IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC., Petitioner,

V.

JANSSEN ONCOLOGY, INC., Patent Owner.

Case No. IPR2016-01332 U.S. Patent No. 8,822,438 B2

DECLARATION OF CHRISTOPHER A. VELLTURO, PH.D. IN SUPPORT OF PATENT OWNER RESPONSE

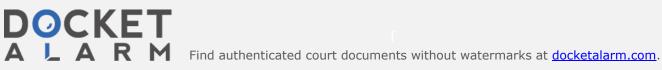


Table of Contents

			Page(s)	
I.	INTRODUCTION AND SUMMARY			
	A.	Qualifications and Experience		
	B.	Evidence Considered		
	C.	Summary of Opinions		
II.	BACKGROUND			
	A.	Prostate Cancer		
	B.	Demand for mCRPC Treatment		
	C.	ZYTIGA®		
	D.	The Patent-at-Issue		
III.	CONSIDERATION OF The Hofmann DECLARATION			
	A.	Overview of Mr. Hofmann's Contentions	11	
	В.	The '213 Patent as a Purported "Blocking Patent" Does Not Negate a Commercial Success Assessment		
		1. Overview	13	
		2. Development and License Attempts of Abiraterone Acetate	14	
	C.	Mr. Hofmann's Assessment of Nexus is Incomplete	18	
	D.	Mr. Hofmann's Mischaracterization of ZYTIGA®'s Marketplace Performance	21	
IV.	AFFIRMATIVE ASSESSMENT			
	A.	Evaluation of Marketplace Success		
	B.	ZYTIGA®'s Commercial Success Is Due in Significant Part to		



	the C	the Claims of the '438 Patent		
	1.	The '438 Patent Covers the Only FDA-Approved Use of ZYTIGA®	30	
	2.	Physicians Value ZYTIGA® – The Combination of Abiraterone Acetate and Prednisone – for its Therapeutic Survival Benefit	30	
	3.	ZYTIGA®'s Commercial Success Is Not Attributable to Excessive Marketing Spend Levels	35	
	4.	ZYTIGA®'s Commercial Success Is Not Due to Aggressively Low Pricing	36	
V	CONCLUS	ION	37	



I, Christopher A. Vellturo, hereby declare and state as follows:

I. INTRODUCTION AND SUMMARY

- 1. I have been retained as a consultant on behalf of Janssen Oncology, Inc. ("Janssen"), the patent owner in the present proceeding. I understand that the petition names Mylan Pharmaceuticals, Inc. ("Mylan" or "petitioner"). I have no financial interest in, or affiliation with, the petitioner or the patent owner. Quantitative Economic Solutions, LLC, a consulting firm of which I am the founder and president, is being compensated for my work at my usual and customary hourly consulting rate of \$850.¹ QES's compensation is not dependent upon the outcome of, or my testimony in, the present *inter partes* review or any litigation proceedings.
- 2. I have been asked to evaluate the analyses and conclusions put forth on behalf of the petitioner by Ivan T. Hofmann in his declaration ("the Hofmann Declaration").² I have also been asked to independently evaluate the commercial success of the combination therapy of abiraterone acetate and prednisone marketed





¹ QES is also compensated for the time spent on this matter by persons working at my direction. Those rates are lower than my hourly rate.

² Declaration of Ivan T. Hofmann, CPA/CFF, CLP, June 30, 2016 (Ex. 1017).

by Janssen as ZYTIGA®³ – and the extent to which ZYTIGA®'s commercial success is causally linked to the patent claims in U.S. Patent No. 8,822,438 B2 ("the '438 patent" or the "Patent-at-Issue").

A. Qualifications and Experience

- 3. My qualifications and experience relevant to the issues in this proceeding are summarized below. My *curriculum vitae* is submitted herewith as Exhibit 2045.
- 4. I am the founder and president of Quantitative Economic Solutions, LLC, a microeconomic consulting firm. I received a Doctor of Philosophy degree (Ph.D.) in Economics from the Massachusetts Institute of Technology in Cambridge, Massachusetts in 1989. My fields of specialization include industrial organization and econometrics.
- 5. I have extensive experience in the valuation of intellectual property and in the assessment of economic injury/damages sustained as a result of copyright,

PROTECTIVE ORDER MATERIAL



³ As used herein, unless otherwise stated, the term "ZYTIGA®" refers to ZYTIGA® therapy, *i.e.*, abiraterone acetate in combination with prednisone for the treatment of patients with metastatic castration-resistant prostate cancer. (*See* Ex. 1065.)

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