

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,

Petitioner,

v.

BAUSCH HEALTH IRELAND LIMITED,

Patent Owner.

Case IPR2022-00722
U.S. Patent No. 7,041,786

DECLARATION OF STEPHEN G. DAVIES, D.PHIL.

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I. INTRODUCTION

1. I have been retained by counsel for Patent Owner Bausch Health Ireland Limited (“Bausch”¹) as an expert in the fields of organic and medicinal chemistry, in connection with the above-captioned *inter partes* review proceeding.

2. I have been asked to provide my opinion regarding Petitioner Mylan Pharmaceuticals Inc.’s (“Mylan”) asserted grounds of unpatentability for claims 1-6 of U.S. Patent No. 7,041,786. (Ex. 1001.)²

3. I have also been asked to respond to the Declaration of Blake R. Peterson, Ph.D., submitted in this proceeding on behalf of Mylan. (See Ex. 1002.)³ More specifically, I have considered Dr. Peterson’s opinions regarding whether claims 1-6 of the ’786 patent are unpatentable as obvious.

4. As explained below, it is my opinion that the inventions of claims 1-6 would have been non-obvious to a person of ordinary skill in the art on or before January 17, 2002.

¹ I understand that Bausch acquired the ’786 patent from Synergy Pharmaceuticals, Inc. In my declaration, I use Bausch to also refer to Synergy Pharmaceuticals, Inc.

² U.S. Patent No. 7,041,786 (“the ’786 patent”).

³ Declaration of Blake R. Peterson. (“the Peterson Declaration”).

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