

Filed on behalf of Petitioner COALITION FOR AFFORDABLE DRUGS II
LLC

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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 No. To be assigned
Patent 7,056,886

**DECLARATION OF ANTHONY PALMIERI III, Ph.D., R.Ph.
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,056,886
(CLAIMS 1-45) UNDER 35 U.S.C. §§ 311-319
AND 37 C.F.R. § 42.100 *et seq.***

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 obvious over Drucker '379 and further in view of Kornfelt and

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Osterberg. Each of Claims 31, 32, and 44 are Obvious over
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i. A GLP-2 formulation was known.....45

ii. A medically useful amount of a naturally occurring
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iii. A phosphate buffer in an amount sufficient to adjust
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iv. The use of L-histidine was known.....49

v. The use of mannitol and sucrose as a bulking agent
was known.....50

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i. The concentration of GLP-2 peptide was known.....51

ii. The concentration of L-histidine was known.....53

iii. The claimed concentration of mannitol
was known.54

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I, Dr. Anthony Palmieri III, hereby state the following:

I. INTRODUCTION

1. I have been retained to provide technical assistance related to the filing of a Petition for *Inter Partes* Review of U.S. Patent No. 7,056,886 (“the ‘886 Patent”) (Ex. 1003). I am working as a private consultant on this matter and the opinions presented here are my own.

2. I have been asked to prepare a written report including comments related to the Petition regarding whether certain claims of the ‘886 Patent are unpatentable because they would have been obvious in view of the documents cited herein. This Declaration sets forth the bases and reasons for my opinions, including the additional materials and information relied upon in forming those opinions and conclusions. I have reviewed Exhibits 1003-1031 set forth in the table below.

EXHIBIT	DESCRIPTION
1001	Declaration of Dr. Anthony Palmieri III, Ph.D., R.Ph.
1002	CV of Dr. Palmieri
1003	U.S. Patent No. 7,056,886 to Isaacs

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