

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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WOCKHARDT BIO AG,

Petitioner

v.

JANSSEN ONCOLOGY, INC.,

Patent Owner

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Case IPR: 2016-01582

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

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**SECOND SUPPLEMENTAL DECLARATION OF ROBERT D. STONER,  
Ph.D.**

***Mail Stop "PATENT BOARD"***

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-145

***Inter Partes Review of U.S. Patent No. 8,822,438  
Second Supplemental Declaration of Robert D. Stoner, Ph.D.***

I, Robert D. Stoner, Ph.D., declare and state that the following is true and accurate based on my personal knowledge, education, experience, study, and the information that has been made available to me to date:

1. I am the same Robert D. Stoner who submitted declarations in this *inter partes* review proceeding IPR2016-01582 on August 10, 2016 (WCK1077), February 14, 2017 (Supplemental Declaration), and April 19, 2017 (WCK1103 and WCK1122), respectively. These declarations described the scope of my work, my background, my qualifications, my opinions, and/or the basis for certain Exhibits cited in my Initial and Reply Declarations.

2. I understand from counsel that Patent Owner Janssen Oncology, Inc. ("Janssen") filed a paper on April 26, 2017, which, in part, objected to certain Exhibits cited to and filed with my Reply Declaration.

3. I understand from counsel that Janssen objected to Wockhardt Exhibits ("WCK") 1087, 1100, 1102, 1107, 1109, 1110, 1112, and 1114 cited in my Reply Declaration. I understand that Janssen asserted that Petitioner Wockhardt's ("Wockhardt") Reply and my Reply Declaration did not establish the origin of those documents or that the documents are a true and correct copy of what they purport to be and hence inauthentic, or that the documents are either incomplete or an improper summary. I disagree with Janssen's assertions and, in

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response, submit this Second Supplemental Declaration to address certain of these objections.

4. WCK1087, WCK1102, and WCK1100 are copies of publicly available informational materials from various websites regarding the development and market of abiraterone. Experts in economics and competition, and product and market valuation, routinely rely on materials such as WCK1087, WCK1102, and WCK1100 when analyzing a product's use, characteristics, and development, as well as a product's market and barriers to entry, such as in the opinions set forth in my Initial and Reply Declarations.

5. WCK1087 is a true and correct copy of a document that I downloaded on April 3, 2017 from the "Press Releases" page on BTG plc's website at: <https://www.btgplc.com/media/press-releases/btg-licenses-new-prostate-cancer-drug-to-cougar-biotechnology/> ("BTG Licenses New Prostate Cancer Drug to Cougar Biotechnology").

6. WCK1102 is a true and correct copy of a document that I downloaded on April 17, 2017 from the "Latest features" page, available under "Latest features" in the "News" section, on The Institute of Cancer Research's website at: <http://www.icr.ac.uk/news-features/latest-features/abiraterone-a-story-of-scientific-innovation-and-commercial-partnership> ("Abiraterone: a story of scientific innovation and commercial partnership").

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7. WCK1100 is a true and correct copy of a document that I downloaded on April 17, 2017 from the "Science blog" page, available under "Cancer news" in the "About us" section, on Cancer Research UK's website at:

<http://scienceblog.cancerresearchuk.org/2015/09/21/our-milestones-the-birth-of-a-new-prostate-cancer-drug/> ("Our milestones: the birth of a new prostate cancer drug").

8. WCK1107 and WCK1114 are copies of academic publications regarding applied economic principles to intellectual property. Experts in economics and competition, and product and market valuation, routinely rely on materials such as WCK1107 and WCK1114 when evaluating a product's relevant market and expected upfront costs, revenues, and profits, particularly in the pharmaceutical industry, such as in the opinions set forth in my Initial and Reply Declarations.

9. WCK1107 is a true and correct copy of an article authored by J. Mestre-Ferrandiz, J. Sussex, and A. Towse, published by the Office of Health Economics that I downloaded on April 17, 2017 from the "Publications" section on the Office of Health Economics' website at: <https://www.ohe.org/publications/rd-cost-new-medicine> ("The R&D Cost of a New Medicine"). Though WCK1107 provides an executive summary on pages 8-12, WCK1107 is a well-cited 80+ page publication that, as stated on page 4, "has undergone a rigorous peer review by the

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independent OHE Editorial Board and other experts in the field," and which thoroughly provides the sources of the referenced original data and information underlying the disclosed figures and tables. For instance, pages 93-98 of WCK1107 lists all references cited therein.

10. WCK1114 is a true and correct copy of an article authored by Jesse David and Marion B. Stewart ("Commercial Success: Economic Principles Applied to Patent Litigation") that I obtained on April 17, 2017 with the assistance of my employer Economists Incorporated's library, extracted from a 399 page compilation of multiple articles published by the National Economic Research Associates, Inc. and edited by Drs. Gregory K. Leonard and Lauren J. Stiroh (titled "Economic Approaches to Intellectual Property: Policy, Litigation, and Management").

11. I understand from counsel that Janssen objected to WCK1114 cited in my Reply Declaration for allegedly being incomplete. I have supplied the entirety of WCK1114 in this proceeding as an attachment to this Declaration.

12. WCK1109, WCK1110, and WCK1112 are copies of publicly available background and informational materials concerning Janssen's U.S. and EU abiraterone product(s) and/or development thereof. Experts in economics and competition, and product and market valuation, routinely rely on materials such as WCK1109, WCK1110, and WCK 1112 when analyzing a product's use,

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