

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WATSON LABORATORIES, INC.

Petitioner

v.

UNITED THERAPEUTICS, INC.

Patent Owner

Trial No. IPR2017-01622

Patent No. 9,339,507

SECOND DECLARATION OF MS. PILAR WYMAN

I, Pilar Wyman, hereby declare:

INTRODUCTION

1. I am a paid consultant for United Therapeutics Corporation in connection with two patent proceedings, IPR2017-01621 and IPR2017-01622. My compensation does not depend on the content of this declaration, the substance of any other testimony that I may offer in connection with this proceeding, or the disposition of this proceeding.

2. My background is provided in my first Declaration in this proceeding (Ex. 2093). Unless otherwise indicated, the same standards and definitions from my earlier Declaration apply here, even though they are not repeated.

3. This Declaration provides additional information concerning the public accessibility of Robert Voswinckel, et al. "Inhaled treprostinil sodium for the treatment of pulmonary hypertension" Abstract #1414, *Circulation*, 110, 17, Supplement (October 2004): III-295 ("Voswinckel").

4. Voswinckel is an abstract that is contained in a 1102-page supplement to the journal *Circulation* in 2004— specifically to vol. 110, issue 17 (Ex. 1013, 27-32). In order to obtain additional information about its public accessibility, I obtained a copy of the catalog entry for Voswinckel from the British Library web

site. A true and correct copy of the catalog entry that exists for the Circulation journal containing Voswinckel is attached as Ex. 2109. The catalog entry contains no information indicating when it was created.

5. According to the catalog entry (Ex. 2109), the journal containing Voswinckel is catalogued under the following subjects:

Subjects: [Cardiology -- Periodicals](#); [Cardiovascular system -- Periodicals](#);

[Dewey: 616.1](#)

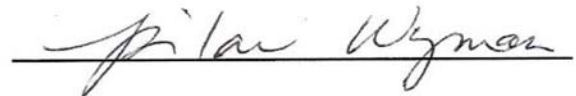
Searching on each of the three subject categories (“Cardiology”, “Cardiovascular systems”, and “Dewey 616.1”) will retrieve the total number of items stored under that category at the British Library. Attached are true and correct copies of the first page showing total items stored under each of the three categories as Ex. 2110, 2111, and 2112, which indicates that they contain 334,162 items, 195,290 items, and 157,385 items, respectively, as of the date that I checked (July 3, 2018).

6. Because there is no information from the British Library about when the catalog entry was created, the Butler Declaration does not establish a date of public accessibility for Voswinckel. Furthermore, even if it was catalogued prior to the filing date of the patent application in this proceeding, I don’t believe that a POSA exercising reasonable diligence could have located Voswinckel because the

subject matter categories contain too many items to be meaningfully indexed so that a POSA could find the supplement containing Voswinckel.

7. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements 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: July 9, 2018


Pilar Wyman