

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PROLLENIUM US INC.,  
Petitioner,

v.

ALLERGAN INDUSTRIE, SAS,  
Patent Owner.

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IPR2019-01505, Patent 8,450,475 B2  
IPR2019-01506, Patent 8,357,795 B2  
IPR2019-01508, Patent 9,238,013 B2  
IPR2019-01509, Patent 9,358,322 B2  
IPR2019-01617, Patent 8,822,676 B2  
IPR2019-01632, Patent 8,357,795 B2  
IPR2020-00084, Patent 9,089,519 B2

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DECLARATION OF GLENN PRESTWICH, PH.D.

Prollenium Exhibit 1105

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I, Glenn D. Prestwich, Ph.D., declare as follows:

## I. INTRODUCTION

1. I have been asked by Meunier Carlin & Curfman LLC, on behalf of Petitioner Prolenium US Inc. (Prolenium) to provide this declaration related to the *inter partes* reviews of several patents owned by Allergan Industrie, SAS (Allergan or Patent Owner): I will refer to U.S. Patent Nos. 8,357,795 ('795 patent), 8,822,676 ('676 patent), 9,238,013 ('013 patent), 9,089,519 ('519 patent), 8,450,475 ('475 patent), and 9,358,322 ('322 patent) (collectively, the "Challenged Patents").

2. I have been asked to review the above-mentioned patents, as well as the Declaration of Dr. Cory J. Berkland, Patent Owner's expert, submitted with Patent Owner's Response to the Inter Partes review petitions. I also reviewed Dr. Lebreton's inventor's declaration regarding the state of the art in August 2008 and the alleged "unexpected" nature of the effects of adding lidocaine to one of the Patent Owner's existing BDDE-crosslinked commercial dermal fillers. In addition, I have been requested to discuss the technology and concepts relating to the properties of hyaluronic acid (HA) dermal fillers.

3. I have also been asked to provide my opinions of whether a person of ordinary skill in the art (POSITA) as of August 2008 would have been motivated to combine the teachings of the prior art identified in the Grounds, and would have

had a reasonable expectation of success in achieving dermal fillers possessing the characteristics recited in the challenged claims.

4. I have also reviewed the Deposition Transcript of Dr. Berkland taken on October 7-9, 2020 (Exhibit 1200), as well as Dr. Berkland's Declaration dated August 31, 2020. Herein I provide my opinions, clarifications, and corrections of matters represented incompletely or inaccurately by Dr. Berkland in his testimony.

5. I have reviewed the Declaration of Dr. Dale P. DeVore and the Deposition Transcript of Dr. DeVore taken in August 2020 (Exhibit 2100). Herein I also provide my own opinions and conclusions, based on my own specific expertise and experience in HA chemical modification reactions, stability of crosslinked HA, and crosslinked HA product development.

## **II. EDUCATION, EXPERIENCE, QUALIFICATIONS, AND AWARDS**

6. I am currently the President's Distinguished Professor at Washington State University, Health Sciences Spokane, where I am tasked with developing an ecosystem of innovation and entrepreneurship in Spokane, including creation of Spinout Space in Spokane, a.k.a, **sp3nw**, a life sciences innovation hub. I am also Presidential Professor of Medicinal Chemistry, Emeritus, at the University of Utah in Salt Lake City, UT. I also concurrently hold the Emeritus rank for the titles of Research Professor of Biochemistry, Adjunct Professor of Chemistry, Adjunct

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