

## **DECLARATION OF Deanna J. Field**

### **I, Deanna J. Field, declare as follows:**

1. I submit this declaration at the request of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP who is representing Senju Pharmaceutical, Co. Ltd. (“Senju”) in IPR 2015-01097, IPR2015-01099, IPR2015-1100, and IPR2015-1105 (“IPRs”) before the United States Patent and Trademark Office (“PTO”) Patent Trial and Appeal Board (“Board”).

2. I am currently Vice President of Finance and Administration of BioScience Laboratories, Inc., 1755 South 19<sup>th</sup> Avenue, Bozeman, Montana 59718 (“BioScience”).

3. I have been advised that in connection with the above-mentioned IPRs, Senju filed certain confidential BioScience documents (Exhibits 2267-2278 and 2294) with the Board on February 25, 2016.

4. I have also been advised that on July 6, 2016, Senju sent an email to the Board requesting clarification on how third-party BioScience could offer evidence to establish that certain exhibits contain BioScience proprietary information. I have also been advised that on July 8, the Board authorized BioScience to submit a declaration authorizing Senju to seek protection on BioScience’s behalf and

IPR2015-01097 (Patent 8,754,131 B2)  
IPR2015-01100 (Patent 8,927,606 B1)  
IPR2015-01105 (Patent 8,871,813 B2)

explaining what information contained in Exhibits 2267-2278 and 2294 is proprietary and why.

5. As requested by the Board, BioScience hereby authorizes Senju to seek protection on BioScience's behalf for the confidential information contained in Exhibits 2267-2278 and 2294, because BioScience enters into confidential non-disclosure agreements (NDAs) with their clients, employees, subcontractors, consultants and any other non-related parties, and, for other reasons explained herein. Furthermore, BioScience considers its Standard Operating Procedures (SOPs) proprietary intellectual property and it do not allow their clients or other parties to reproduce them at any time for any reason. Each page of the SOPs contains a CONFIDENTIAL watermark and the following statement appears at the bottom of each page:

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6. As specifically noted below, Exhibits 2267-2278 and 2294 contain confidential BioScience information, including trade secrets and intellectual writings, protocol development, and/or commercial confidential information:

- a. Exhibit 2267 - Confidential BioScience Laboratories, Inc., Testing for Study #151142-203, “A Non-GLP Antimicrobial Preservatives Effectiveness Evaluation of Six Products When Challenged with Four Microorganisms Species Based on European Pharmacopoeia Method 5.1.3,” January 7, 2016 - This document contains confidential information, specifically on pages 5-18 and 36-65, which describes the details of BioScience’s proprietary testing protocol and standard operating procedures (“SOPs”), including but not limited to detailed, step-by-step instructions of how to perform the testing, deviations from the stated protocol, including the impact of such deviations when applicable, and forms and calculations based on and reflecting the study results. This information is confidential because BioScience’s detailed testing methods and laboratory processes and procedures are not disclosed to the public by BioScience and constitute sensitive and proprietary business information. BioScience’s employees, consultants, and subcontractors also must enter into a NDA as a

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condition of their employment or engagement. A public version of Exhibit 2267 redacting out the above-mentioned confidential materials will be filed.

- b. Exhibit 2268 - Confidential BioScience Laboratories, Inc., Incubator Log Forms, Refrigerator Log Form, Product Receipt Log Form, Sample Submission Form, Product-Tracking Form for Study # 151142-203 - This document contains confidential information, specifically on pages 2-16, which includes forms with calculations and record-keeping based on and reflecting the details of BioScience's proprietary SOPs. This information is confidential because BioScience's detailed testing methods and laboratory processes and procedures are not disclosed to the public by BioScience and constitute sensitive and proprietary business information. Exhibit 2268 contains only one page without confidential information (a title page) and as a result, filing a redacted exhibit would not be practical.
- c. Exhibit 2269 - Confidential BioScience Laboratories, Inc., Standard Operating Procedure No. E-0003, January 14, 2016 - This document contains confidential information, specifically on pages 1-2, which describes the details of and step-by-step instructions for a proprietary

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BioScience SOP for refrigerator operation. This information is confidential because BioScience's SOPs are not disclosed to the public by BioScience and constitute sensitive and proprietary business information. Exhibit 2269 contains only one page without confidential information (a signature page) and as result, filing a redacted exhibit would not be practical.

- d. Exhibit 2270 - Confidential BioScience Laboratories, Inc., Standard Operating Procedure No. E-0017, August 24, 2015 - This document contains confidential information, specifically on pages 1-2, which describes the details of and step-by-step instructions for a proprietary BioScience SOP for aerobic incubator operation. This information is confidential because BioScience's SOPs are not disclosed to the public by BioScience and constitute sensitive and proprietary business information. Exhibit 2270 contains only one page without confidential information (a signature page) and as result, filing a redacted exhibit would not be practical.

- e. Exhibit 2271 - Confidential BioScience Laboratories, Inc., Standard Operating Procedure No. E-0005, October 20, 2015 - This document contains confidential information, specifically on pages 1-9, which

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