

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC

Petitioner

v.

EYE THERAPIES LLC

Patent Owner

Case No. IPR2022-00142

U.S. Patent No. 8,293,742

PETITIONER'S FIRST UPDATED EXHIBIT LIST

Petitioner hereby submits a current listing of Petitioner's Exhibits.

LISTING OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,293,742 (filed July 27, 2009) (issued Oct. 23, 2012) ('742 Patent)
1002	Expert Declaration of Neal A. Sher, M.D. (Sher)
1003	Expert Declaration of Paul A. Laskar, Ph.D. (Laskar)
1004	U.S. Patent No. 6,294,553 (filed Feb. 14, 2001) (issued Sep. 25, 2001) ('553 patent)
1005	Walters, Thomas R., et al. "A Pilot Study of Life Efficacy and Safety of AGN 190342-Lf 0.02% And 0.08% In Patients with Elevated Intraocular Pressure." <i>Association for Research in Vision and Ophthalmology</i> , vol. 32, no. 4, 15 Mar. 1991, p. 988 (Walters 1991)
1006	Norden, Richard A. "Effect of Prophylactic Brimonidine or Bleeding Complications and Flap Adherence after Laser in Situ Keratomileusis." <i>Journal of Refractive Surgery</i> , vol. 18, no. 4, 2002, pp. 468–471 (Norden 2002)
1007	U.S. Patent 6,242,442 (filed Dec. 7, 1999) (issued June 5, 2001) ('442 patent)
1008	"ALPHAGAN® (brimonidine tartrate ophthalmic solution) 0.2%." Physicians' Desk Reference, 52th ed., Medical Economics Company, Inc., 1998, p. 487 (Alphagan® Label 1998)
1009	53 Fed. Reg. 7076-7093 (Mar. 4, 1988) (Federal Register 1988)
1010	U.S. Application 12/460,941 filed July 27, 2009, downloaded from PAIR ('941 Application)
1011	U.S. Provisional Application 61/207,481 filed February 12, 2009, downloaded from PAIR ('481 Provisional)
1012	U.S. Provisional Application 61/203,120 filed December 18, 2008, downloaded from PAIR ('120 Provisional)
1013	U.S. Provisional Application 61/192,777 filed September 22, 2008, downloaded from PAIR ('777 Provisional)
1014	U.S. Provisional Application 61/137,714 filed August 1, 2008, downloaded from PAIR ('714 Provisional)
1015	Timmermans, et al., "Structure-Activity Relationships in Clonidine-Like Imidazolines and Related Compounds," <i>Progress in Pharmacology</i> , edited by H. Grobecker et al., vol. 3, No. 1, Gustav Fischer Verlag, New York, NY, 1980 (Timmermans 1980)

1016	Griffith, Robert K. “Adrenergics and Adrenergic- Blocking Agents.” <i>Burger's Medicinal Chemistry and Drug Discovery</i> , edited by Donald J. Abraham, 6th ed., vol. 6, John Wiley & Sons, Inc., New York, NY, 2003, pp. 2–37 (Griffith 2003)
1017	Wickberg-Matsson, Anna, and Ulf Simonsen. “Potent α_{2A} -Adrenoceptor–Mediated Vasoconstriction by Brimonidine in Porcine Ciliary Arteries.” <i>Investigative Ophthalmology & Visual Science</i> , vol. 42, no. 9, Aug. 2001, pp. 2049–2055 (Wikberg 2001)
1018	Robin, Alan L., and Yochanan Burnstein. “Selectivity of Site of Action and Systemic Effects of Topical Alpha Agonists.” <i>Current Opinion in Ophthalmology</i> , vol. 9, no. 2, 1998, pp. 30–33 (Robin 1998)
1019	Lachkar, Yves, and Surinda Dhanjill. “Effect of Brimonidine Tartrate on Ocular Hemodynamic Measurements.” <i>Archives of Ophthalmology</i> , vol. 116, no. 12, Dec. 1998, pp. 1591–1594 (Lachkar 1998)
1020	Carlsson, Anthony M, et al. “The Effect of Brimonidine Tartrate on Retinal Blood Flow in Patients with Ocular Hypertension.” <i>American Journal of Ophthalmology</i> , vol. 129, no. 3, Mar. 2000, pp. 297–301 (Carlsson 2000)
1021	David, R. “Brimonidine (Alphagan®): A Clinical Profile Four Years after Launch.” <i>European Journal of Ophthalmology</i> , vol. 11, no. 2 suppl, 2001, pp. S72–S77 (David 2001)
1022	Schuman, Joel S., et al. “A 1-Year Study of Brimonidine Twice Daily In Glaucoma and Ocular Hypertension.” <i>Archives of Ophthalmology</i> , vol. 115, no. 7, July 1997, pp. 847-852 (Schuman 1997)
1023	Scruggs, Jennifer T., et al. “The Teardrop Sign: A Rare Dermatological Reaction to Brimonidine.” <i>British Journal of Ophthalmology</i> , vol. 84, no. 6, 2000, pp. 671–672 (Scruggs 2000)
1024	File Wrapper, U.S. Application 12/460,941 filed July 27, 2009, downloaded from PAIR
1025	Pasquali, Theodore A., et al. “Dilute Brimonidine to Improve Patient Comfort and Subconjunctival Hemorrhage After Lasik.” <i>Journal of Refractive Surgery</i> , vol. 29, no. 7, 2013, pp. 469–475 (Pasquali 2013)
1026	Murphy, P. J., et al. “How Red Is a White Eye? Clinical Grading of Normal Conjunctival Hyperaemia.” <i>Eye</i> , vol. 21, no. 5, 2006, pp. 633–638 (Murphy 2007)

