

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS X LLC,
Petitioner,

v.

ANACOR PHARMACEUTICALS, INC.,
Patent Owner.

Case No. IPR2015-01776
Patent No. 7,582,621

**DECLARATION OF MICHAEL N. KENNEDY IN SUPPORT OF PATENT
OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF MICHAEL N.
KENNEDY UNDER 37 C.F.R. § 42.10**

I, Michael N. Kennedy, declare as follows:

1. I am a partner in the law firm Covington & Burling LLP.
2. I am a member in good standing of the New York State Bar (admitted 2006) and the District of Columbia Bar (2009), as well as the following federal Courts: U.S. District Court for the Southern District of New York (2008); U.S. Court of Appeals for the Federal Circuit (2010); and U.S. Court of Appeals for the Eleventh Circuit (2013).
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. I have had no sanctions or contempt citations imposed against me by any court or administrative body.
6. I have read and will comply with the Office Patent Trial Guide and the Board's Rules for Practice for Trials set forth in part 42 of the Code of Federal Regulations.
7. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.100 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. I have not previously applied to appear *pro hac vice* in any other proceedings before the Office, although I am contemporaneously submitting *pro hac vice* applications on behalf of Patent Owner in the co-pending proceedings IPR2015-01780 and IPR2015-01785.

9. I am an experienced litigating attorney with over ten years in private law practice, and substantial experience with bench trials, jury trials, and *Markman* hearings. I have been counsel in over twenty patent infringement matters, including cases pending in various district courts across the country, the Federal Circuit, and the International Trade Commission. I have been admitted to practice before the Federal Circuit since 2010.

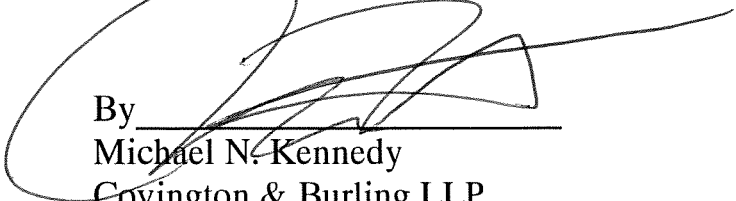
10. I am familiar with the subject matter and U.S. Patent No. 7,582,621 (“the ’621 Patent”) at issue in this proceeding, including its prosecution history, the related U.S. Patent No. 7,767,657, and the scientific field to which the ’621 Patent is addressed. Over the past several months, I have spent significant time advising Anacor Pharmaceuticals, Inc., the Patent Owner in this proceeding, in developing the responses to Petitioner’s invalidity challenges. In particular, I was involved with retaining experts and developing the strategy relating to the Patent Owner Response and supporting expert declarations. I have also spent significant time working with Patent Owner’s expert declarants in this proceeding. All of the

above activities required developing a thorough understanding of the patent at issue in this proceeding, the prior art, and the relevant scientific field.

11. I also have substantial experience litigating patents that relate, like the patent at issue in this proceeding, to topical or transdermal delivery of pharmaceutical products. Specifically, I was counsel of record for Auxilium Pharmaceuticals (since acquired by Endo Pharmaceuticals) in Hatch-Waxman patent litigation relating to several patents covering Auxilium's TESTIM product, which is a gel for transdermal delivery of testosterone. I was counsel of record for Fougera (since acquired by Sandoz) in Hatch-Waxman patent litigation relating to several patents covering Fougera's SOLARAZE product, which is a gel for topical delivery of diclofenac sodium to treat actinic keratosis.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: June 10, 2016


By _____
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