

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY,

Petitioner

v.

FONTEM HOLDINGS 1 B.V.,

Patent Owner

Case IPR2016-01268
Patent 8,365,742

DECLARATION OF JAMES DONNELLY

R.J. Reynolds Vapor

I, James Donnelly, declare as follows:

1. I am a Patent Paralegal at Brinks Gilson & Lione, counsel for Petitioner.

2. I am over 18 years of age and I make this declaration based upon my own knowledge, personal experience, and belief. If called upon, I can competently testify to the facts stated in this declaration.

3. I assisted with the collection and assembly of the documents included as Exhibits supporting Petitioners' Reply Brief in *Inter Partes* Review of U.S. Patent No. 8,365,742, bearing *Inter Partes* Review number IPR2016-01268, having been filed on July 2, 2016.

4. Exhibit 1024, as submitted with Petitioner's Reply Brief, is a true and accurate copy of the cover, the copyright pages, and pages 496-497, 1256 of Merriam-Webster's Collegiate Dictionary, 11th ed. (2003). The original text is available for inspection and copying at the offices of Brinks Gilson & Lione, Suite 3600 NBC Tower, 455 Cityfront Plaza Drive, Chicago IL 60611-5599.

5. Exhibit 1025, as submitted with Petitioner's Reply Brief, is a true and accurate copy of the cover, the copyright pages, and page 1040 of Oxford Modern English Dictionary, 2nd ed. (1996). The original text is available for inspection and copying at the offices of Brinks Gilson & Lione, Suite 3600 NBC Tower, 455 Cityfront Plaza Drive, Chicago IL 60611-5599.

6. Exhibit 1026, as submitted with Petitioner's Reply Brief, is a true and accurate copy of the cover, the copyright page, and pages 913-914 of Concise Oxford American Dictionary (2006). The original text is available for inspection and copying at the offices of Brinks Gilson & Lione, Suite 3600 NBC Tower, 455 Cityfront Plaza Drive, Chicago IL 60611-5599.

7. On July 5, 2017, I downloaded a copy of Mitchell et al, *AAPS PharmaSciTech* 2003, 4 (4) Article 54, pages 1-9 from the National Center for Biotechnology Information website: <https://www.ncbi.nlm.nih.gov>.

8. Ex. 1028 is a true and correct copy of Mitchell et al, *AAPS PharmaSciTech* 2003, 4 (4) Article 54, pages 1-9 that I obtained from the National Center for Biotechnology Information website: <https://www.ncbi.nlm.nih.gov>.

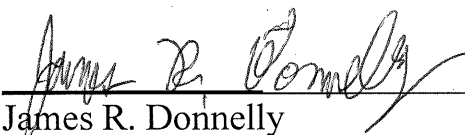
9. On July 5, 2017, I downloaded a copy of Breon et al., *Science* 2002, 295 (5556), pp. 834-838 from the *Science* website: <http://science.sciencemag.org>.

10. Ex. 1029 is a true and correct copy of Breon et al., *Science* 2002, 295 (5556), pp. 834-838 that I obtained from the *Science* website.

11. I hereby declare that all the statements made in this declaration are of my own knowledge and true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

12. The contents of this declaration are true under penalty of perjury of the laws of the United States.

Executed on 5th day of July 2017.


James R. Donnelly