

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONOPCO, INC. dba UNILEVER
Petitioner

v.

THE PROCTER & GAMBLE COMPANY
Patent Owner

U.S. Patent No. 6,451,300

Inter Partes Review Case No. Unassigned

DECLARATION OF ARUN NANDAGIRI

TABLE OF CONTENTS

I.	Introduction	1
II.	My Background and Qualifications	2
III.	List of Documents I Considered in Formulating My Opinion	4
IV.	Person of Ordinary Skill in the Art	7
V.	The '300 Patent Specification.....	8
VI.	The Claims of the '300 Patent	9
VII.	State of the Art as of May 3, 1999	11
VIII.	Summary Chart of Analysis Over the Art.....	15
IX.	Basis of my Analysis with Respect to Anticipation	15
X.	Basis of my Analysis with Respect to Obviousness	16
XI.	Ground 1: Each and Every Element of Claims 1-5, 11, 13, 16-18, 20, and 25 of the '300 Patent is Set Forth in Kanebo.....	17
XII.	Ground 2: Claims 1-7, 11, 13, 16-18, 20, and 25 Would Have Been Obvious to a POSA in View of Kanebo.	31
XIII.	Ground 5: Claims 1-7, 11-13, 16-20, 24, and 25 would have been Obvious over Bowser in view of Evans.....	34
XIV.	Ground 6: Claims 1, 2, 4, 11-13, 16-20, 24, and 25 Would Have Been Obvious Over Evans.	50
XV.	Ground 7: Claims 3, 5, and 8-10 would have been Obvious over Evans in view of Coffindaffer.	58
XVI.	Grounds 3 and 8: In view of Cardin, Claims 14, 15, and 22 would have been Obvious over Kanebo (Ground 3) or Evans (Ground 8).....	62
XVII.	Grounds 4 and 9: Claims 21 and 23 would have been Obvious over Kanebo (4) or Evans (9) in view of Schwen and Gibson.	65
XVIII.	Objective Indicia of Nonobviousness	68
XIX.	Conclusion.....	69

I, Arun Nandagiri, hereby declare as follows.

I. Introduction

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of CONOPCO, INC. (UNILEVER) for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard legal consulting rate, which is \$290 per hour. I understand that the petition for *inter partes* review involves U.S. Patent No. 6,451,300 ("the '300 patent"), UNL 1001, which resulted from U.S. Application No. 09/558,447 ("the '447 application"), filed on April 25, 2000, and alleging a priority date of May 3, 1999. The '300 patent names David Scott Dunlop, Susan Marie Guskey, Vincente Eduardo Leyba, and Douglas Allan Royce as the inventors. The '300 patent issued on September 17, 2002, from the '447 application. I further understand that, according to the USPTO records, the '300 patent is currently assigned to The Procter & Gamble Company ("the patentee" or "P&G").

3. In preparing this Declaration, I have reviewed the '300 patent and considered each of the documents cited herein, in light of general knowledge in the art. In formulating my opinions, I have relied upon my experience, education and knowledge in the relevant art. In formulating my opinions, I have also considered

the viewpoint of a person of ordinary skill in the art ("POSA") (i.e., a person of ordinary skill in the field of shampoos and conditioners, defined further below in Section IV) prior to May 3, 1999.

II. My Background and Qualifications

4. I am an expert in the field of shampoos and conditioners, including anti-dandruff conditioning shampoos. I have more than 30 years of experience in formulating shampoos and conditioners and have been personally involved in the formulation of hundreds of hair care products. I received my Masters of Science degree in Pharmacy from Andhra University, India, and my master's thesis was titled "Manufacture of Antibiotics." Additionally, I received my Masters of Science degree in Pharmacy Administration from Brooklyn College of Pharmacy in 1972. From 1970-1972, I was an aerosol chemist at Block Drug company, where I worked with aerosol shampoos and hairsprays.

5. From 1972 to 1975, I was a Senior Scientist for the Hair Care and Antiperspirants division of Beecham, Inc. From 1975 to 1982, I was Group Leader of the Hair Care and Antiperspirants division of Shulton, Inc. At both of these positions, I was involved in formulating shampoos and conditioners, and was involved in selecting formulation components and testing of conditioning properties. As Group Leader at Shulton, I also had a group of formulation chemists reporting to me.

6. From 1982 to 1989, I was Director of Research and Development for Playtex-Jhirmack, Inc. As Director, I created, planned, delegated and coordinated all research and development activities for the U.S. and Canadian markets. I was actively involved in formulating all types of hair care products, including shampoos and conditioners. In my role in creating shampoo and conditioner formulations, I was involved in determining which components to use in the formulations and at what concentrations. At Playtex-Jhirmack, I worked with anti-dandruff shampoos, including shampoos containing zinc pyrithione and coal tar.

7. In 1989, I joined Helene Curtis Industries, Inc., which was acquired by Unilever in 1996. I was Director of the Hair Care Research and Development division of Helene Curtis, and then Unilever, from 1989 to 2000. In this position, I managed and directed all development products in hair shampoos, conditioners and other hair products. I coordinated research activities associated with hair care products and managed a staff of up to 40 scientists, stylists and administrators. I also interacted with research and development personnel to create shampoo and conditioning formulations. I also was involved with research and formulation of anti-dandruff shampoos.

8. From 2000 to 2003, I was Director of Hair Care Projects of Unilever de Argentina. In this position, I was on a global team managing Unilever's hair care products around the world. I successfully expanded Unilever's hair care

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.