

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS IV LLC

Petitioner

v.

PHARMACYCLICS, INC.

Patent Owner

Case No. IPR2015-01076

Patent No. 8,754,090

DECLARATION OF TCHAO J. THAO

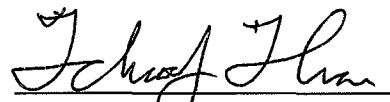
In support of the Motion to Correct Petition, I, Tchao J. Thao, do declare and state as follows:

1. I am an attorney at the law firm of Merchant & Gould, PC in the Minneapolis, Minnesota office.
2. I assisted on the preparation of the petition requesting *Inter Partes* Review of U.S. Patent No. 8,754,090 (“Petition”), as well as the supporting documents submitted with it.
3. Merchant & Gould maintains a folder entitled “Searches and References” in its internal document management system for saving prior art related to the '090 patent. The “Searches and References” folder is part of a network directory specifically reserved for this matter, which is client matter number 04852.0005USWX. The prior art stored in the “Searches and References” folder included an April 13, 2009 Pharmacyclics Press Release (“April 2009 Press Release”) and a December 9, 2009 Pharmacyclics Press Release (“December 2009 Press Release”).
4. In preparing the Petition for filing, I was asked to compile electronic copies of the Exhibits to the Petition. The electronic copies of the Exhibits were to be labeled according to their exhibit number listed in the Appendix of Exhibits. In preparing the Exhibits, I accidentally selected the December 2009 Press Release

from the “Searches and References” folder instead of the April 2009 Press Release. This was unintentional and a result of clicking on the wrong file link in the “Searches and References” folder as both links were positioned next to each other and the files were similar in layout and style. I intended to save the April 2009 Press Release as the Exhibit for filing. I was not aware of the mistake in collecting and labelling Exhibit 1004 until I read the Patent Owner’s Preliminary Response.

5. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Dated: August 19, 2015


Tchau J. Thao