

(email dated September 18, 2015)

From: Erich Spangenberg, nXn Partners

To: Hoon Choi, Jones Day

Hoon—

- 1 Attached is a letter regarding the '976 application, '383 application and '022 application filed by Jones Day on behalf of Celgene
- 2 Relying solely on public information, it appears that some potential shenanigans might be going on with respect to these three applications and as a favor to Jones Day (don't want anyone to potentially get in trouble with the USPTO) and for the general good of consumers and taxpayers, nXnP wanted to bring this to your attention — to be clear, nXnP is not asking for nor would it accept anything from Jones Day or Celgene
- 3 Each of the subject applications state that lenalidomide can be made by following the disclosures of US Patent No. 5,635,517
- 4 In a European opposition Celgene and Jones Day affirmatively stated in an expert declaration that lenalidomide cannot be made following the teachings of the '517 patent and further stated that following the procedure set forth in the '517 would have not resulted in any lenalidomide being produced
- 5 This information came to light after experts retained by counsel attempted to produce the polymorphs claimed in the '800 patent using the examples set out in the '517 — when these experiments were unsuccessful in producing the product that prompted a rereading of the publicly available European opposition documents and this is when we came across these statements—if you would like a copy of the experimentation data, methods and results the experts conducted, I may be able to secure a copy — just let me know
- 6 You have a wonderful day
- 7 Best

Erich Spangenberg

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