UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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LOWER DRUG PRICES FOR CONSUMERS, LLC

PETITIONER

v.

FOREST LABORATORIES HOLDINGS LIMITED

PATENT OWNER

_____

Case No.: Unassigned
Patent No. 6,545,040
Filed: January 24, 1992
Issued: April 8, 2003
Inventors: Xhonneux and Van Lommen
Title: METHOD OF LOWERING THE BLOOD PRESSURE

DECLARATION UNDER 37 CFR § 42.53(a)

BY DR. DANIEL W. ARMSTRONG

TABLE OF CONTENTS

I, Dr. Daniel W. Armstrong, hereby testify as follows:

I.   Introduction

1.   My name is Dr. Daniel W. Armstrong. I am over the age of eighteen (18)

and I am otherwise competent to make this declaration and provide the testimony

herein.

2.   The Petitioner has retained me as an expert in this *Inter Partes* Review to

provide scientific and technical testimony related to the patentability of the claims

of U.S. Patent No. 6,545,040 ("the '040 Patent") (Ex. 1001). I have not been asked

to provide an opinion on the ultimate legal issue of whether the claims of the '040

Patent are patentable. Instead, I have been asked to provide testimony on the

discreet scientific and technical topics discussed below.

3.   In connection with my analysis, I have reviewed each of the Exhibits

referred to throughout this declaration. If asked, I will review additional relevant

materials (such as, for example, exhibits submitted by the Patent Owner in this

IPR) and supplement my testimony as necessary.

4.   I have been compensated at my standard hourly rate of $800 per hour for the

time I have expended in putting together this declaration.

5.   Even though I am being compensated for my time by the Petitioner in this

matter, I do not consider myself to be an advocate for the Petitioner in any respect.

In my testimonial role as an expert, my primary responsibility is to provide

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objective and unbiased testimony to the Patent Trial and Appeal Board. I take my role as an objective expert very seriously and am obliged to adhere to the standards of professional and or academic integrity that I observe as a researcher, teacher, and scholar. I would not under any circumstances offer testimony that I did not believe to be true and well founded in the facts and evidence. I understand that my declaration and any deposition I might give will be part of the public record of these proceedings and will be publicly accessible to my professional colleagues and peers in the scientific community.

II.   Qualifications and Experience

6.   My current curriculum vita is provided as an Exhibit in this IPR. It will be sequentially numbered as the exhibit following this declaration. A summary of my qualifications for providing expert testimony in this matter follows.

7.   I am currently the Robert A. Welch Professor in the Department of Chemistry and Biochemistry at the University of Texas at Arlington. I have held this position since 2006. From 2000-2005, I was the Caldwell Distinguished Professor at Iowa State University. Prior to my position at Iowa State, from 1991-1998, I founded and was First Director of the Center for Environmental Science and Technology at the University of Missouri-Rolla where I was also Curator's Distinguished Professor of Chemistry and Professor of Chemistry and Head of the Bio-Analytical Division from 1987 to 2000. From 1983 to 1987, I was a Professor

of Chemistry and the Head of Analytical Division at Texas Tech University. Prior to that, I was an Assistant Professor of Chemistry at Bowdoin College, Georgetown University from 1978 through 1982.

8.   I obtained my B.Sc. in Interdepartmental Science and Math from Washington & Lee University in 1972, my M.S. in Oceanography from Texas A&M University in 1974, and my Ph.D. in Bio-Organic Chemistry from that same institution in December 1977.

9.   I have over 600 publications, including twenty-nine book chapters, and one book: "Use of Ordered Media in Chemical Separations" (originally published in 1987). I am also a named inventor on approximately 27 patents. I have been named by the Scientific Citation Index as one of the world's most highly-cited scientists, and have given over 540 invited seminars and colloquia worldwide. I am considered a leader in the field of separations with micelles and cyclodextrins; I elucidated the first chiral recognition mechanism by cyclodextrins, and I was the first to develop macrocyclic antibiotics as chiral selectors. I am one of the world's leading authorities on the theory, mechanism, and use of enantioselective molecular interactions. Over 30 different chiral columns for liquid chromatography (LC), *e.g.*, high performance liquid chromatography (HPLC), and gas chromatography (GC) that were originally developed in my laboratories have been commercialized and/or copied worldwide, and my work and columns were in

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