

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACRUX DDS PTY LTD. & ACRUX LIMITED  
Petitioners,

v.

KAKEN PHARMACEUTICAL CO., LTD. and  
VALEANT PHARMACEUTICALS INTERNATIONAL, INC.  
Patent Owner and Licensee.

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Case: IPR2017-00190  
U.S. Patent No. 7,214,506

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**DECLARATION OF ASHLEY WINKLER**

I, Ashley Winkler, declare as follows:

1. I am an attorney at Finnegan, Henderson, Farabow, Garrett and Dunner, LLP.
2. I have been asked to comment on **Exhibits 2011** and **2018**.
3. I make this Declaration based on my personal knowledge and an inspection of these Exhibits.
4. I have reviewed and am familiar with Bradley D. Castellano, *Chapter 23: Tinea Pedis and Onychomycosis: Overview of New Systemic Therapies*, in RECONSTRUCTIVE SURGERY OF THE FOOT AND LEG (Nancy S. Vickers, ed., 1997), which I understand has been produced in this proceeding before the Patent Trial and Appeal Board as **Exhibit 2011**.
5. **Exhibit 2011** was originally identified in an internet search as an article in chapter 23 of a 1997 textbook from the Podiatry Institute, Inc., available electronically at the following web address: [http://www.podiatryinstitute.com/pdfs/Update\\_1997/1997\\_23.pdf](http://www.podiatryinstitute.com/pdfs/Update_1997/1997_23.pdf). **Exhibit 2011** is a true and correct copy of that webpage.
6. The article was subsequently located in a print version of the 1997 textbook. A copy of that print version is enclosed as Appendix A, which provides a true and correct copy of that textbook chapter.
7. The content of Appendix A appears to be identical to **Exhibit 2011**. It confirms that **Exhibit 2011** is an accurate copy of the contents of Chapter 23 of the textbook entitled “Reconstructive Surgery of the Foot and Leg, Update ’97” from the Podiatry Institute, Inc. The textbook was edited by N. Vickers et al., and bears a copyright date of 1997.
8. I have also reviewed and am familiar with Brian McCurdy, *The Top Ten Innovations in Podiatry*, 26 PODIATRY TODAY 1 (2013), available online at <http://www.podiatrytoday.com/top-ten-innovations-podiatry-1>, which I understand has been produced in this proceeding before the Patent Trial and Appeal Board as **Exhibit 2018**.

9. **Exhibit 2018** is an article downloaded from the listed webpage on January 9, 2017, as indicated by the date at the top of the exhibit. Exhibit 2018 is a true and correct copy of that webpage.
10. A print version of the article was subsequently located. A copy of that print version is enclosed as Appendix B, which provides a true and correct paper copy identified in the Australian University Library and is dated July 2013.
11. The content of Appendix B appears to be identical to **Exhibit 2018**. It confirms that Exhibit 2018 is an accurate copy of the contents of Brian McCurdy, *The Top Ten Innovations in Podiatry*, 26 *PODIATRY TODAY* 1 (2013).

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are, to the best of my knowledge, believed to be true; and further that these statements are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

DATE: August 1, 2017

By: /Ashley Winkler/

# Appendix A

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*Reconstructive Surgery  
Of The Foot And Leg*

UPDATE '97

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The Podiatry Institute, Inc.

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