UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ELI LILLY AND COMPANY
Petitioner,

v.

TEVA PHARMACEUTICALS INTERNATIONAL GMBH
Patent Owner

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Case IPR2018-01427
Patent 8,597,649 B2

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**DECLARATION OF DR. MICHEL D. FERRARI, M.D., PH.D.**

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I, Michel D. Ferrari, M.D., Ph.D., hereby declare as follows.

## *I. Introduction*

1. I have been retained as an expert witness on behalf of Teva Pharmaceuticals International GMBH ("Teva") 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, but my compensation is not contingent upon my opinions or the outcome of this or any other proceeding.

2. I understand that this Declaration accompanies Teva's response to an IPR petition involving U.S. Patent No. 8,597,649 ("the '649 patent") (EX1001). I understand that the petition was filed by Eli Lilly and Company ("Lilly"). I understand that the '649 patent resulted from U.S. Patent Application No. 13/870,871 ("the '871 application"). I understand that the '871 application is a continuation application that relates to a series of previous applications. I also understand that the earliest possible priority date of the '649 patent is the November 14, 2005 filing date of U.S. Patent Application No. 60/736,623, and I refer to this date throughout this declaration. The '649 patent issued on December 3, 2013.

3. In preparing this Declaration, I have reviewed the '649 patent and each of the documents cited herein from the perspective of a person of ordinary

skill in the art, in light of general knowledge in the art before November 14, 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 the '649 patent, as defined further below in Section V) prior to November 14, 2005.

## *II. My Background and Qualifications*

4. My qualifications and credentials are more fully set forth in my *curriculum vitae*, provided as EX2142. I am an expert in the field of clinical neurology, and have been since approximately 1985. I have been actively working in the field of neurology, with a focus on migraine, since 1980, and have gained significant experience in this field while both performing clinical research and treating patients since I graduated from medical school.

5. I studied medicine at the University of Leiden and received my Doctor of Medicine Degree in 1980. I subsequently decided to specialize in Neurology and Neuroscience and received specialty certificates in Neurology and Clinical Neurophysiology in 1985. I was awarded a Ph.D. *cum laude* in 1992 and the title of my thesis was "Serotonin and Migraine,"

6. I have dedicated much of my career to the study of migraine and other primary headaches and the focus of my research has been aimed at unravelling the

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