

Served 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.: 2015-01776

Patent No.: 7,582,621

**SUPPLEMENTAL DECLARATION OF S. NARASIMHA MURTHY PH.D.
IN SUPPORT OF PETITIONER'S SUPPLEMENTAL EVIDENCE AND
RESPONSE TO PATENT OWNER'S OBJECTIONS TO THE PETITION
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64**

CEAD-15-01776-1042

I, S. Narasimha Murthy, Ph.D., hereby state the following:

1. I am providing this supplemental declaration in support of the Petition For *Inter Partes* Review of Patent No. 7,582,621 and in support of the reply to Patent Owner's Objections To Petitioner's Evidence Under 37 C.F.R. § 42.64(b)(1).

2. I previously provided a declaration dated June 15, 2015, as part of the petition filed by Coalition for Affordable Drugs X LLC. My previous declaration is Ex. 1008.

3. I am competent to make this declaration based upon my personal knowledge and technical expertise, which I addressed in my first declaration, dated June 15, 2015.

4. I understand that Patent Owner has raised evidentiary objections to Exhibit 1024 (BioborJF® Specification Sheet) and Exhibit 1025 (BioborJF® MSDS). I have previously considered these exhibits in preparation of my previous declaration. (Ex. 1008.)

5. It is my understanding that the Petitioner is submitting supplemental exhibits as part of its response to Patent Owner's objections to Exhibit 1024 and Exhibit 1025.

6. It is my understanding the new exhibits are Exhibit 1037 and Exhibit

1038. It is my understanding the Petitioner is serving Exhibit 1037 in response to Patent Owner's objections to Exhibit 1024 and serving Exhibit 1038 in response to Patent Owner's objections to Exhibit 1025.

7. All the exhibits I have considered and relied on in this proceeding (including the supplemental exhibits) are the kinds of documents I typically rely on when forming opinions, such as the opinions I offer in this proceeding.

8. I have considered Exhibit 1037 and Exhibit 1038.

EXHIBIT	DESCRIPTION	FILED
Ex. 1037	Biobor, R.E.D. Facts, EPA-738-R-93-004 (June 1993), http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=200009P5.PDF	<input type="checkbox"/>
Ex. 1038	Excerpts From The Certified Prosecution History For U.S. Patent No. 6,878,365, Including The MSDS Sheet For BioborJF®	<input type="checkbox"/>

9. It is my understanding that Exhibit 1037 is a report from the United States Environmental Protection Agency concerning Biobor and entitled R.E.D. Facts. Like Ex. 1024, Ex. 1037 discloses that Biobor is a fungicide used in the fuel tanks and fuel lines of vehicles to prevent the growth of microbial organisms and that Biobor was initially registered in the United States in 1965.

10. My consideration of Exhibit 1037 does not change my opinions set forth in my previous declaration (Ex. 1008).

11. It is my understanding that Exhibit 1038 is the BioborJF® MSDS from the certified prosecution history of U.S. Patent No. 6,878,365 to Brehove. Exhibit 1038 appears to be the same MSDS sheet that I previously considered as Exhibit 1025 but with an earlier publication date.

12. My consideration of Exhibit 1038 does not change my opinions set forth in my previous declaration (Ex. 1008).

13. In signing this Declaration, I understand that it will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the USPTO. I acknowledge that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

14. 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 that these statements were 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.

Supplemental Declaration of S. Narasimha Murthy, Ph.D.
Inter Partes Review of Patent No. 7,582,621
IPR2015-01776

Dated: April 5, 2016

S. N. Murthy

S. Narasimha Murthy, Ph.D.