UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, LLC,
Petitioner

v.

ASTRAZENECA AB,
Patent Owner

Case IPR2017-00904
Patent No. 6,774,122

DECLARATION OF DIANE J. BURGESS, Ph.D., UNDER 37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,774,122

Mail Stop: Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

Page

I, Diane J. Burgess, Ph.D. hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of InnoPharma, LLC ("InnoPharma") for the above-captioned Petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 6,774,122 ("the '122 patent" or "the patent").

2. I have been asked to provide my opinions on the validity of claims 1, 2, 5, and 9 of the '122 patent ("the challenged claims").

3. In preparing this Declaration, I have reviewed the '122 patent, the file history of the '122 patent, and the file histories of the following related patents: U.S. Patent Nos. 8,466,139 ("the '139 patent"), 7,456,160 ("the '160 patent"), and 8,329,680 ("the '680 patent"). I have also reviewed the petition for *inter partes review* of the '122 patent filed by Mylan Pharmaceuticals, Inc. (IPR2016-01316) ("Mylan IPR"), the supporting declarations and exhibits, the Patent Owner's Response to that Petition, the supporting declarations and exhibits, and the Board's decision denying institution of *inter partes review* on the related '680 patent (IPR2016-01325, paper 11). In addition, I have reviewed numerous prior art references that would have been available to one skilled in the art before the time of the alleged invention.

4. I have been advised and it is my understanding that patent claims in an IPR are given their broadest reasonable construction in view of the patent

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.