

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FRONTIER THERAPEUTICS, LLC

Petitioner

v.

MEDAC GESELLSCHAFT FÜR KLINISCHE  
SPEZIALPRÄPARATE MBH

Patent Owner

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*Inter Partes* Review Case No. IPR2016-00649  
Patent Number 8,664,231

**DECLARATION OF BRIAN GUMMOW IN SUPPORT OF PATENT  
OWNER'S PRELIMINARY RESPONSE**

I, Brian Gummow, make the following Declaration pursuant to  
28 U.S.C. § 1746:

1. I am an Associate at Ropes & Gray LLP.
2. I provide this Declaration in connection with the above-identified

Inter Partes Review proceeding that is being requested at the United States Patent

Medac Exhibit 2058

and Trademark Office. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 2001 hereto is a true and correct copy of a January 8, 2016 letter from Frontier Therapeutics to Medac Pharma, Inc., which I understand was received by Ms. Terri Shoemaker, President and CEO of Medac Pharma, Inc. on January 8, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

4. Exhibit 2002 hereto is a true and correct copy of the State of Washington's Secretary of State's Corporations Division – Registration Data Search entry for Frontier Therapeutics LLC, which I accessed and printed from [http://www.sos.wa.gov/corps/search\\_detail.aspx?ubi=603566537](http://www.sos.wa.gov/corps/search_detail.aspx?ubi=603566537) on May 24, 2016, and which is a record to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

5. Exhibit 2003 hereto is a true and correct copy of the State of Washington's Secretary of State's Corporations Division – Registration Data Search entry for Jason Paul Greer Enterprises Limited Liability Company, which I accessed and printed from [http://www.sos.wa.gov/corps/search\\_detail.aspx?ubi=603185788](http://www.sos.wa.gov/corps/search_detail.aspx?ubi=603185788) on May 24,

2016, and which is a record to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

6. Exhibit 2004 hereto is a true and correct copy of the State of Washington Business Licensing Service entry for Jason Paul Greer Enterprises Limited Liability Company, which was accessed and printed by Ropes & Gray librarian David Kolpin at my request from <http://washington.intercreditreport.com/company/jason-paul-greer-enterprises-limited-liability-company-603185788> on May 24, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

7. Exhibit 2005 hereto is a true and correct copy of the Whois Data entry for [frontiertherapeuticsnw.com](http://www.whoismind.com/whois/frontiertherapeuticsnw.com), which I accessed and printed from <http://www.whoismind.com/whois/frontiertherapeuticsnw.com.html> on June 1, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

8. Exhibit 2006 hereto is a true and correct copy of Dr. Weinblatt's Declaration from IPR2014-01091, which I downloaded from the Patent Trial and Appeal Board's Patent Review Processing System

([https://ptabtrials.uspto.gov/prweb/PRServlet/Hcl5xOSeX\\_yQRYZAnTXXCg%5B%5B\\*/!STANDARD?](https://ptabtrials.uspto.gov/prweb/PRServlet/Hcl5xOSeX_yQRYZAnTXXCg%5B%5B*/!STANDARD?)) on May 17, 2016, and which is a record to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

9. Exhibit 2007 hereto is a true and correct copy of a redline comparison of Dr. Gershwin's Declaration (Ex. 1012) and Dr. Weinblatt's Declaration from IPR2014-01091, which I generated on May 17, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

10. Exhibit 2008 hereto is a true and correct copy of a search of the National Center for Biotechnology Information's PubMed database for "Gershwin" and "methotrexate," which I accessed and printed from <https://www.ncbi.nlm.nih.gov/pubmed> on May 22, 2016, and which is a record of the NIH to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

11. Exhibit 2009 hereto is a true and correct copy of an article entitled "The Use of Methotrexate in Rheumatoid Arthritis," published by Seminars in Arthritis and Rheumatism, which was downloaded by Ropes & Gray

Librarian Dan Braun, at my request from <http://www.sciencedirect.com/science/article/pii/S0049017204001556> on May 31, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

12. Exhibit 2010 hereto is a true and correct copy of an article entitled “Pharmacokinetics and pharmacodynamics of methotrexate in non-neoplastic diseases,” published by Clinical Pharmacokinetics, which was downloaded by Ropes & Gray Librarian Ying Zhang, at my request from <http://link.springer.com/article/10.2165/00003088-200342020-00003> on May 24, 2016. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

13. Exhibit 2011 hereto is a true and correct copy of Drugs@FDA database entry for Mexate, which I accessed and printed from <http://www.accessdata.fda.gov/scripts/cder/drugsatfda/index.cfm?fuseaction=Search DrugDetails> on May 22, 2016, and which has a record of the FDA to which all parties have access. Page numbers and an exhibit label have been added to the bottom of this document but no other alterations have been made.

14. Exhibit 2012 hereto is a true and correct copy of an article entitled “Parenteral methotrexate should be given before biological therapy,” published by

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