

Supplemental Declaration of Sylvia Hall-Ellis, Ph.D.
IPR2020-00770
U.S. Patent No. 9,604,901

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIQUIDIA TECHNOLOGIES, INC.,
Petitioner

v.

UNITED THERAPEUTICS CORPORATION,
Patent Owner

IPR2020-00770
U.S. Patent No. 9,604,901

SUPPLEMENTAL DECLARATION OF SYLVIA HALL-ELLIS, PH.D.

I, Sylvia D. Hall-Ellis, Ph.D., declare as follows:

1. My name is Sylvia D. Hall-Ellis. I have been retained as an expert by Liquidia Technologies, Inc., who I am informed is a petitioner to this IPR proceeding (the “Petitioner”).
2. I previously submitted a declaration on March 25, 2020, providing my expert opinion regarding the public availability of a number of publications.
3. It has come to my attention that I inadvertently included a typographical error in my March 25, 2020 declaration.
4. At Paragraph 16 of my March 25, 2020 declaration, I stated: “I am told by counsel that a person of ordinary skill in this subject matter or art would typically be someone who is a medical physicist with a Ph.D. (or similar advanced degree) in physics, medical physics, or a related field, and two or more years of experience in radiation oncology physics, treatment planning, treatment plan optimization related to radiation oncology applications, and computer programming associated with treatment plan optimization (or equivalent degree or experience).”
5. This statement was inadvertently taken from a different matter I worked on, as is evident from the fact that the '901 patent at issue in this IPR proceeding has nothing to do with radiation oncology physics.
6. I file this supplemental declaration to correct this error.

7. In preparing my March 25, 2020 declaration, I was told by Petitioner's counsel in this IPR proceeding that a person of ordinary skill in the subject matter or art of the '901 patent would typically be someone who holds a master's degree or Ph.D. in medicinal or organic chemistry, or a closely related field; or an individual with a bachelor's degree and at least five years of practical experience in medicinal or organic chemistry.

8. It is this definition (at paragraph 7 above) that I applied in providing my expert opinion regarding the public availability of a number of publications in my March 25, 2020 declaration.

9. In signing this Declaration, I recognize that the Declaration will be filed as evidence in a case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be 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

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both, under Section 1001 of Title 18 of the United States Code.

Dated: May 28, 2021

Respectfully submitted,


Sylvia D. Hall-Ellis, Ph.D.