

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRECKENRIDGE PHARMACEUTICAL, INC.

Petitioner

v.

NOVARTIS PHARMACEUTICALS CORPORATION

Patent Owner

Case IPR2017-01592

U.S. Patent No. 8,410,131

DECLARATION OF TERRENCE L. STOKKE

I, Terrence L. Stokke, resident of Minneapolis, Minnesota, hereby declare as follows:

1. I am the owner of E.L.F. Research Services LLC in St. Paul, Minnesota. E.L.F. Research Services is a company that specializes in document research and document delivery services. I have owned the company for the past nine years.

2. E.L.F. Research Services was retained by counsel for Breckenridge Pharmaceutical, Inc. (“Breckenridge”) to locate certain documents in connection with Breckenridge’s preparation of a Petition for *Inter Partes* Review of United States Patent No. 8,410,131 (“the ‘131 Patent IPR petition”).

3. One of the documents that Breckenridge sought help with was an abstract entitled “Sirolimus Prevents Tumor Progression: mTOR Targeting For The Inhibition Of Neoplastic Progression.” The abstract listed the following authors: Fulung Luan, Mary Maluccio, Vijay K. Sharma, Minoru Hojo, Milagros Lagman, and Manikkam Suthanthiran as authors. I will refer to this abstract as the “Luan Abstract.”

4. Counsel for Breckenridge asked me to help confirm that the Luan Abstract was published as part of the American Journal of Transplantation, Supplement 1, Volume 1 (2001) in May 2001.

5. In order to verify that the Luan Abstract was published in May 2001, I sent an email to Wiley's Journal Customer Service staff on June 5, 2017. That email can be seen on pages 005-006 of Ex. 1005. My email asked for verification of the publication date of the American Journal of Transplantation, Supplement 1, Volume 1 (2001), which contained the Luan Abstract. My email attached a printout from the Wiley Online Library related to that American Journal of Transplantation, Supplement 1, Volume 1 (2001) that is shown on pages 002-004 of Ex. 1005 and the copy of the Luan Abstract shown on page 001 of Ex. 1005. These documents were provided to me by Breckenridge's counsel Daniel R. Evans.

6. My email to Wiley's Journal Customer Service staff states that it is "a final revision" at the top of page 006 of Ex. 1005. That phrase reflects only that I sent an initial version of the email to Wiley and then sent revised versions to make sure I was asking for the correct information to verify the publication date of the publication containing the Luan Abstract. The version of the email correspondence included in Ex. 1005 is the last email that I sent to Wiley. I inadvertently left the phrase "a final revision" in that last email to Wiley.

7. On June 6, 2017, I received a response to my last email from Christine Goff of Journal Customer Services at Wiley. Ms. Goff confirmed that the American Journal of Transplantation, Supplement 1, Volume 1 (2001) was

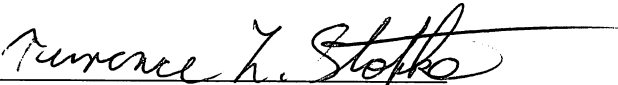
published in May 2001. Ms. Goff's email response is shown on page 005 of Ex. 1005.

8. On June 6, 2017, I forwarded the email response from Ms. Goff to Breckenridge's counsel Mr. Evans for his use in connection with the '131 Patent IPR petition. This is shown on page 005 of Ex. 1005.

9. I understand that Novartis Pharmaceuticals Corp. ("Novartis") is the owner of United States Patent No. 8,410,131. I further understand that Novartis opposed the '131 Patent IPR petition. As part of its opposition, I am informed that Novartis questioned whether the email correspondence on pages 005-006 of Ex. 1005 had been altered. I was either the author or recipient of those emails. I have reviewed the copies of those emails on pages 005-006 of Ex. 1005. I can confirm that they have not been altered. Those are the emails as they were sent and received.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 18, 2018


Terrence L. Stokke