

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
Petitioner

v.

SUMITOMO DAINIPPON PHARMA CO., LTD.,
Patent Owner

Case IPR2017-01292
U.S. Patent No. 9,555,027

DECLARATION OF JOSEPH M. O'MALLEY, JR.

I, Joseph M. O'Malley, Jr., declare:

1. I am a member in good standing of the Bar of the State of New York.
2. I am an attorney at Paul Hastings LLP. I am an experienced litigating attorney with more than twenty-four years of experience practicing patent law. In that time, I have served as lead counsel in numerous patent infringement suits before the district courts and the Court of Appeals for the Federal Circuit.
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. I have never had sanctions or contempt citations imposed by any court or administrative body.
6. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of title 37 of the Code of Federal Regulations.
7. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
8. I have not applied to appear *pro hac vice* in any other proceeding before the U.S. Patent and Trademark Office in the last three years.

9. I am familiar with the subject matter at issue in this proceeding. I have reviewed U.S. Patent No. 9,555,027 (“the ’027 patent”), the patent-at-issue, and other papers associated with this matter. I have handled patent litigation matters involving lurasidone, an ingredient in the oral preparations claimed in the ’027 patent. *See, e.g.*, Paper 1 at 1.

10. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Respectfully submitted,

Date: May 10, 2017

/Joseph M. O’Malley, Jr./
Joseph M. O’Malley, Jr.
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