

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KinderFarms LLC,
Petitioner

v.

Genexa Inc.,
Patent Owner

Case PGR2023-00051

U.S. Patent No. 11,617,795

**DECLARATION OF MICHAEL CROWLEY
IN SUPPORT OF KINDERFARMS LLC'S PETITION TO
INSTITUTE A POST-GRANT REVIEW OF U.S. PAT. NO.
11,617,795 PURSUANT TO 35 U.S.C. §§ 321 *et seq.* AND 37
C.F.R. §§42.1-42.80, 42.200-42.207**

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I. INTRODUCTION

1. I, Michael M. Crowley, have been retained by Mayer Brown LLP on behalf of KinderFarms LLC (“KinderFarms” or “Petitioner”) as a technical expert in this proceeding. I understand that KinderFarms has petitioned for post-grant review of U.S. Patent No. 11,617,795 (“the ’795 Patent”) and requested that the United States Patent and Trademark Office (“USPTO”) cancel claims 1 to 24 of the ’795 Patent as unpatentable. The following discussion and analysis address the basis of KinderFarms’s petition.

A. Summary of Opinions

2. In my opinion, French Patent Publication No. 2,993,458 (“FR458”), when combined with U.S. Patent No. 4,684,666 (“the ’4666 Patent”) and/or WO 95/00133 (“WO133”), teaches all of the limitations of claims 1-24 of the ’795 Patent. FR458 teaches liquid pharmaceutical formulations for oral administration that contain, at a minimum, an API (e.g. acetaminophen), a diluent and certified organic agave syrup. WO133 teaches taste-masked acetaminophen suspensions for oral administration with viscosities that range from 200 to 900 centipoise. The ’4666 Patent teaches stabilized liquid analgesic compositions with viscosities that range from 100 to 3000 centipoise. These prior art references address palatable liquid pharmaceutical compositions for oral administration that contain bitter-tasting APIs

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