

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
VINCENT A. THOMAS, CPA, CVA, CFF, ABV**

Submitted August 22, 2017

ACRUX DDS PTY LTD. et al.
EXHIBIT 1662

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**EVIDENTIARY DECLARATION OF
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Submitted August 22, 2017

I, Vincent A. Thomas, hereby declare and state:

1. I am a Senior Managing Director in the Forensic & Litigation Consulting practice of FTI Consulting, Inc., a multidisciplinary international financial advisory and consulting firm. I previously submitted a Declaration in this proceeding on August 1, 2017, as **Exhibit 2028**. A copy of my curriculum vitae has been submitted in this proceeding as Appendix A to that exhibit.

2. I have been asked by Finnegan, Henderson, Farabow, Garrett & Dunner, LLP to comment on certain documents described in my previous Declaration, in particular **Exhibit 2063, 2098, and 2099**, as well as **Exhibits 2093 and 2095**, which I had prepared for my previous Declaration. I have reviewed and am familiar with each of these Exhibits. I make this Declaration based on my personal knowledge and an inspection of these Exhibits.

3. **Exhibit 2063** is a Brand Report I obtained from the website http://brandautopsy.typepad.com/superbrands_2004_brandweek.pdf. The Report is entitled *Superbrands: A Special Report*, Brandweek (Jun. 21, 2004).

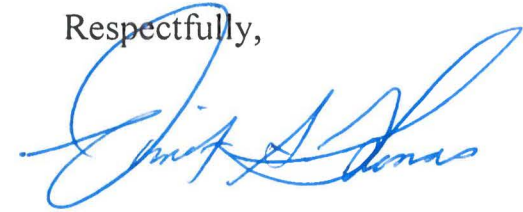
4. Appendix A is a true and accurate screenshot of the brand report available from the listed website. The page numbering used in the Report made available on the website matches that in **Exhibit 2063**. All the text available in the Report made available online matches what was provided in **Exhibit 2063**. Hence, **Exhibit 2063** is a complete, true, and accurate copy of the Brand Report available from the listed website. In particular, the listing of “American’s Top 200 Brands” in **Exhibit 2063**, which I relied on in my prior declaration, is complete and not missing any pages or data. **Exhibit 2063** at S70-S90.

5. As explained in my earlier declaration, **Exhibits 2098 and 2099** reflect my analysis of data provided in two documents labeled “US_ _ _20170531 (2).xlsx” and “012617 Jublia 4mEq Commercial Market Comparison,” which have been designated as **Exhibits 2095 and 2093**, respectively. I confirm that complete, true, and accurate copies of the two documents I reviewed were provided as **Exhibits 2095 and 2093**.

6. I understand that these documents were provided by Kaken and Valeant, respectively, and reflect underlying data from IMS Health and Symphony Health. I am familiar with both IMS Health and Symphony Health and have relied upon data and information obtained from these commercial sources in the past. I am also aware that others in the pharmaceutical industry routinely obtain and rely upon data and information from IMS Health and Symphony Health when assessing the value or market share of a pharmaceutical. In particular, those in the industry routinely rely on IMS Health and Symphony Health for their market reports of prescription data, which can be provided on a regular basis or in response to specific inquiries. I view both of those commercial sources of prescription data as reliable, whether obtained on a regular basis or in response to specific inquiries.

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..

Respectfully,



Vincent A. Thomas

August 22, 2017

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