

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.
Petitioner

v.

JAZZ PHARMACEUTICALS, INC.
Patent Owner

CASE IPR: Unassigned
Patent 8,772,306

DECLARATION OF JOHN W. WINKELMAN, M.D., Ph.D.

PAR1003

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Declaration of John W. Winkelman, M.D., Ph.D. (Exhibit 1003)

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*Inter Partes Review of USPN 8,772,306
Declaration of John W. Winkelman, M.D., Ph.D. (Exhibit 1003)*

I, John W. Winkelman, M.D., Ph.D., do hereby declare as follows:

I. OVERVIEW

1. I am over the age of eighteen (18) and otherwise competent to make this declaration. This declaration is based on my personal knowledge as an expert in treatment of sleep disorders with extensive experience treating patients for both excessive daytime sleepiness and cataplexy in narcolepsy. I understand that this declaration is being submitted together with a petition for an *Inter Partes* Review (“**IPR**”) of claims 1-34 of U.S. Patent No. 8,772,306 (“**the ’306 patent,**” PAR1001.)

2. I have been retained as an expert witness on behalf of Par Pharmaceutical, Inc. (“**Par**”) for this IPR. I am being compensated for my time in connection with this declaration at my standard consulting rate of \$600 per hour and \$900 per hour for time at deposition or at trial. I have no personal or financial interest in the outcome of this proceeding.

3. I understand that the ’306 patent issued on July 8, 2014, and resulted from U.S. Ser. No. 13/872,997, filed on April 29, 2013. I also understand that the U.S. Patent and Trademark Office (“**USPTO**”) records state that the ’306 patent is currently assigned to Jazz Pharmaceuticals, Inc. (“**Jazz**”).

*Inter Partes Review of USPN 8,772,306
Declaration of John W. Winkelman, M.D., Ph.D. (Exhibit 1003)*

4. The face page of the '306 patent lists another patent application. I understand that the '306 patent is related to this patent application, which was filed on March 1, 2013.

5. In preparing this declaration, I have reviewed the '306 patent (PAR1001) and its file history (PAR1002). I have also considered each of the documents listed in the table below, in light of general knowledge in the art as of March 1, 2013.

<i>Par Exhibit #</i>	<i>Description</i>
1001	Eller, M., U.S. Patent No. 8,772,306 (filed Apr. 29, 2013; issued Jul. 8, 2014)
1002	File History for U.S. Patent No. 8,772,306 (filed Apr. 29, 2013; issued Jul. 8, 2014)
1005	Orange Book Patent Exclusivity Listing for XYREM (http://www.accessdata.fda.gov/scripts/cder/ob/docs/patexclnew.cfm?Appl_No=021196&Product_No=001&table1=OB_Rx)
1006	Jazz Pharmaceuticals, Inc., Prescribing Information and Medication Guide for XYREM (sodium oxybate) (Nov. 18, 2005)
1007	Abbvie, Inc., Prescribing Information and Medication Guide for DEPAKOTE (divalproex sodium) (Oct. 7, 2011)
1008	Cagnin, A. et al., <i>γ-Hydroxybutyric Acid-Induced Psychosis and Seizures</i> , 21(2) <i>Epilepsy Behav.</i> 203–05 (2011) (“Cagnin”)
1009	Waszkielewicz, A. et al., <i>γ-Hydroxybutyric Acid (GHB) and Its Chemical Modifications: A Review of the GHBergic System</i> , 56(1) <i>Pol. J. Pharmacol.</i> 43–49 (2004) (“Waszkielewicz”)

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