

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 B1

DECLARATION # 2 OF MICHAEL SAWAYA

I, Michael Sawaya, do hereby declare as follows:

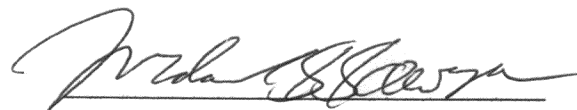
1. I am General Counsel of Altaire Pharmaceuticals, Inc. (“Altaire”).
2. On or about March 25, 2014 I received and reviewed an e-mail (“the E-mail”) from Lauren MC Bluett, the Director of Quality Assurance at Paragon BioTeck, Inc. (“Paragon”). A true and correct copy of the E-mail I received and reviewed is attached as Exhibit 1033. I also have

personal knowledge, and can confirm that to the best of my knowledge Lauren Bluett was an employee or at least represented herself as an employee of Paragon at the time I received the letter. As such, I have personal knowledge and can confirm that Paragon transmitted the E-mail to Altaire Pharmaceuticals, Inc. (“Altaire”) on the date identified in the E-Mail. *See* Ex. 1033.

3. In the E-mail, Paragon requested “all the work [Altaire] ha[s] on chiral purity.” *See* Ex. 1033 at 1.
4. On or about March 26, 2014, I responded to Paragon’s E-mail via a UPS overnight mail. *See* Ex. 1031. Included in the UPS overnight mail was the letter (“the Letter”) (attached as Ex. 1031) and Altaire’s Validation Report STU0346 – Method Validation Report for Qualitative Chiral Purity HCL in Phenylephrine HCl Ophthalmic Solution, USP (2.5% and 10%). *See id.* As I sent the package, I can personally attest that Altaire sent STU0346 to Paragon on or about March 26, 2014. Additional corroborative evidence can be found on the receipt included on the Letter.

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



Michael Sawaya

Date: 05/04/2016