

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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AQUESTIVE THERAPEUTICS, INC.

Petitioner

v.

HALE BIOPHARMA VENTURES, LLC

Patent Owner

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Case: IPR2019-00449

U.S. Patent No. 9,763,876 B2

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**DECLARATION OF NICHOLAS A. PEPPAS, Sc.D.**  
**IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW**  
**OF U.S. PATENT NO. 9,763,876**

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I, Dr. Nicholas A. Peppas, do hereby make the following declaration:

**I. PRELIMINARY STATEMENT**

1. I have agreed to provide expert testimony in support of Aquestive, Inc.'s Petition for *Inter Partes* Review of U.S. Patent No. 9,763,876 B2, entitled "Administration of Benzodiazepine Compositions" ("the '876 Patent").
2. I have been asked to provide my opinion in regards to the state of technology relevant to the '876 Patent's disclosure and its claims based on knowledge existing prior to March 27, 2009, prior to June 14, 2011, and prior to December 13, 2011.
3. I have been asked to provide my opinion regarding whether one of ordinary skill in the art at the relevant time would have understood that certain prior art references, alone or in combination, disclose or teach each of the elements and limitations recited in the claims of the '876 Patent. I have also been asked to provide my opinion regarding whether a person of ordinary skill in the art (a "POSITA") would have been motivated or had a rationale or reason to modify or combine those certain prior art references to arrive at the elements recited in the claims of the '876 Patent. In my opinion, the

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