

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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COALITION FOR AFFORDABLE DRUGS VIII, LLC  
Petitioner

v.

TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA  
Patent Owner, based on Electronic Records of PTO  
U.S. Patent No. 7,932,268 B2 to Rader  
Filing Date: March 7, 2005  
Issue Date: April 26, 2011

TITLE: METHODS FOR TREATING DISORDERS OR DISEASES ASSOCIATED  
WITH HYPERLIPIDEMIA AND HYPERCHOLESTEROLEMIA WHILE  
MINIMIZING SIDE EFFECTS

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*Inter Partes* Review Trial No. TBD

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**Declaration of Jeffery A. Marx in Support of  
Coalition for Affordable Drugs' Petition for  
*Inter Partes* Review of U.S. Patent No. 7,932,268 B2**

Declaration of Jeffery A. Marx  
Petition for *Inter Partes* Review of U.S. Patent No. 7,932,268 B2

I, Jeffery A. Marx, declare as follows:

1. I am a partner with the law firm of Rakoczy Molino Mazzochi Siwik LLP, counsel for Petitioner Coalition for Affordable Drugs VIII (“Coalition”) in this matter.

2. I am a practicing attorney and am a member in good standing of the Bars of the State of Illinois (2005) and the State of Wisconsin (2005), as well as the following courts: United States Court of Appeals for the Federal Circuit (2012), United States District Court for the Northern District of Illinois (2005) and United States District Court for the Western District of Wisconsin (2008). I am also admitted to practice before US PTO (Registration No. 56,977).

3. I submit this Declaration in support of Coalition’s Petition for *Inter Partes Review* of U.S. Patent No. 7,932,268 B2, and, in particular, to authenticate and provide to the U.S.P.T.O. certain facts and exhibits cited and referenced in Coalition’s Petition. I understand that my declaration will be included in Petitioner’s Exhibit List as CFAD Ex. 1034.

4. I have personal knowledge of the facts stated in this Declaration and, if called to testify, I could and would testify competently to the matters stated herein.

5. Attached hereto as Exhibit A is a true and correct copy of a page from the website [www.goodrx.com](http://www.goodrx.com) as it appeared on July 6, 2015 showing the monthly

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price of Juxtapid 5mg, 10 mg, 20 mg, 30 mg, 40 mg, and 60 mg dosage strengths. This information can be found at <http://www.goodrx.com/juxtapid>. This exhibit is included in Petitioner's Exhibit List as CFAD Ex. 1024.

6. Attached hereto as Exhibit B is a true and correct copy of CNBC article "'Fast Money' faux pas: Firm draws FDA warning, DOJ subpoena" which discusses the pricing of Juxtapid as it appeared on July 9, 2015. This article can be found at <http://www.cnbc.com/2014/01/13/fast-money-faux-pas-aegerion-draws-fda-warning-doj-subpoena.html>. This exhibit is included in Petitioner's Exhibit List as CFAD Ex. 1025.

7. Attached hereto as Exhibit C is a true and correct copy of a Cigna press release as it was available on July 24, 2015. The press release, dated November 7, 2003, states that Cigna management is scheduled to appear at the CIBC World Markets' 14th Annual Healthcare Conference held on November 11, 2003. The press release can be found online at [http://newsroom.cigna.com/article\\_display.cfm?article\\_id=236](http://newsroom.cigna.com/article_display.cfm?article_id=236). This exhibit is included in Petitioner's Exhibit List as CFAD Ex. 1035.

8. Attached hereto as Exhibit D is a true and correct copy of a Gilead Sciences, Inc. press release as it was available on July 24, 2015. The press release, dated March 4, 2004, states that Gilead Sciences, Inc. will be making a corporate presentation from the 7th Annual Lehman Brothers Global Healthcare Conference

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on March 5. The press release can be found online at [http://investors.gilead.com/phoenix.zhtml?c=69964&p=irol-newsArticle\\_Print&ID=501785](http://investors.gilead.com/phoenix.zhtml?c=69964&p=irol-newsArticle_Print&ID=501785). This exhibit is included in Petitioner's Exhibit List as CFAD Ex. 1036.

9. Attached hereto as Exhibit E is a true and correct copy of a Dot Hill Systems Corp. press release cataloged on PR Newswire as it was available on July 24, 2015. The press release, dated May 4, states that Dot Hill's president and CEO will be presenting at the Robert W. Baird 2004 Growth Stock Conference being held on May 6, 2004. The press release can be found online at <http://www.prnewswire.com/news-releases/dot-hill-to-present-at-robert-w-baird-2004-growth-stock-conference-73777807.html>. This exhibit is included in Petitioner's Exhibit List as CFAD Ex. 1037.

10. I hereby declare that all statements made herein are true and correct; and further 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.

RESPECTFULLY SUBMITTED,

Date: Aug 10, 2015



# Exhibit A

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