

Case IPR2024-01312  
U.S. Patent No. 11,697,028

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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BIOFRONTERA INC., BIOFRONTERA BIOSCIENCE GMBH,  
BIOFRONTERA PHARMA GMBH, and BIOFRONTERA AG  
Petitioner

v.

SUN PHARMACEUTICAL INDUSTRIES, INC.  
Patent Owner

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Case IPR2024-01312

U.S. Patent No. 11,697,028

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**SUPPLEMENTAL DECLARATION OF**  
**HEATHER J. ROBERTS, M.D., FAAD**

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## **I. INTRODUCTION**

1. I, Heather J Roberts, MD, FAAD submit this supplemental declaration in support of Patent Owner's Response in *Inter Partes* Review Proceeding No. IPR2024-01312 of U.S. Patent No. 11,697,028 ("the '028 Patent").

2. I have been retained as an expert in this matter on behalf of Sun Pharmaceutical Industries, Inc. ("Sun Pharma").

3. I make this declaration based upon my personal knowledge. I am over eighteen years of age, and I am competent to testify as to the matters set forth herein if I am called upon to do so.

4. I am being compensated at my standard hourly rate of \$900.00 per hour. My compensation is not dependent on the outcome of, or any issue in relation to, the above-captioned IPR2024-01312. I have no interest in either party.

5. I incorporate by reference my opinions set forth in my declaration signed on November 23, 2024, submitted in this proceeding as Ex. 2015.

## **II. BASES FOR OPINIONS**

6. I have considered the documents and other materials listed in Ex. 2015 and below in Section III in view of my specialized knowledge provided by my education, training, research, and experience, as summarized in Ex. 2015 and described in detail in my CV, which is provided as Ex. 2016. My analysis of those materials, combined with the specialized knowledge that I have obtained over the

course of my education and career, form the bases for my opinions in this declaration.

### **III. INFORMATION CONSIDERED**

7. In forming the opinions set forth in this declaration, I have relied upon my experience and knowledge in the field of dermatology, as well as my review of certain documents in this matter, including:

- all documents referenced in Ex. 2015;
- information regarding the RhodoLED® XL and RhodoLED®; and
- all other exhibits cited herein.

### **IV. EDUCATION AND EXPERIENCE**

8. As demonstrated by my professional experience described in my curriculum vitae (Ex. 2016) and the summary of my qualifications in Ex. 2015, I have significant scientific and technological experience in dermatology. I have first-hand knowledge of the state of the art of dermatology since at least 1997.

9. Accordingly, I am an expert in the field of dermatology and have been since at least 1997.

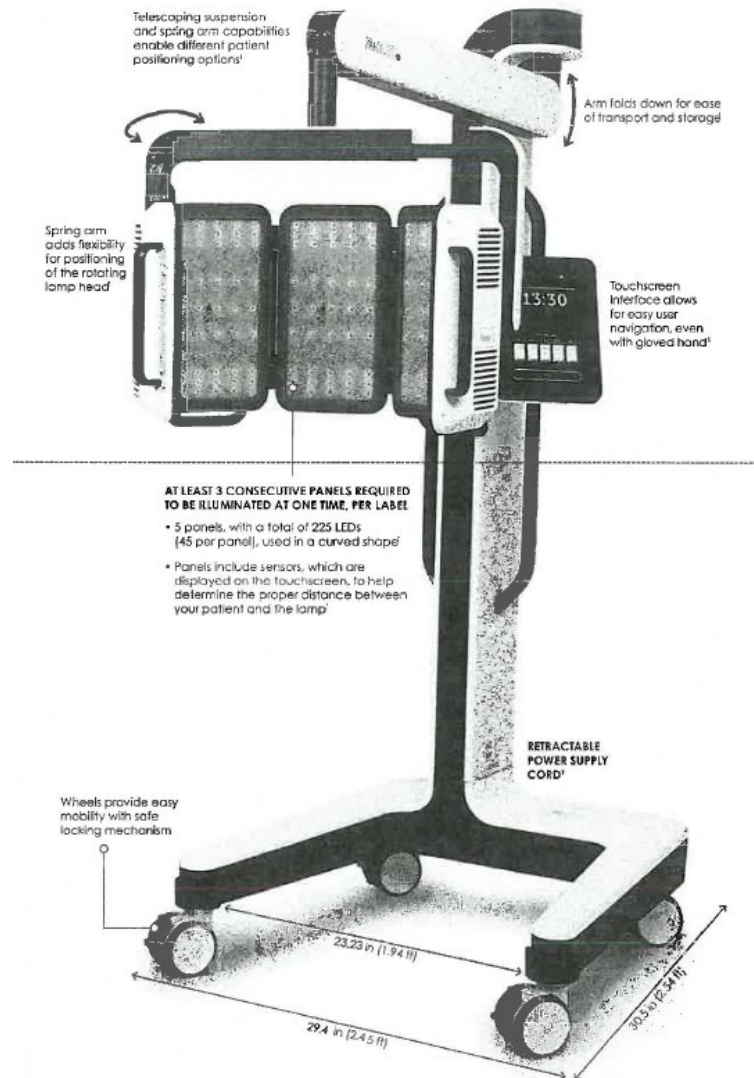
### **V. BIOFRONTERA'S PHOTOTHERAPY DEVICES**

10. I understand that Biofrontera sells a RhodoLED® PDT device for treatment of actinic keratoses with AMELUZ®, shown below.



Ex. 2056, 2; <https://us.ameluz.com/hcp/activate-with-rhodoled-lamp/>. I understand that Biofrontera's RhodoLED® device retails for \$7,500.

11. I understand that Biofrontera more recently introduced the RhodoLED® XL PDT device for treatment of actinic keratoses in combination with AMELUZ®, shown below.



Ex. 2042, 3; <https://us.ameluz.com/hcp/activate-with-rhodoled-lamp/>. I understand that the current market price for the RhodoLED® XL is \$18,500.

12. PDT devices, like the RhodoLED® XL, are large expenditures for dermatology practices. In my opinion, an interested dermatology practice would not purchase a more expensive PDT device unless there were clear and significant benefits to the more expensive device over the older device.

I hereby declare that all statements made herein of my 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.

5/7/2025  
Date

Heather Roberts M.D. FAAD  
Heather Roberts, M.D., FAAD