

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Altaire Pharmaceuticals, Inc.,
Petitioner

v.

Paragon BioTeck, Inc.,
Patent Owner.

Case PGR2015-00011
Patent 8,859,623

DECLARATION OF M. SAWAYA

I, Michael Sawaya, do hereby declare and state, 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 both, under Section 1001 of Title 18 of the United States Code.

Dated:

02/26/2016



Michael Sawaya, Esq.

I, Michael Sawaya, declare as follows:

1. I am General Counsel of Altaire Pharmaceutical, Inc. (“Altaire”). I am also familiar with the business of Sawaya Aquebogue, LLC (“Saw Aque”). I make this declaration based upon my personal knowledge of the facts stated herein.
2. Altaire is a privately held corporation operating under the laws of New York. Altaire considers its ownership interests confidential. As such, Altaire has not made the ownership interest public. Even more, Altaire takes steps to ensure its ownership interests remain confidential. For example, it does not advertise or otherwise make known the ownership interests of the corporation.
3. The same holds true for Saw Aque. Saw Aque is a privately held limited liability company operating under the laws of New York. Saw Aque too considers its ownership interests confidential and has not made this information publicly available.
4. As a privately held corporation, Altaire does not publish or otherwise make available the minutes of its board meetings. Nor does it publish its by-laws or other procedures related to board decision making or voting. It certainly does not publish or otherwise make available internal discussions regarding strategic operation and planning of the corporation.

5. Saw Aque as a privately held corporation also maintains the confidentiality of its board meetings. It does not publish or otherwise make available the minutes of board meetings, the procedures related to strategic decision-making, or methods or results of voting. This information is not currently publicly available. Furthermore, Saw Aque does not publish or make available internal financial information, such as the valuation confidentially held assets.

6. The release of this confidential information would significantly negatively impact both Altaire and Saw Aque.

7. The redacted testimony reflects, among other things, information Altaire has maintained as confidential and not made publicly available. In particular, the testimony discusses high level strategic business planning and decision-making information. The disclosure of this information could significantly negatively affect negotiations between Altaire and other parties. Furthermore, as the information pertains to ownership interests, strategic decision-making, and confidential agreements, the testimony could potentially affect the valuation of Altaire.

8. The same can be stated for Saw Aque. Exh. 2034 and Paper 20 contain information Saw Aque has maintained, and intends to maintain, as confidential. The release of such information could cause the same harms as

stated above with respect to Altaire. In particular, certain portions of Exh. 2034 refer to internal financial valuation of confidential assets. The disclosure of such would not only affect the value of the asset, but could additionally affect the valuation of Saw Aque.

9. For the above reasons, the highly confidential information of Altaire and Saw Aque should not be made public.