

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GRÜNENTHAL GMBH,

Petitioner

v.

ANTECIP BIOVENTURES II LLC,

Patent Owner.

PGR2019-00028
U.S. Patent No. 10,052,338

DECLARATION OF CORINNE MILITELLO, ESQ.

Grün. Exh. 1044
Grünenthal v. Antecip

I, Corinne Militello, hereby declare as follows:

1. I currently hold the position of Senior Corporate Counsel at Taylor & Francis Group at Informa PLC (“Taylor & Francis”). I make this declaration based on my own personal knowledge and experiences, and if called upon as a witness, could competently testify to the matters stated herein.
2. Taylor & Francis publishes more than 2,600 journals and over 5,000 new books each year, and is one of the world’s leading academic publishing businesses. Through my work as Senior Corporate Counsel, I am aware of the Taylor & Francis procedures and general practices related to publication and public accessibility of journal articles.
3. I investigated the publication date of an article published by Taylor & Francis entitled Gatti et al., *Neridronic Acid for the Treatment of Bone Metabolic Diseases*, EXPERT OPINION ON DRUG METABOLISM AND TOXICOLOGY, 5(10):1305-1311 (“Gatti”). A true and correct copy of Gatti is attached here as Exhibit A. Based on my investigation and my personal knowledge, I can confirm that Gatti was available and accessible to the public by at least September 17, 2009.
4. The first page of Gatti (attached here as Exhibit A) states that it was

company procedures and general practices. On September 16, 2009, the final pages of Gatti were received by Taylor & Francis from the typesetter. Exhibit B is a true and correct copy of a screenshot of the Taylor & Francis internal production system, showing that the final pages of the Gatti final manuscript were received from the typesetter on this date. It was general company practice at the time that final manuscripts be uploaded and made publicly accessible within 24 hours of receipt.

6. Thus, based upon my personal knowledge and my knowledge of company procedures and general practices, I can confirm that Gatti was publicly accessible by at least September 17, 2009.

7. I declare that all statements made herein on 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: 18 Dec. 2019



Corinne Militello
Senior Corporate Counsel
Taylor & Francis Group at Informa PLC

EXHIBIT A

Declaration of Corinne Militello

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