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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS II LLC,
Petitioner,

v.

NPS PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR 2015-00990
U.S. Patent No. 7,056,886

DECLARATION OF IVAN T. HOFMANN, CPA/CFF, CLP

CFAD Exhibit 1042

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I, Ivan T. Hofmann, hereby declare as follows:

I. INTRODUCTION

1. I have been retained by Petitioner Coalition for Affordable Drugs II, LLC (“CFAD”) to provide analysis in the above-captioned *inter partes* review (“IPR”) concerning U.S. Patent No. 7,056,886 (“the ’886 Patent”). The ’886 Patent is entitled “GLP-2 Formulations,” and the challenged claims of the ’886 Patent are directed to stabilized formulations of glucagon-like peptide 2 (“GLP-2”) or analogs thereof, a kit to deliver the GLP-2 formulation, and the claimed method of administering the GLP-2 formulation. [EX. 1003.] The ’886 Patent is assigned on its face to NPS Allelix, Corp., a subsidiary of NPS Pharmaceuticals, Inc. (“NPS”). [EXS. 1003; 1075.]

2. I have been asked by counsel for CFAD to review and respond to assertions regarding alleged objective indicia of nonobviousness relating to the ’886 Patent that were raised in NPS’s Patent Owner Response (the “POR”), and in the Declaration of Gordon Rausser, Ph.D. under 37 C.F.R §1.68 in Support of Patent Owner’s Response to the Petition (the “Rausser Declaration”). My declaration specifically focuses on the asserted objective indicia known as (1) long-felt but unmet need and (2) commercial success as they relate to the pharmaceutical product Gattex[®], which I understand NPS alleges is the commercial embodiment of certain claims of the ’886 Patent. [POR, p. 59.]

II. QUALIFICATIONS

3. I am a Managing Director at Gleason IP, a division of Gleason & Associates, P.C. (“Gleason”). Gleason is an economic, accounting, and financial consulting firm which provides services primarily in the areas of Valuation, Litigation Support, Intellectual Property, Forensic Accounting and Financial Reorganization. I am the leader of the Intellectual Property Practice. Prior to joining Gleason, I worked for the global firm of Deloitte & Touche, LLP.

4. I graduated *magna cum laude* from the University of Notre Dame in 1994, with a Bachelor of Business Administration degree and a double major in Economics and Accounting. I am a Certified Public Accountant (“CPA”). I am also Certified in Financial Forensics (“CFF”). I am a member of the Licensing Executives Society (“LES”) and have received my Certified Licensing Professional (“CLP”) designation, which is granted by the LES to professionals with demonstrated knowledge and experience in the areas of intellectual property and licensing. I have attended and instructed numerous continuing education seminars since the completion of my formal education and have been a speaker on numerous occasions on a variety of financial, economic, accounting, intellectual property, and valuation topics. I have presented to various bar associations and

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