

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRUX DDS PTY LTD. & ACRUX LIMITED
Petitioners,

v.

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

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

EVIDENTIARY DECLARATION OF EDWARD SHUPENUS

ACRUX DDS PTY LTD. et al.
EXHIBIT 1661

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EVIDENTIARY DECLARATION OF EDWARD SHUPENUS

I, Edward Shupenus, hereby declare as follows:

1. I am employed by Valeant Pharmaceuticals International, Inc. (“Valeant”). My current position is Executive Director, Marketing Operations, and I have been employed by Valeant since December 2011. I have personal knowledge of the matters stated in this declaration, and if called as a witness I would testify to the same.
2. I am the custodian of a document that I understand was produced in this matter as **Exhibit 2093**. **Exhibit 2093** is a spreadsheet showing prescription data for the time period 2007 to 2016 that I generated in the course of my duties at Valeant from syndicated data obtained in January of 2017 via a subscription to a commercial database belonging to Symphony Health. I am familiar with Valeant’s record keeping practices for the creation and maintenance of this type of document. In my experience, it is common practice and was part of my regular duties at Valeant to obtain and evaluate such data from Symphony Health, and use it to generate spreadsheets such as the one in **Exhibit 2093** for internal uses at the company.
3. I hereby certify that **Exhibit 2093** is an accurate and complete duplicate of the spreadsheet in Valeant’s files.
4. I hereby further certify that the record duplicated in **Exhibit 2093**

(A) was made by me at or near the time of occurrence of the matters set forth in the record and with respect to which I have knowledge,

(B) was made based on information that I obtained from Symphony Health, which provides a commercial service collecting and disseminating prescription data and has knowledge of those matters;

(C) was kept by me in the course of regularly conducted business activity for Valeant; and

(D) was made by me in the regularly conducted activity as a regular practice at Valeant.

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: 8/18, 2017

By: 
Edward Shupenus