

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,
Patent Owner.

Patent No. RE 38,551

Inter Partes Review Case No. IPR2016-00204

Declaration of Dr. Lars J.S. Knutsen

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...

I, Lars Knutsen, do declare as follows:

I. INTRODUCTION

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of Mylan Pharmaceuticals Inc. for a *inter partes* review (IPR) for U.S. Patent No. RE 38,551 (Ex. 1001). I am being compensated for my time in connection with this IPR via payments to IMS Expert Services at my standard consulting rate, which is \$505 per hour. I understand that my declaration accompanies a petition for *inter partes* review involving the above-mentioned U.S. Patent.

3. I understand that the subject patent has been the subject of a previous IPR filed by other entities. I understand that the Patent Trial and Appeal Board denied that IPR petition for several reasons that are not implicated here. First, I understand that the former IPR petition argued that U.S. Patent No. 5,654,301 (Ex. 1020) anticipates the claims of U.S. Patent No. RE 38,551 (Ex. 1001). I understand that anticipation requires an identical prior art disclosure of the claimed invention and, in the case of a prior art genus, then a POSA must be able to “immediately envisage” the claimed invention within that genus. Second, I understand that the public availability of the Le Gall (Ex. 1008) thesis was in dispute in the prior IPR, and that the PTAB sided with the Patent Owner on that issue. But I further understand that since that time, the Patent Owner has admitted that the Le Gall thesis does in fact constitute a “printed publication” and was publicly accessible prior to 1996.

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