

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
MYLAN LABORATORIES LIMITED
Petitioner

v.

QUALICAPS CO. LTD.
Patent Owner

U.S. Patent No. 6,649,180

Filing Date: April 13, 2000

Issue Date: November 18, 2003

Title: HARD CAPSULE FORMED OF CELLULOSE ETHER FILM WITH A
SPECIFIC CONTENT OF METHOXYL AND HYDROXYPROPOXYL
GROUPS

Inter Partes Review No. Unassigned

DECLARATION OF ARTHUR H. KIBBE IN SUPPORT OF PETITION

FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,649,180

TABLE OF CONTENTS

I. SCOPE OF THE REPORT 1

II. QUALIFICATIONS AND EXPERIENCE 3

III. TECHNOLOGY BACKGROUND OF CLAIMED SUBJECT
MATTER OF THE '180 PATENT 7

 A. Thermal Gelling 8

 B. Additive Gelling..... 10

IV. OVERVIEW OF THE '180 PATENT 13

V. PERSON OF ORDINARY SKILL IN THE ART 15

VI. IDENTIFICATION OF THE PRIOR ART 15

 A. Yamamoto 15

 B. The Japanese Pharmacopeia..... 16

 C. Greninger..... 16

VII. CLAIM CONSTRUCTION 17

 A. “gelling agent” 17

 B. “gelling aid” 18

VIII. STATEMENT OF LEGAL PRINCIPLES 18

IX. UNPATENTABILITY OF THE '180 PATENT CLAIMS 19

 A. Ground 1: Claims 1 and 4 are Unpatentable as Obvious
 in View of Yamamoto in Combination with Japanese
 Pharmacopeia 19

 1. Claim 1 19

 i. Limitation [1.1] “A hard capsule formed of a
 film composition comprising a

	hydroxypropyl methyl cellulose as a base, a gelling agent, and a gelling aid.”	19
ii.	Limitation [1.2] wherein said hydroxypropyl methyl cellulose has a content of hydroxypropoxyl groups of at least 4% by weight of the hydroxypropyl methyl cellulose and a content of methoxyl groups and hydroxypropoxyl groups combined of 23 to 37.6% by weight of the hydroxypropyl methyl cellulose.....	21
2.	Claim 4.....	30
i.	Limitation [4.1] The hard capsule formed of a film of claim1, wherein the content of methoxyl and hydroxypropoxyl groups combined is 29 to 37% by weight of the hydroxypropyl methyl cellulose.....	30
B.	Ground 2: Claims 1 and 4 are Unpatentable as Obvious in View of Greminger	38
1.	Claim 1	38
i.	Limitation [1.1] “A hard capsule formed of a film composition comprising a hydroxypropyl methyl cellulose as a base, a gelling agent, and a gelling aid.”	38
ii.	Limitation [1.2] wherein said hydroxypropyl methyl cellulose has a content of hydroxypropoxyl groups of at least 4% by weight of the hydroxypropyl methyl cellulose and a content of methoxyl groups and hydroxypropoxyl groups combined of 23 to 37.6% by weight of the hydroxypropyl methyl cellulose.....	41
2.	Claim 4.....	44

Petition for *Inter Partes* Review of U.S. Patent No. 6,649,180

i.	Limitation [4.1] The hard capsule formed of a film of claim1, wherein the content of methoxyl and hydroxypropoxyl groups combined is 29 to 37% by weight of the hydroxypropyl methyl cellulose.....	44
C.	The Proposed Grounds for Rejection Address Patentee’s Asserted Unexpected Benefit of Shell Clarity and Stability	47
1.	Yamamoto.....	48
2.	Greninger	49
X.	CONCLUSION	51

I, Arthur H. Kibbe, being over the age of 18 and competent to make the statements herein, hereby declare the following:

I. SCOPE OF THE REPORT

1. I have been retained on behalf of Petitioner Mylan Pharmaceuticals Inc. (“Petitioner” or “Mylan”) as an independent expert consultant to analyze and provide my opinions on the invalidity of U.S. Patent No. 6,649,180 (the “’180 Patent”), and such other topics as addressed in this report.

2. As part of this work, I have been requested by counsel for Petitioner to study Claims 1 and 4 of the ’180 Patent and opine on their invalidity.

3. I understand based on information and belief, including assignment information available in the United States Patent and Trademark Office Patent Assignment Database, the ’180 Patent was initially assigned to Shionogi Qualicaps Co., Ltd. and is currently assigned to Qualicaps Co., Ltd. Upon information and belief, Warner Chilcott Company, LLC has an exclusive license to manufacture a drug called DELZICOL® under the ’180 Patent.

4. In this declaration, I will discuss the technology related to the ’180 Patent, including an overview of that technology as it was known at the

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