

*Inter Parties Review of U.S. Pat. No. 8,637,533  
Declaration of Brian Shoichet, Ph.D. (Exhibit 1008)*

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FUSTIBAL LLC

Petitioner

v.

BAYER HEALTHCARE LLC

Patent Owner of

U.S. Patent 8,637,553 to Boyer et al.

Appl. No. 10/895,985 filed Jul. 22, 2004

Issued Jan. 28, 2014

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IPR Trial No. Unassigned

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**DECLARATION OF BRIAN SHOICHET, PH.D.**

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Declaration of Brian Shoichet, Ph.D. (Exhibit 1008)***

I, Brian Shoichet, Ph.D., declare and state 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 by counsel for Fustibal LLC (“Fustibal”) for the *inter partes review* of U.S. Pat. No. 8,637,553 (“the ’553 Patent”), (Ex. 1001), which claimed the benefit of U.S. Provisional Application No. 60/489,102, filed on July 23, 2003, and U.S. Provisional Application No. 60/540,326, filed on Feb. 2, 2004. I understand the earliest possible priority date of the ’553 patent to be July 23, 2003. I also understand the ’553 patent is currently assigned to Bayer Healthcare LLC.
3. I am being compensated for my time at a rate of \$350 per hour, plus travel time and actual expenses. My compensation is independent of the outcome of this IPR petition.

**II. BACKGROUND AND QUALIFICATIONS**

4. I am an expert in pharmaceutical chemistry, drug discovery, and pharmacology (“relevant art”) and have been an expert in this field since prior to 2003. I have relied on my training, knowledge, and experience in the relevant art to evaluate the ’553 patent and the prior art references

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presented before me in support of this *inter partes review* petition. My *curriculum vitae* which includes my academic and employment history is provided as Exhibit 1009.

5. I am qualified to provide an opinion about what a POSA would have understood since I am an expert in the relevant art prior to 2003. In 1985, I received a B.Sc. in Chemistry with a pharmacology sub-focus from the Massachusetts Institute of Technology. In 1991, I received a Ph.D. in Pharmaceutical Chemistry from the University of California San Francisco. I have completed two post-doctoral fellowships, one in Medicinal Chemistry in 1992 and another in Biophysics in 1996.
6. I currently serve as Professor of Pharmaceutical Chemistry at the University of California San Francisco (UCSF) and Adjunct Professor of Leslie Dan Faculty of Pharmacy at the University of Toronto. Prior to my current role, I held a variety of teaching and academic positions at well-known and established teaching institutions, including Northwestern University, University of Toronto, and UCSF (Ex. 1009).
7. I am a distinguished scholar, scientist, and frequent lecturer in the relevant art having received numerous honors and fellowships in the relevant art, which are listed in my attached CV (Ex. 1009).

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