

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETON PHARMACEUTICALS, INC.,

Petitioner

v.

EXELA PHARMA SCIENCES, LLC,

Patent Owner

U.S. PATENT NO. 10,478,453

DECLARATION OF BARRETT RABINOW

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I. INTRODUCTION

1. My name is Barrett Rabinow. My findings, as set forth herein, are based on my education and background in the fields discussed below.

2. I have been retained by, and submit this Declaration on behalf of, Eton Pharmaceuticals, Inc. (“Eton” or “Petitioner”), which I understand is challenging the validity of claims 1-22 of U.S. Patent No. 10,478,453 (“’453 patent”) in a petition for post grant review (“PGR”). I have been asked to offer opinions generally regarding the prior art, the understandings of the person of ordinary skill in the art, and whether claims 1-22 would have been obvious to the person of ordinary skill in the art. I reserve the right to supplement this Declaration in response to additional evidence that may come to light or that I am asked to consider.

3. I am being compensated for my time in connection with this PGR at my standard consulting rate of \$350 per hour. My compensation is not affected by the substance of my opinions or the outcome of this matter.

II. SUMMARY OF OPINIONS

4. The ’453 patent issued with twenty-two claims. Claims 1-14 and 21, respectively, are directed to an L-Cysteine composition and a method for making such a composition. Claims 15-20 and 22, respectively, are directed to a total parenteral nutrition composition comprising an L-Cysteine composition admixed with an amino acid composition and method for preparing the same. Claims 1-22

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