

Filed on behalf of Petitioner COALITION FOR AFFORDABLE DRUGS X LLC

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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.: Unassigned
Patent No.: 7,582,621

**DECLARATION OF STEPHEN KAHL PH.D. IN SUPPORT OF PETITION
FOR *INTER PARTES* REVIEW OF PATENT NO. 7,582,621**

CEAD E-Filed 1006

I, Stephen Kahl, Ph.D., hereby state the following:

I. INTRODUCTION

1. In this declaration, I am providing my expert opinions in support of the above-captioned petition for *inter partes* review (“IPR”) of U.S. Patent No. 7,582,621 (“the ‘621 Patent”) filed by the Coalition For Affordable Drugs X LLC (“CFAD”), which challenges the patentability of claims 1-12 of the ‘621 Patent.

2. This Declaration sets forth the bases and reasons for my opinions.

3. This Declaration is based on information currently available to me. I reserve the right to continue my investigation and analysis, which may include a review of documents and information not yet produced. I further reserve the right to expand or otherwise modify my opinions and conclusions as my investigation and study continues, and to supplement my opinions and conclusions in response to any additional information that becomes available to me.

II. BACKGROUND AND EXPERIENCE

4. I received a B.S. in Chemistry from Duke University (1964-68) and a Ph.D. in Chemistry from Indiana University (1968-72).

5. From 1972 until 1974, I was a Postdoctoral Fellow at the University of California, Berkeley in the Departments of Chemistry and Physics. From 1975 until 1982, I was an Assistant Professor at Wellesley College in the Department of Chemistry. From 1982 until the present, I have held the following positions in the

Declaration of Stephen Kahl, Ph.D.
Inter Partes Review of Patent No. 7,582,621

Department of Pharmaceutical Chemistry at the University of California, San Francisco: Visiting Assistant Professor (1982-1985); Assistant Professor In Residence (1985-1990); Associate Professor In Residence (1990-1995); Professor in Residence (1995-2011); and Professor In Residence Emeritus (2011-Present). Since 1983, I have also held the title of Visiting Professor (Lecturer) in the Department of Chemistry at Stanford University.

6. I have received numerous honors and awards, including the Dean's Recognition for Excellence in Teaching, University of California School of Pharmacy on six different occasions.

7. I have also served as an *Ad Hoc* Reviewer for twenty journals including: Journal of Medicinal Chemistry (1985- Present); Journal of Organic Chemistry (1991-Present); Cancer Research (1989-Present); Proceedings of the National Academy of Sciences, USA (1990-Present); and Journal of American Chemical Society (1986-Present).

8. My research interests over my career have related to the development of organic synthetic methodologies and separation techniques for the preparation of bioactive boron molecules specifically targeted to biological systems, e.g. cancer cells, atherosclerotic plaques, and viral and parasitic vectors, and the application of methods to assess the toxicology and gross and subcellular biodistribution of these molecules. To date, my research has resulted in over 65

publications in books and peer reviewed journals; and over 30 invited presentations.

9. My CV, which lists in further detail my relevant professional experience, is attached as Exhibit 1007.

10. I am competent to make this declaration based upon my personal knowledge and expertise in the area of research, synthesis, and development of boron compounds and pharmaceuticals.

III. COMPENSATION AND RELATIONSHIP TO THE PARTIES

11. I am being compensated at my standard consulting rate of \$300 per hour for the time I spend studying materials and issues associated with this matter and for the time I spend providing testimony. My compensation is not contingent upon the outcome of this matter. I expect to be reimbursed for reasonable expenses associated with travel, including lodging, transportation, and other expenses incurred in connection with this matter.

12. It is my understanding that Anacor Pharmaceuticals Inc. (“Anacor”) is the assignee of the ‘621 Patent. Prior to this matter, I have not worked for Anacor or had any vested interest in the Petitioner or its related entities. I own no stock or ownership interest in Anacor or the Petitioner or its related entities and I am aware of no other financial interest I have with those companies.

IV. MATERIALS CONSIDERED

13. I reviewed the following documents and information:

EXHIBIT	DESCRIPTION	FILED
Ex. 1001	U.S. Patent No. 7,582,621 (“the ‘621 Patent”)	<input checked="" type="checkbox"/>
Ex. 1002	Patent Cooperation Treaty Pub. No. WO 1995/033754 to Austin et al. (“ <i>Austin</i> ”)	<input checked="" type="checkbox"/>
Ex. 1003	U.S. Patent Pub. No. 2002/0165121 to Brehove (“ <i>Brehove</i> ”)	<input checked="" type="checkbox"/>
Ex. 1004	Patent Cooperation Treaty Pub. No. WO 2003/009689 A1 to Freeman et al. (“ <i>Freeman</i> ”)	<input checked="" type="checkbox"/>
Ex. 1012	Prosecution History: Office Action dated August 26, 2008	<input checked="" type="checkbox"/>
Ex. 1013	Prosecution History: Reply to Office Action dated January 23, 2009	<input checked="" type="checkbox"/>
Ex. 1014	Prosecution History: Notice of Allowance dated April 22, 2009	<input checked="" type="checkbox"/>
Ex. 1024	BioborJF® Specification Sheet (2015)	<input checked="" type="checkbox"/>
Ex. 1025	BioborJF® Material Safety Data Sheet (2004)	<input checked="" type="checkbox"/>
Ex. 1027	Michael P. Groziak, <i>Boron Therapeutics On The Horizon</i> , 8 Am. J. of Therapeutics 321-28 (2001) (“ <i>Groziak</i> ”)	<input checked="" type="checkbox"/>

14. I am also aware of information generally available to, and relied upon by, persons of ordinary skill in the art at the relevant times. Some of my statements below are expressly based on such awareness.

15. I reserve the right to supplement my opinions to address any information obtained, or positions taken, based on any new information that comes to light throughout this proceeding.

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