

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

ARGENTUM PHARMACEUTICALS LLC,  
Petitioner,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,  
Patent Owner.

Case No. IPR2016-00204  
Patent No. RE38551

---

**DECLARATION OF SHAUN KIRKPATRICK  
IN SUPPORT OF EVIDENCE**

company, with a focus on promising biomedical companies and technologies.

RCT provides early financial and managerial support for new biomedical discoveries, shepherding these discoveries through the patent, development and licensing process.

3. I started working at RCT in 1993 and have been an employee of the company since that time, holding positions of associate, director, vice president, and president. I have also been a member of RCT's board of directors since 2004. I have been directly involved with the management, development, patenting and licensing of small molecule therapeutics, protein therapeutics, vaccines, protein and gene recombinant expressions systems, biotechnology tools, and human diagnostics.

4. Based on a general investigation of RCT's business and business practices during the 1989 to 1991 time period, I understand that RCT was engaged in a collaboration agreement at or around that time, with Eli Lilly and Company ("Lilly") regarding the development of amino acids as anticonvulsant drugs. Specifically, RCT had entered into two agreements with Lilly in 1989 to license RCT's amino acid anticonvulsant technologies to Lilly for development. I

5. Based on a general investigation of RCT's business and business practices around the 1992 time period, I understand that RCT corresponded with a number of pharmaceutical companies at or around this time, as part of the regular course of RCT's business, in order to offer license agreements to RCT's amino acid anticonvulsant technologies. I understand that RCT received correspondence, in the regular course of its business, from a number of pharmaceutical companies in response to its licensing offers.

6. Based on a general investigation of RCT's business and business practices during the 1991 to 1992 time period, I understand that it was RCT's routine practice to maintain copies of correspondence received by RCT with respect to both the Lilly collaboration and RCT's subsequent amino acid anticonvulsant licensing efforts. Once received, RCT's office staff would create a copy of the correspondence, at or near the time of receipt. The office staff would also apply a stamp or make notes on the correspondence as appropriate, indicating the date received or the project with which the correspondence was associated, for example. These copies of received correspondence were then filed by the office staff and physically stored at RCT's offices, located at 6840 East Broadway

time period.

7. Based on a general investigation of RCT's business and business practices around the 1992 time period, I understand that it was RCT's routine practice to maintain copies of correspondence sent by RCT with respect to its amino acid anticonvulsant licensing efforts. At or near the time of sending, RCT's office staff would create a copy of outgoing correspondence. The office staff would also apply a stamp or make notes on the correspondence as appropriate, indicating the project with which the correspondence was associated, for example. These copies of outgoing correspondence were then filed by the office staff and physically stored at RCT's offices, located at 6840 East Broadway Boulevard in Tucson, Arizona. I understand that this was the routine practice at RCT for handling outgoing correspondence regarding RCT's licensing efforts for its amino acid anticonvulsants, around the 1992 time period.

8. RCT's offices moved from 6840 East Broadway Boulevard to 101 North Wilmot, Suite 600 in Tucson, Arizona, in approximately April 1993. RCT's offices moved again from 101 North Wilmot, Suite 600 to 5210 East Williams Circle, Suite 240 in Tucson, Arizona, in approximately May 2007.

June 2015—RCT's physical files were moved and stored at each new office location, including copies of correspondence sent and received by RCT during the 1991 to 1992 time period concerning the Lilly collaboration and RCT's amino acid anticonvulsant licensing efforts.

9. The document identified at page 1 of Ex. 2067 is an authentic copy of a letter received from Lilly, dated November 5, 1991. I understand that this correspondence was received in the usual course of business, regarding Lilly's amino acid anticonvulsant license agreements with RCT. On information and belief, the individual corresponding on behalf of Lilly was Mel Perelman, Executive Vice President at Lilly, who would have possessed personal knowledge of the contents of this correspondence. According to RCT's routine business practice at the time, a copy of this correspondence was made and filed on or around November 5, 1991.

10. The document identified at page 2 of Ex. 2067 is an authentic copy of a letter received from Lilly, dated November 5, 1991. I understand that this correspondence was received in the usual course of business, regarding Lilly's amino acid anticonvulsant license agreements with RCT. On information and

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.