

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APOTEX INC., APOTEX CORP., APOTEX PHARMACEUTICALS  
HOLDINGS INC., and APOTEX HOLDINGS, INC.,  
Petitioners,

v.

OSI PHARMACEUTICALS, INC.,  
Patent Owner.

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U.S. Patent No. 6,900,221

Issue Date: May 31, 2005

Title of Patent: Stable Polymorph on N-(3-ethylphenyl)-6,7-bis(2methoxyethoxy)-  
4-quinazolinamine hydrochloride, Methods of Production,  
and Pharmaceutical uses thereof

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Case No.: IPR2016-01284

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**DECLARATION OF KERRY B. MCTIGUE IN SUPPORT OF MOTION  
FOR ADMISSION *PRO HAC VICE***

I, Kerry B. McTigue, declare as follows:

1. I was admitted to the State of Kentucky Bar in 1996 and the State of South Carolina Bar in 2001. I have been practicing law for 21 years. For more than 10 years, my practice has focused primarily on patent litigation in the life sciences.

2. Over the course of my career, I have been lead counsel in numerous of patent litigations. I am currently Co-Chair of Cozen O'Connor's Intellectual Property Department with supervisory authority over Cozen O'Connor patent litigations.

3. My Kentucky Bar membership number is, 86541, though currently on inactive status. My South Carolina Bar membership number is 68553.

4. I am admitted, practicing and in good standing as a member of the Bar of the State of South Carolina as well as the Bar of the State of Kentucky, though currently on inactive status in the latter. I am admitted to practice before the U.S. District Courts for South Carolina and the Western District of Missouri. I am also admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Appeals for the Fourth Circuit, and U.S. Court of Federal Claims.

5. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never had a court or administrative body deny my application for admission to practice.

7. I have never had any sanctions or contempt citations imposed by any court or administrative body.

8. I have read and will comply with the Patent Office Trial Practice Guide and the Board's Rules for Practice for Trials, as set forth in 37 C.F.R. Part 42.

9. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

10. I have not appeared *Pro Hac Vice* before the Patent Trial and Appeal Board.

11. In addition to this matter, I have represented Apotex Inc. and Apotex Corp. and/or their parent or subsidiary companies, in numerous patent and patent-related matters, including: *OSI Pharmaceuticals, LLC v. Apotex Inc.*, No. 1:15-cv-00772 (D. Del.); *Amgen Inc., et al. v. Apotex Inc., et al.* 0:15-cv-61631-COHN/SELTZER (S.D. Fla.); and *Amgen Inc., et al. v. Apotex Inc., et al.* 17-1010 (Fed. Cir.).

12. I am familiar with the subject matter of U.S. Patent No. 6,900,221. I am also familiar with tyrosine kinase inhibitor technology as a result of my participation as counsel in cases related to such subject matter, including the cases

listed in the previous paragraph. In addition, I have represented a number of life sciences and pharmaceutical companies including Apotex Inc. and Endo Pharmaceuticals Inc. in many patent litigation matters before federal district courts and appellate courts. In particular, I have extensive experience with secondary considerations of non-obviousness and financial aspects thereof in patent litigation.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,

Dated: July 6, 2017

/Kerry B. McTigue/  
Kerry B. McTigue

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