

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN LABORATORIES LTD.  
Petitioner

v.

JANSSEN PHARMACEUTICA NV  
Patent Owner

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Case IPR2020-00440  
Patent 9,439,906

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**DECLARATION OF JOONG YOUN (JAY) CHO**

I, Joong Youn (Jay) Cho, hereby attest to the following:

1. I am an attorney at the law firm of Patterson Belknap Webb & Tyler LLP. I am licensed to practice law in the State of New York (Bar No. 5322771) and also before the United States Patent and Trademark Office (Reg. No. 75,052). I have personal knowledge of the facts set forth in this declaration.

2. Exhibit 2009 contains accurate reproductions of the text from:

- a. Ex. 1016 (U.S. Provisional Application No. 61/014,918) at p. 22 ll. 9 – p. 23 ll. 18 (“Example 2”); Ex. 1016 at p. 23 ll. 20 – p. 24 ll. 27 (“Example 3”); and
- b. Ex. 1003 (Abstracts of the Annual Meeting of the American Society for Clinical Pharmacology and Therapeutics, 83 Supp. 1 Clin. Pharmacol. & Therapeutics S31, PI-74 and PI-75 (Mar. 2008)) at p.003 PI-74 (heading, title, authors, background, methods, results, and conclusion) (“PI-74”); Ex. 1003 at p.003 PI-75 (heading, title, authors, background, methods, results, and conclusion) (“PI-75”).

3. The text font and size of Exhibit 2009 was set to be Times New Roman 12 point. In the first table of Exhibit 2009, the text of Example 2 was placed into the left-hand column and the text of PI-75 was placed into the right-hand column. In the second table of Exhibit 2009, the text of Example 3 was placed into the left-hand column and the text of PI-74 was placed into the right-hand column. For ease

of comparison between the text on the left-hand side and the text on the right-hand side, line spacing adjustments were made and highlighting was added. No other alterations were made to the text.

4. Exhibit 2010 is a complete list of FDA-approved drugs containing paliperidone palmitate that was generated by performing a search using the term “paliperidone palmitate” on the FDA-Approved Drugs website (<https://www.accessdata.fda.gov/scripts/cder/daf/index.cfm>). Each entry in the search result list was expanded to show additional information about the drug. A copy of the information displayed was generated by using the print function on the webpage and saving the resulting image as a PDF file and made to bear the label Exhibit 2010.

5. Exhibit 2011 is the “Summary Review” for Invega Trinza® obtained from the FDA website. The FDA webpage for Invega Trinza® was accessed by clicking the “INVEGA TRINZA (PALIPERIDONE PALMITATE)” hyperlink in the search results webpage shown in Exhibit 2010. On the FDA webpage for Invega Trinza®, the hyperlink “Summary Review” was selected. A copy of the resulting document was saved as a PDF file and made to bear the label Exhibit 2011.

6. I hereby declare that all statements made herein of my own knowledge are true, and further that these statements were made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated this 18th day of June, 2020.

By: Joong Youn Cho

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