

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED and
ARGENTUM PHARMACEUTICALS LLC
Petitioners,

v.

JANSSEN ONCOLOGY, INC.
Patent Owner.

Case IPR2016-00286¹
Patent 8,822,438 B2

**DECLARATION OF
CHRISTOPHER A. VELLTURO, PH.D.
IN SUPPORT OF PATENT OWNER RESPONSE**

¹ I understand case IPR2016-01317 has been joined with this proceeding.

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I, Christopher A. Velluro, hereby declare and state as follows:

I. INTRODUCTION AND SUMMARY

1. I have been retained as a consultant on behalf of Janssen Oncology, Inc. (“Janssen”), the patent owner in the present proceeding. I understand that the petition names Amerigen Pharmaceuticals Limited (“Amerigen”) and Argentum Pharmaceuticals LLC (“Argentum”) (collectively, “petitioners”). I have no financial interest in, or affiliation with, the petitioners or the patent owner. Quantitative Economic Solutions, LLC, a consulting firm of which I am the founder and president, is being compensated for my work at my usual and customary hourly consulting rate of \$850.² QES’s compensation is not dependent upon the outcome of, or my testimony in, the present *inter partes* review or any litigation proceedings.

2. I have been asked to evaluate the analyses and conclusions put forth on behalf of the petitioners by Dr. Deforest McDuff in his declaration (“the McDuff Declaration”).³ I have also been asked to independently evaluate the commercial

² QES is also compensated for the time spent on this matter by persons working at my direction. Those rates are generally lower than my hourly rate.

³ Declaration of DeForest McDuff, Ph.D., December 4, 2015 (Ex. 1017).

success of the combination therapy of abiraterone acetate and prednisone – marketed by Janssen as ZYTIGA®⁴ – and the extent to which ZYTIGA®’s commercial success is causally linked to the patent claims in U.S. Patent No. 8,822,438 B2 (“the ’438 patent” or the “Patent-at-Issue”).

A. Qualifications and Experience

3. My qualifications and experience relevant to the issues in this proceeding are summarized below. My *curriculum vitae* is submitted herewith as Exhibit 2040.

4. I am the founder and president of Quantitative Economic Solutions, LLC, a microeconomic consulting firm. I received a Doctor of Philosophy degree (Ph.D.) in Economics from the Massachusetts Institute of Technology in Cambridge, Massachusetts in 1989. My fields of specialization include industrial organization and econometrics.

⁴ As used herein, unless otherwise stated, the term “ZYTIGA®” refers to ZYTIGA® therapy, *i.e.*, abiraterone acetate in combination with prednisone for the treatment of patients with metastatic castration-resistant prostate cancer. (*See Ex. 1065*).

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