

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case IPR2020-00040
U.S. Patent 7,326,708

DECLARATION OF ALLAN S. MYERSON, PH.D.

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DECLARATION OF ALLAN S. MYERSON, PH.D.

I, Allan S. Myerson, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been asked to opine on the obviousness of claim 4 of U.S. Patent No. 7,326,708 (“the ’708 patent”), including to address certain opinions provided by Dr. Mukund Chorghade. *See* EX1002 (Chorghade Dec.).

2. In reaching the opinions I express herein, I have considered the ’708 patent and its prosecution history, the materials cited in this declaration, as well as my training, general knowledge, basic principles, and experience in the relevant scientific disciplines.

II. QUALIFICATIONS AND EXPERIENCE

3. I am the Professor of the Practice in the Department of Chemical Engineering at the Massachusetts Institute of Technology (“MIT”) in Cambridge, Massachusetts. The following is a brief summary of my background, experience, publications, and achievements, which are more fully set out in my curriculum vitae. EX2102.

4. I am a chemical engineer by training. I have a particular interest in industrial crystallization and have conducted research in this area for over 40 years.

5. I began my training at Columbia University in New York, where I obtained my Bachelor of Science in Chemical Engineering in May 1973.

Thereafter, I obtained Masters and Ph.D. degrees in Chemical Engineering from the University of Virginia in January 1975 and January 1977, respectively. I am a

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registered Professional Engineer in New York and Ohio.

6. In January 1977, I began my academic career as an Assistant Professor of Chemical Engineering at the University of Dayton, where I worked until August 1979.

7. From September 1979 to December 1984, I was a faculty member at the Georgia Institute of Technology in Atlanta, serving first as an Assistant Professor of Chemical Engineering and subsequently as an Associate Professor.

8. In January 1985, I joined the faculty of the Polytechnic University in Brooklyn, New York. While there, I served in various positions including as Joseph and Violet J. Jacobs Professor of Chemical Engineering, Head of the Department of Chemical Engineering, Dean of the School of Chemical and Materials Science and as Vice Provost for Research and Graduate Studies.

9. In January 2000, I moved to the Illinois Institute of Technology in Chicago (“IIT”). I began as Professor of Chemical Engineering and Dean of the Armour College of Engineering and Science. I remained in that position until January 2003, when I became the Philip Danforth Armour Professor of Engineering. Between 2003 and 2008, I was also Provost and Senior Vice President at IIT. In August 2010, I moved to my current position as Professor of the Practice in the Department of Chemical Engineering at MIT.

10. My current research focuses on crystallization from solution with an

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