

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

BOEHRINGER INGELHEIM INTERNATIONAL GMBH,
Patent Owner

U.S. Patent No. 8,673,927 to Dugi *et al.*

Issue Date: March 18, 2014

Title: Treatment for Diabetes Patients Inappropriate for Metformin Therapy

Inter Partes Review No.: IPR2016-01563

DECLARATION OF MAYER B. DAVIDSON, M.D.

TABLE OF CONTENTS

I.	Introduction.....	1
II.	List of Documents Considered	1
III.	My background and qualifications	2
IV.	Person of ordinary skill in the art (POSA)	3
V.	The '927 patent.....	5
VI.	State of the Art as of May, 2006.....	8
VII.	Anticipation of Claims 18-26 of the '927 patent.....	14
	A. The Basis of my Analysis with Respect to Anticipation	14
	B. Ground 1: Claims 18-26 are anticipated by '510 Publication.....	14
	1. The '510 Publication Anticipates Dependent Claims 21-26.....	18
VIII.	Obviousness of Claims 1-26 of the '927 Patent.....	19
	A. The Basis of my Analysis with Respect to Obviousness.....	19
	B. Ground 2: Claims 1–26 Would Have Been Obvious Under 35 U.S.C. § 103(a) Over the '510 Publication and the Glucophage Label.....	20
	1. Glucophage Label (Ex. 1004).....	20
	2. Independent Claims 1-9 Are Obvious	21
	3. Claims 10–17 Are Obvious.....	24
	4. Independent Claims 18-20 and Dependent Claim 21-26 are Obvious	26
	C. Ground 3: Claims 1–26 Would Have Been Obvious Under 35 U.S.C. § 103(a) Over the '510 Publication and Ahren, Hughes, and/or Brazg	28

1.	Ahrén (Ex. 1005).....	28
2.	Hughes (Ex. 1006)	30
3.	Brazg (Ex. 1007)	31
4.	Independent Claims 1 and 10 Are Obvious	32
5.	Dependent Claims 2-9 and 11-17 are Obvious.....	37
6.	Independent Claims 18-20 and Dependent Claims 21-26 are Obvious	37
IX.	There is no Objective Evidence of Nonobviousness.....	38
X.	Conclusion	40

I. Introduction

1. I am over the age of eighteen (18) and otherwise competent to make this Declaration.

2. I have been retained as an expert witness on behalf of Mylan Pharmaceuticals Inc. (“Mylan”) for the above captioned *inter partes* review (“IPR”). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$500 per hour for non-testifying work. My compensation is in no way dependent on the outcome of this IPR.

3. I understand that the petition for *inter partes* review involves U.S. Patent No. 8,673,927 (the “927 patent”), Ex. 1001. I have considered references published prior to May 4, 2006. I have been informed that such references are referred to as “prior art.” And I will refer to these references as such in my Declaration. I can confirm that the opinions expressed herein comport with my own understandings based on an independent review of the prior art cited in my Declaration.

II. List of Documents Considered

4. In formulating my opinion, I have considered all documents cited in this Declaration and all documents cited in the Petition for *Inter Partes* Review of U.S. Patent No. 8,673,927. I refer to the prior art references and other documents

cited in my Declaration using the same terminology as defined and presented in the Petition.

III. My Background and Qualifications

5. I am an expert in the field of medicine, specifically diagnosing and treating type II diabetes mellitus,¹ and I have been an expert in this field since well before 2006. Throughout the remainder of this Declaration, I will refer to the field of diagnosing and treating type II diabetes as the relevant field or the relevant art. In formulating my opinions, I have relied upon my training, knowledge, and experience in the relevant art. A copy of my current curriculum vitae is provided as Ex. 1008, and it provides a comprehensive and current description of my academic and employment history.

6. I received a M.D. from Harvard Medical School in 1961. I took 2 years of my residency at Cornell Medical School, Bellevue Hospital in Internal Medicine from 1961 to 1963. I then completed my residency at the University of Washington in Seattle in 1964 following which I completed a research fellowship at the University of Washington King County Hospital in Endocrinology and Metabolism in 1966.

7. I am currently a Professor of Medicine at both the David Geffen School of Medicine at UCLA and Charles Drew University. I am board certified in

¹ I refer to “type II diabetes mellitus” as “type II diabetes.”

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