

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 No. 8,859,623

---

**DECLARATION OF PATRICK WITHAM IN SUPPORT OF  
PARAGON'S MOTION TO SEAL PAPER 20 AND EXHIBIT 2034**

I, Patrick Witham, declare as follows:

1. My name is Patrick Witham. I am President of Paragon BioTeck, Inc. (“Paragon”), owner of U.S. Pat. No. 8,859,623 (“the ’623 patent”).

2. The confidential business information contained within Exhibit 2034 and Paper 20 is not publicly available.

3. Altaire’s counsel filed an unredacted version of the non-public agreement between Paragon and Altaire in a related district court case, however this document was removed within days from the public docket.

4. The confidential business information sought to be redacted in Paper 20 and Exhibit 2034 is subject to a non-disclosure agreement between Paragon and Altaire. Ex. 2001, pp. 6-10. Publication of the redacted material would violate the terms of the non-disclosure agreement.

5. The proposed redactions within Exhibit 2034 and Paper 20 are limited and seek only to keep confidential the consideration given by Paragon as part of the agreement with Altaire.

6. Release of this confidential business information would allow current or potential competitors, investors, or partners to know the precise consideration given by Paragon as part of the agreement with Altaire. Access to such sensitive business information could provide a competitor a business advantage over

Paragon and could negatively impact negotiations between Paragon and current or potential investors and partners.

7. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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: April 12, 2016

By: / Patrick Witham /  
Patrick Witham