Exhibit 1002

Declaration of Arthur Kibbe, Ph.D. ("Kibbe Decl.")

DECLARATION OF DR. ARTHUR H. KIBBE, PH. D.

I, Dr. Arthur H. Kibbe, Ph.D., declare that:

1. I am over 18 years of age. I have personal knowledge of the facts stated in this Declaration and could testify competently to them if asked to do so.

2. I received a Bachelors of Science in pharmacy in 1966 from Columbia University. I attended graduate school at the University of Florida and received a Masters of Science in pharmacy in 1968 and a doctorate in pharmacy / pharmacokinetics in 1973.

3. During my career, I worked in both the private sector and academia. I was the Senior Director of Scientific and Professional Affairs for the American Pharmacists Association – the national professional society of pharmacists. While at the American Pharmacists Association, I managed the *Journal of Pharmaceutical Science*. I served as a Scientific Consultant to the House of Representative's Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, in its review of the generic drug industry practices and the FDA's generic drug review activities. I was a member of the FDA's Generic Drug Advisory Committee and served as Chair of a special panel appointed by the FDA Commissioner to investigate Fairness in the Generic Drug Approval Process. That committee issued findings which became known as the

"Kibbe Report."

4. Currently, I am Chair of the Department of Pharmaceutical Sciences at Wilkes University, Nesbitt School of Pharmacy in Wilkes-Barre, Pennsylvania. During my tenure at Wilkes University, I was elected President of the American Pharmacists Association. I also served as the Editor-in-Chief of the internationally recognized reference text, *Handbook of Pharmaceutical Excipients, 3rd Edition*. I have been a consultant to Commerce Committee of United States Congress and currently serves as Chair of the Governor's Renal Disease Advisory Panel and am the Chair of the Food and Drug Administration's Scientific Advisory Committee.

5. Previously, I was a Professor of Pharmaceutics at the University of Mississippi, School of Pharmacy. While at the University of Mississippi, I conducted research in the areas of formulation development, pharmacokinetics of drugs of abuse (including, cocaine and amphetamine), bioequivalency evaluations and impact of formulation changes on bioavailability.

6. Between professorships, I was also the Director of Pharmaceutical Development Services at the National Institutes of Health in Bethesda, Maryland. During my time at the NIH, I developed delivery systems for Phase I clinical trials and provided pharmacokinetics and analytical support for NIH intramural clinical research programs.

7. In 1994, I was elected a Fellow of the Academy of Pharmaceutical

Research and Science. Fellows have a minimum of 10 years of exemplary professional experience and achievements in professional practice.

8. My full CV is attached as Exhibit A.

9. I have been retained by Graybar Pharmaceuticals, LLC to provide technical analysis of prior art references and prepare this declaration. If I am asked to provide live deposition testimony it will be at a rate of $750 an hour.

10. In preparation for this declaration, I have reviewed U.S. Patent No. 7,332,183 ("the '183 Patent") along with the prior art references and portions from the file history of the '183 Patent set forth below:

1) '183 Patent File History ("FH183") Office Action 12/20/2006;
2) '183 Patent File History ("FH183") Amendment 4/5/2007;
3) U.S. Patent No. 5,872,145 ("Plachetka '145");
4) U.S. Patent No. 2,951,792 to Swintosky ("Swintosky '792");
5) U.S. Patent No. 6,060,499 ("the '499 Patent");
6) Bandelin , F., *Compressed Tablets by Wet Granulation*, Pharmaceutical Dosage Forms: Tablets, Vol. 1, 2nd Ed., Herbert Lieberman, et al. eds., Marcel Dekker, Inc., New York (1989) ("Bandelin");
7) U.S. Patent No. 5,756,125 ("the '125 Patent");
8) U.S. Patent No. 6,365,184 ("the '184 Patent");

9) U.S. Patent No. 6,183,779 ("the '779 Patent")

10) U.S. Patent No. 4,844,907 ("the '907 Patent")

11) U.S. Patent No. 6,730,325 ("the '325 Patent")

12) European Patent Application EP 1 020 182 A2 ("EP182")

11. I understand that a patent claim is evaluated from the perspective of a "person of ordinary skill in the art," which I understand is a hypothetical person considered to have the skill level and knowledge of a particular field related to an alleged invention claimed in a patent. I further understand that this hypothetical skilled artisan is presumed to have before him or her all of the relevant prior art. I understand that this "hypothetical person" can be more than one person or a team of people of different disciplines. The discussions in this declaration are intended to convey the state of the art and the knowledge of a person of ordinary skill in the art generally prior to the earliest priority date of the patent application that issued as the respective '183 patent.

12. In view of the subject matter of the '183 Patent, a person of ordinary skill in the art as of the patent's filing date would typically be a pharmaceutical formulator with at least a master's degree in pharmaceutics or a related discipline and four to six years of experience.

13. As of the priority date of the '183 Patent, I have been a person of ordinary skill in the art as defined above.

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