

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CATALENT PHARMA SOLUTIONS, INC.
Petitioner

v.

PATHEON SOFTGELS INC.
Patent Owner

Case IPR2018-00422
Patent 9,693,979

DECLARATION OF MANSOOR KHAN, R.PH., PH.D.

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I, Mansoor Khan, hereby declare as follows.

I. INTRODUCTION

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of PATHEON SOFTGELS INC. (“Patheon”) for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$640 per hour. I understand that the petition for *inter partes* review involves U.S. Patent No. 9,693,979 (“the ’979 Patent”), EX1003. I understand that the petition was filed by CATALENT PHARMA SOLUTIONS, INC. (“Catalent”).

3. I understand that the ’979 patent resulted from U.S. Application No. 15/159,972 (“the ’972 application”), filed on May 20, 2016, naming Nachiappan Chidambaram and Aqeel Fatmi as inventors. I understand that the ’972 application is a continuation application that relates to a series of previous applications. I also understand that the earliest possible priority date for the ’979 Patent is March 8, 2005, the filing date of U.S. Provisional Patent Application No. 60/659,679, and I refer to this date throughout this declaration. The ’979 patent was issued on July 4, 2017, from the ’972 application. I further understand that, according to the USPTO records, the ’979 patent is currently assigned to Patheon.

4. In preparing this Declaration, I have reviewed the '979 patent and each of the documents cited herein in light of the general knowledge in the art before March 8, 2005. In formulating my opinions, I have relied upon my experience, education, and knowledge in the relevant art. In formulating my opinions, I have also considered the viewpoint of a person of ordinary skill in the art (“POSA”)—*i.e.*, a person of ordinary skill in the field of oral formulations including soft gelatin capsules—prior to March 8, 2005.

II. MY BACKGROUND AND QUALIFICATIONS

5. I am currently Professor and Vice Dean of the College of Pharmacy at Texas A&M University (College Station, TX). I am also interim Department Head of Pharmaceutical Sciences and the Director of the Formulations Design and Development Core Laboratory at Texas A&M. My qualifications and credentials are more fully set forth in my *curriculum vitae*, provided as PSG1002.

6. I am an expert in the field of pharmaceutical formulations—including soft gelatin capsules—and have been since before March 8, 2005. I have been actively working in the field of pharmaceutical formulations since the 1980s, and have gained significant experience in the field while studying and carrying out the design of numerous types of formulations. My expertise includes thorough knowledge and understanding of soft gelatin capsule formulations.

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