

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX CORP.
APOTEX, INC.
Petitioner

v.

ALLERGAN, INC.
Patent Owner

U.S. Patent No. 8,685,930

Case To be assigned

DECLARATION OF CHRISTOPHER N. TA, M.D.

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I, Christopher N. Ta, hereby declare as follows.

I. Overview

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 APOTEX CORP. and APOTEX INC. ("APOTEX") for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$500 per hour for time less than one hour, then \$375 per hour thereafter. I understand that the petition for *inter partes* review involves U.S. Patent No. 8,685,930 ("the '930 patent"), Exhibit 1001, which resulted from U.S. Application No. 13/961,828 ("the '828 application"), filed on August 7, 2013, naming Andrew Acheampong, Diane D. Tang-Liu, James N. Chang, and David F. Power as inventors. The '930 patent issued on April 1, 2014, from the '828 application. I further understand that, according to the USPTO records, the '930 patent is currently assigned to Allergan, Inc. ("the patentee"). I understand that the earliest possible priority date for the '930 patent is September 15, 2003.

3. I understand that independent claims 1, 13, and 25 of the '930 patent are directed to topical ophthalmic emulsions comprising cyclosporine A, polysorbate 80, acrylate/C10-30 alkyl acrylate cross-polymer, water, and castor oil. I understand that these claims specifically recite a topical ophthalmic emulsion

comprising 0.05% by weight cyclosporine A and 1.25% by weight castor oil, and that the emulsions are therapeutically effective in treating keratoconjunctivitis sicca, drye eye, and increasing tear production. I understand that claims 11, 23, and 35 of the '930 patent recite that the topical ophthalmic emulsions, when administered to an eye of a human, show substantially no detectable blood levels of cyclosporine A.

II. *My background and qualifications*

4. I am an expert in the field of ophthalmology and the treatment of patients suffering from ophthalmological disorders. I have been an expert in this field since before 2003.

5. I am presently Professor of Ophthalmology at Stanford University School of Medicine. I am Board Certified in Ophthalmology by the American Board of Ophthalmology. In my practice, I routinely see and treat patients with dry eye. My *curriculum vitae* is provided as Exhibit 1008.

6. I earned a Bachelor of Arts degree in Physiology from the University of Minnesota in 1990. I earned an M.D. from University of Minnesota Medical School in 1994. I completed an internship in internal medicine at Kaiser Permanente Hospital in Oakland, CA, in 1995. I completed my residency in ophthalmology at Stanford University Medical Center in 1998. I completed a fellowship in cornea, external diseases, and refractive surgery at the University of

Texas Southwestern (Dallas, TX) in 1999. I worked as Acting Assistant Professor at the Stanford University School of Medicine from 1999-2000, and as Assistant Professor at Stanford University School of Medicine from 2000-2006. I served as Associate Professor at Stanford University School of Medicine from 2007-2012. I became Professor at Stanford University School of Medicine in 2012 and continue to serve as Professor there today. Throughout my career, I have had extensive experience consulting, diagnosing, and treating patients with ophthalmologic conditions, including dry eye. I also have extensive experience evaluating patient responses to different ophthalmological formulations.

7. I have received several honors in my career related to ophthalmological conditions and treatment, such as the Biodesign Certificate of Appreciation, Stanford Biodesign (2011); Best Paper Award, American Academy of Ophthalmology (2008); American Academy of Ophthalmology Achievement Award, American Academy of Ophthalmology (2008); America's Top Ophthalmologist, Consumers' Research Council of America (2007-2009); Best Poster Award, European Society of Cataract and Refractive Surgery Conference (2005); Stanford Leadership Development Program (2005-2006); Office of Technology and Licensing Research Incentive Fund Award (2005); Alpha Omega Alpha (1993); and Phi Beta Kappa Honor Society (1990).

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