1027	Derick, Robert J., et al. "Brimonidine Tartrate." <i>Ophthalmology</i> , vol. 104, no. 1, Jan. 1997, pp. 131–136 (Derick 1997)
1028	Burke, James, et al. "Adrenergic and Imidazoline Receptor-Mediated Responses to UK-14,304-18 (Brimonidine) in Rabbits and Monkeys." <i>The Imidazoline Receptor: Pharmacology, Functions, Ligands and Relevance to Biology and Medicine</i> , edited by Donald J. Reis, et al., Vol. 763, The New York Academy of Sciences, New York, NY, 1995, pp. 78–95. (Burke 1995)
1029	David, Robert, et al. "Brimonidine in the Prevention of Intraocular Pressure Elevation Following Argon Laser Trabeculoplasty," <i>Archives of Ophthalmology</i> , vol. 111, No. 10, Oct. 1993, pp. 1387–1390 (David 1993)
1030	U.S. Patent Application Publication No. 2005/0244463 (filed Apr. 30, 2004) (published Nov. 3, 2005) (US 2005/0244463)
1031	United States, Center for Drug Evaluation and Research, and Joanne Holmes. NDA 20-613 Alphagan™ (Brimonidine Ophthalmic Solution) 0.2% Sterile, vol. 1, U.S. Food and Drug Administration, 1985, pp. 1–286. (CDER Records 20613)
1032	Rahman, Mamum Q., et al. "Brimonidine for Glaucoma." <i>Expert Opinion Drug Safety</i> , vol. 9, no. 3, 2010, pp. 483–491 (Rahman 2010)
1033	U.S. Patent No. 6,562,873 (filed July 10, 2001) (issued May 13, 2003) ('873 patent)
1034	Chien, Du-Shieng, et al. "Corneal and Conjunctival/Scleral Penetration of P-Aminoclonidine, AGN 190342, and Clonidine in Rabbit Eyes." <i>Current Eye Research</i> , vol. 9, no. 11, 1990, pp. 1051–1059 (Chien 1990)
1035	Burke, James, and Michal Schwartz. "Preclinical Evaluation of Brimonidine." <i>Survey of Ophthalmology</i> , vol. 41, no. 1, Nov. 1996, pp. S9–S18 (Burke 1996)
1036	Petitioner's Limitation By Limitation Listing for U.S. Patent No. 8,293,742
1037-1042	Not used
1043	Slayback Defendants' Stipulation to Limit Invalidity Contentions [D.I. 18] in <i>Bausch & Lomb, Inc. et al. v. Slayback Pharma LLC et al.</i> , Civil Action No. 21-16766 (D.N.J.) (Stipulation)

Respectfully submitted,

Dated: March 29, 2022

/s/ Louis H. Weinstein

Louis H. Weinstein
Reg. No. 45,205
*Counsel for Petitioner Slayback
Pharma LLC*

CERTIFICATE OF SERVICE

I, Louis H. Weinstein, certify that I caused to be served a true and correct copy of the foregoing **PETITIONER'S FIRST UPDATED EXHIBIT LIST** by email, as follows:

Bryan Diner bryan.diner@finnegan.com

Justin Hasford Justin.hasford@finnegan.com

Caitlin O'Connell caitlin.oconnell@finnegan.com

Christina Yang christina.yang@finnegan.com

Dated: March 29, 2022

/s/ Louis H. Weinstein

Louis H. Weinstein
Reg. No. 45,205
*Counsel for Petitioner Slayback
Pharma LLC*