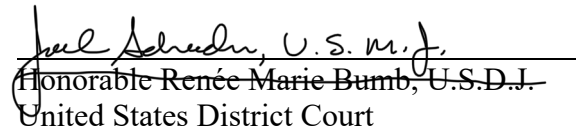
23. It is also requested that you inform the Swiss commissioner, this Court, and the parties through their above-mentioned U.S. counsel of your approval of this Court’s request and of all relevant dates and times determined by you for the production of the aforementioned requested testamentary evidence of Dr. Blatter and Dr. Gozzo. This Court and U.S. counsel hereby appoint Mr. Remo Decurtins to file the Letter of Request with you and act as the agent of service in Switzerland for any and all communication from you in this respect. As mentioned above, Mr. Remo Decurtins’s professional address in Switzerland for purpose of your communications is: Dufourstrasse 29, 8008 Zurich, Switzerland.

24. This Court expresses its appreciation to the Federal Office of Justice for its courtesy and assistance in this matter and states that this Court shall be ready and willing to assist the courts of Switzerland in a similar manner when required. This Court is also willing to reimburse (through the Plaintiffs) the competent judicial authorities of Switzerland for any costs incurred in executing

this request for judicial assistance. This Court extends to the competent judicial authorities of Switzerland the assurances of its highest consideration.

25. This Letter of Request is signed and sealed by Order of the Court made on the date set forth below:

  
Date - December 23, 2020

  
~~Honorable Renée Marie Bumb, U.S.D.J.~~  
United States District Court  
Mitchell H. Cohen U.S. Courthouse  
1 John F. Gerry Plaza  
Camden, NJ, USA 08101  
Honorable Joel Schneider  
United States Magistrate Judge

# Exhibit A

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MITSUBISHI TANABE PHARMA  
CORPORATION, JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA NV, JANSSEN  
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MSN PHARMACEUTICALS INC., and  
ZYDUS PHARMACEUTICALS (USA) INC.,

Defendants.

Civil Action No. 17-5005 (RMB)(JS)  
(consolidated)

(Filed Electronically)

I, Fritz Blatter, Ph.D., as an expert witness retained by Plaintiffs in the above-captioned patent litigation in the United States District Court for the District of New Jersey, have been informed of and understand that:

1. By virtue of my submission of an expert report on behalf of Plaintiffs in the above-captioned litigation, I may provide testimony at trial under Federal Rule of Evidence 702, 703, or 705 and Defendants may take my deposition pursuant to Federal Rule of Civil Procedure 26(b)(4)(A).
2. During the deposition, I may be assisted by my own counsel.
3. I am not obligated to appear for and participate in the trial or the deposition and cannot be subjected to any coercive measures.

4. At any time during examination, I may invoke any right or duty to refuse testimony under Swiss Law. I understand that my rights to refuse testimony are set out in particular in Articles 165-166 of the Swiss Code of Civil Procedure.

In view of the above, I hereby consent to having my testimony and deposition taken in the above-captioned matter by oral examination in the English language under oath, using remote videoconferencing technology and recorded by video and stenography, at a date to be determined.

I confirm that I am cooperating of my own accord.

Date: November 30, 2020

A handwritten signature in blue ink, appearing to read 'Fritz Blatter', is written above a horizontal line.

Fritz Blatter, Ph.D



# Exhibit B

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MITSUBISHI TANABE PHARMA  
CORPORATION, JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA NV, JANSSEN  
RESEARCH AND DEVELOPMENT, LLC,  
and CILAG GMBH INTERNATIONAL,

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MSN LABORATORIES PRIVATE LTD.,  
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ZYDUS PHARMACEUTICALS (USA) INC.,

Defendants.

Civil Action No. 17-5005 (RMB)(JS)  
(consolidated)

(Filed Electronically)

I, Fabia Gozzo, Ph.D., as an expert witness retained by Plaintiffs in the above-captioned patent litigation in the United States District Court for the District of New Jersey, have been informed of and understand that:

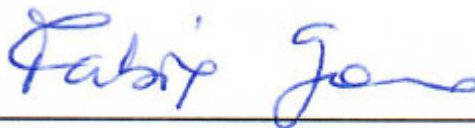
1. By virtue of my submission of an expert report on behalf of Plaintiffs in the above-captioned litigation, I may provide testimony at trial under Federal Rule of Evidence 702, 703, or 705 and Defendants may take my deposition pursuant to Federal Rule of Civil Procedure 26(b)(4)(A).
2. During the deposition, I may be assisted by my own counsel.
3. I am not obligated to appear for and participate in the trial or the deposition and cannot be subjected to any coercive measures.

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In view of the above, I hereby consent to having my testimony and deposition taken in the above-captioned matter by oral examination in the English language under oath, using remote videoconferencing technology and recorded by video and stenography, at a date to be determined.

I confirm that I am cooperating of my own accord.

Date: November 30, 2020



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Fabia Gozzo, Ph.D