

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner,

v.

3M COMPANY
Patent Owner.

U.S. Patent No. 6,743,413 to Schultz *et al.*
Issue Date: June 1, 2004
Title: Suspension Aerosol Formulations

Inter Partes Review No.: IPR2015-_____

DECLARATION OF HUGH SMYTH

MYLAN EX 1006, Page 1

Table of Contents

I.	INTRODUCTION	1
II.	MY EXPERIENCE AND QUALIFICATIONS	2
III.	LIST OF MATERIALS CONSIDERED	4
IV.	PERSON OF ORDINARY SKILL IN THE ART (“POSA”).....	5
V.	THE ’413 PATENT	7
VI.	STATE OF THE ART IN MAY OF 1992	8
VII.	ANTICIPATION OF THE CLAIMS OF THE ’413 PATENT	9
1.	The ’011 Publication Discloses Claims 1-2, 4, 6-7, 10, 12, 14-20, and 22-24 of the ’413 Patent	10
a)	The ’011 Publication Discloses Claim 1 of the ’413 Patent	11
b)	The ’011 Publication Discloses Claim 4 of the ’413 Patent	19
c)	The ’011 Publication Discloses Claim 6 of the ’413 Patent	22
d)	The ’011 Publication Discloses Claim 12 of the ’413 Patent	29
e)	The ’011 Publication Discloses Claim 14 of the ’413 Patent	34
f)	The ’011 Publication Discloses Claim 17 of the ’413 Patent	36
g)	The ’011 Publication Discloses Claims 20 and 22 of the ’413 Patent.....	40
h)	The ’011 Publication Discloses Claim 2 of the ’413 Patent	45
i)	The ’011 Publication Discloses Claim 7 of the ’413 Patent	45
j)	The ’011 Publication Discloses Claim 10 of the ’413 Patent	47
k)	The ’011 Publication Discloses Claims 15, 16, 18, 19, 23, and 24 of the ’413 Patent.....	47

*Inter Partes Review of USPN 6,743,413
Declaration of Hugh Smyth*

2.	The '333 Publication Discloses Claims 1-5, 14, and 20-22 of the '413 Patent	49
a)	The '333 Publication Discloses Claim 1 of the '413 Patent	50
b)	The '333 Publication Discloses Claim 3 of the '413 Patent	53
c)	The '333 Publication Discloses Claim 4 of the '413 Patent	55
d)	The '333 Publication Discloses Claims 5 and 14 of the '413 Patent	57
e)	The '333 Publication Discloses Claims 20, 21, and 22 of the '413 Patent	61
f)	The '333 Publication Discloses Claim 2 of the '413 Patent	65

VIII. OBVIOUSNESS OF THE CLAIMS OF THE '413 PATENT

1.	The Claims of the '413 Patent Would Have Been Obvious in View of the '011 Publication Alone and/or in Combination with the Knowledge of a POSA	67
a)	The Scope and Content of the Prior Art	67
b)	Differences Between the Claims of the '413 Patent and the '011 Publication	68
(1)	Claims 1, 2, and 4 of the '413 Patent Would Have Been Obvious	68
(2)	Claim 3 of the '413 Patent Would Have Been Obvious	70
(3)	Claims 5 and 14 of the '413 Patent Would Have Been Obvious	73
(4)	Claim 6 of the '413 Patent Would Have Been Obvious	74
(5)	Claim 7 of the '413 Patent Would Have Been Obvious	79
(6)	Claims 8-11 of the '413 Patent Would Have Been Obvious	80
(7)	Claim 12 of the '413 Patent Would Have Been Obvious	82
(8)	Claim 13 of the '413 Patent Would Have Been Obvious	84

*Inter Partes Review of USPN 6,743,413
Declaration of Hugh Smyth*

(9)	Claim 17 of the '413 Patent Would Have Been Obvious	85
(10)	Claim 20 of the '413 Patent Would Have Been Obvious	86
(11)	Claims 21 and 22 of the '413 Patent Would Have Been Obvious.....	87
(12)	Claims 15, 16, 18, 19, 23, and 24 of the '413 Patent Would Have Been Obvious.....	88
2.	The Claims of the '413 Patent Would Have Been Obvious to a POSA in View of the '333 Publication	93
a)	The Base Limitations of Every Claim Would Have Been Obvious.....	94
b)	Equipping the Aerosol Canister with a Metering Valve Would Have Been Obvious	96
c)	Selecting Therapeutically Effective Amounts/Doses Would Have Been Obvious	97
d)	The Redispersibility Limitation Would Have Been Obvious.....	99
e)	The Flocculation Limitation Would Have Been Obvious.....	100
f)	Selecting a Micronized Drug Particulate, or a Particulate Drug wherein 90% or More of the Particles Have a Diameter of Less Than 10 Microns Would Have Been Obvious.....	101
g)	Selecting a Formulation That Exhibits Substantially No Growth in Particle Size Would Have Been Obvious	102
h)	Using Formulations that Were Surfactant-Free or “Substantially Free of Surfactant” for the Treatment of Asthma or COPD Would Have Been Obvious.....	104
i)	The '333 Publication Discloses the Preamble Limitations Claims 12-14, 17, and 22 of the '413 Patent	106

I, Hugh Smyth, do hereby declare and say as follows:

1. I have been asked to provide testimony as to what one of ordinary skill in the art would have understood with respect to the patent at issue and various prior art. I provide this testimony below:

I. INTRODUCTION

2. I am over the age of eighteen (18) and otherwise competent to make this Declaration.

3. I have been retained on behalf of Petitioner, 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 \$650 per hour. My compensation does not depend in any way on the outcome of this IPR.

4. It is my understanding that the petition for *inter partes* review in this matter involves U.S. Patent No. 6,743,413 (“the ’413 patent”) (EX1001), which issued June 1, 2004 from U.S. Application No. 08/455,280 (“the ’280 application”), which was filed May 31, 1995 and was a division of U.S. Application No. 07/878,039 (“the ’039 application”), filed May 4, 1992. The ’039 application was a continuation-in-part of U.S. Application No. 07/809,791 (“the ’791 application”), filed December 18, 1991, which was a continuation-in-part of U.S. Application No. 07/810,401 (“the ’401 application”), also filed December 18, 1991.

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