

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner

Inter Partes Review No. IPR2016-01332

U.S. Patent No. 8,822,438

DECLARATION OF IVAN T. HOFMANN, CPA/CFF, CLP

1. I, Ivan T. Hofmann, am over the age of eighteen (18) and otherwise competent to make this Declaration. I have personal knowledge of the facts set forth in this Declaration and am competent to testify to the same.

2. I have been retained by counsel for Mylan Pharmaceuticals Inc. (“Mylan” or “Petitioner”) in connection with the above-captioned *inter partes* review (“IPR”).

3. I am educated and experienced in economics, as detailed in my previous Declaration that was filed with the Petition as Exhibit MYL 1017, and my Curriculum Vitae filed as Attachment A-2 to MYL 1017. I understand that my declaration will be included in Petitioner’s Exhibit List as MYL Ex. 1082. I have examined Exhibits 1017, 1048, 1049, 1051, 1053–1055, 1057, 1064, and 1066. All of the exhibits are publicly available, or derived from documents that are publicly available.

4. Exhibit MYL 1017 includes exhibit B-1. I compiled the sales data listed in exhibit B-1 from the sales revenue data listed in MYL 1055, described *infra* at paragraph 8.

5. MYL 1049 is a true and correct copy of pages accessed and printed on June 28, 2016, by me or under my direction from the Jevtana® website (www.jevtana.com) at <http://jevtana.com/hcp/dosing/default.aspx>. MYL 1049 is publicly available including from the Jevtana® website and bears on its face the

distinctive and recognizable trade dress and logo of Jevtana® and Sanofi Oncology.

6. MYL 1051 is a true and correct copy of pages accessed and printed on June 28, 2016, by me or under my direction from the Mayo Clinic website (www.mayoclinic.org) at <http://www.mayoclinic.org/diseases-conditions/prostate-cancer/basics/definition/con-20029597?p=1>. MYL 1051 is publicly available including from the Mayo Clinic website and bears on its face the distinctive and recognizable trade dress and logo of the Mayo Clinic, a renowned medical practice and medical research group in the United States.

7. MYL 1054 is a true and correct copy of the cover page, date of publication, authorship, table of contents, and full chapter 5, the chapter cited in my declaration, of Murphy, William J. et al., *Patent valuation: improving decision making through analysis* (John Wiley & Sons, Inc., 2012). MYL 1054, as initially provided, was complete. The Patent Owner's Objections to Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) do not point to any reason that MYL 1054 was not complete.

8. MYL 1055 is a true and correct copy of pages accessed and printed on June 30, 2016, by me or under my direction from the PMLive website (www.pmlive.com) at http://www.pmlive.com/top_pharma_list/Top_50_pharmaceutical_products_by_gl

obal_sales#. To print this document, I or someone under my direction accessed the PMLive website (www.pmlive.com) at the URL or webpage address: http://www.pmlive.com/top_pharma_list/Top_50_pharmaceutical_products_by_global_sales# and clicked on the “print” button on the browser. PMLive is a third-party market research firm that focuses on the pharmaceutical industry. PMLive provides, *inter alia*, a monthly print magazine and online content at the aforementioned website.

9. MYL 1064 is a true and correct copy of MYL 1019 which I obtained from the Declaration of Marc Garnick, M.D., MYL 1002.

10. MYL 1066 is a true and correct copy of pages accessed and printed on June 28, 2016, by me or under my direction from the website for Zytiga® (www.zytiga.com). To print this document, I or someone under my direction accessed the website for Zytiga® (www.zytiga.com) at the URL or webpage address at <https://www.zytiga.com/print/about-zytiga/how-zytiga-works> and clicked on the “print” button on the browser. MYL 1066 is publicly available including from Patent Owner’s own website for Zytiga® at the URL or webpage address of <https://www.zytiga.com/print/about-zytiga/how-zytiga-works>.

February 8, 2017

Respectfully submitted,



Ivan T. Hofmann, CPA/CFF, CLP