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12 Attorneys for Plaintiff City of Oakland

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16
 17 CITY OF OAKLAND,

18 Plaintiff,

19 v.

20 ERIC HOLDER, Attorney General of the
 United States; and MELINDA HAAG, U.S.
 21 Attorney for the Northern District of
 California,

22 Defendants.
 23

No. CV 12-5245 MEJ

Related Cases: No. CV 12-3566 MEJ
 No. CV 12-3567 MEJ

**DECLARATION OF ACHIM
 BRINKER IN SUPPORT OF CITY OF
 OAKLAND'S REPLY RE ITS MOTION
 TO STAY LANDLORDS' "MOTIONS
 FOR ORDER PROHIBITING
 UNLAWFUL USE OF DEFENDANT
 PROPERTY" IN RELATED CASES**

Hearing Date: December 20, 2012

Time: 10:00 am

Courtroom: B, Hon. Maria Elena James

1 I, Achim Brinker, declare:

2 1. I am an associate at the law firm of Morrison & Foerster, LLP, counsel of record
3 for Plaintiff City of Oakland in this action. I make this declaration in support of Oakland's
4 Motion to Stay Landlords' "Motions for Order Prohibiting Unlawful Use of Defendant Property"
5 in Related Cases. Unless otherwise stated, I have personal knowledge of the facts set forth
6 herein, and if called, could and would competently testify thereto.

7 2. I obtained a PhD degree in biochemistry (summa cum laude) in 2001 from the
8 University of Tübingen, Germany for work conducted at the Max-Planck-Institute of
9 Biochemistry, Germany. I am a member of the patent bar and have been licensed to practice
10 before the United States Patent and Trademark Office since 2008.

11 3. I have eight years of professional work experience in life-sciences research,
12 including six years of experience in drug discovery research in the pharmaceutical industry. I
13 have served as peer reviewer of drug discovery research proposals on behalf of the National
14 Institutes of Health between 2006 and 2009. I have also served as an Editorial Board Member of
15 peer-reviewed life-sciences journals between 2006 and 2012.

16 4. At Morrison & Foerster I am a member of the Patent Group. My practice is
17 focused on patents covering inventions in the life-sciences. The analysis of technical literature in
18 the life-sciences, including drug discovery and pharmacology, is an integral part of my daily
19 work. Given my professional scientific background and the current focus of my patent practice, I
20 believe I am well qualified to assess the meaning and significance of the technical and patent
21 literature listed below.

22 5. Attached hereto are true and correct copies of the following documents:

23 A. Exhibit 1: Excerpt from International Patent Application WO 2009/140210
24 *A2, Radiotracers for Imaging Cannabinoid Sub-Type 1 (CB₁) Receptor* (diagnostic
25 tools to probe the biology underlying cannabinoid activities), published on
26 November 19, 2009. Inventors – Two Scientists from the National Institute of
27 Mental Health. Applicant - United States of America as represented by the
28 Department of Health and Human Services.

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B. Exhibit 2: Press Release from KannaLife Sciences, Inc. regarding “KannaLife Sciences, Inc. Signs Exclusive License Agreement with National Institutes of Health - Office of Technology Transfer for the Commercialization of U.S. Patent 6,630,507, ‘Cannabinoids as Antioxidants and Neuroprotectants,’” dated July 9, 2012.

C. Exhibit 3: Article by Robert H. Dworkin, et al. entitled *Pharmacologic Management of Neuropathic Pain: Evidence-Based Recommendations*, published in *Pain* on December 5, 2007.

D. Exhibit 4: Article by Ronald J. Ellis, et al. entitled *Smoked Medical Cannabis for Neuropathic Pain in HIV: A Randomized, Crossover Clinical Trial*, published in *Neuropsychopharmacology* in February 2009.

E. Exhibit 5: Package Insert by Abbott Laboratories as approved by the Food and Drug Administration regarding “MARINOL^R (Dronabinol) Capsules,” dated March 2010.

F. Exhibit 6: Package Insert by Meda Pharmaceuticals Inc. as approved by the Food and Drug Administration regarding “CESAMET^R (Nabilone) Capsules,” dated April 2011.

G. Exhibit 7: Database entry by GW Pharmaceuticals Ltd. in ClinicalTrials.gov, a service of the National Institutes of Health, regarding “A Study of Sativex^R for Relief of Peripheral Neuropathic Pain Associated with Allodynia,” last updated August 28, 2012.

H. Exhibit 8: Article by Ashraf G. Madian, et al. entitled *Relating Human Genetic Variation to Variation in Drug Responses*, published in *Trends in Genetics* in October 2012.

I. Exhibit 9: Article by Barry M. Brecht, et al. entitled *Short-Term Effects of Cannabinoids on Immune Phenotype and Function in HIV-1-Infected Patients*, published in the *Journal of Clinical Pharmacology* in November 2002.

- 1 J. Exhibit 10: Article by Donald. I. Abrams, et al. entitled *Cannabis in*
2 *Painful HIV-Associated Sensory Neuropathy: A Randomized Placebo-Controlled*
3 *Trial*, published in *Neurology* on February 13, 2007.
- 4 K. Exhibit 11: Article by Parkash Nagarkatti, et al. entitled *Cannabinoids as*
5 *Novel Anti-inflammatory Drugs*, published in *Future Medicinal Chemistry* in
6 October 2009.
- 7 L. Exhibit 12: Article by Patricia E. Molina, et al. entitled *Cannabinoid*
8 *Administration Attenuates the Progression of Simian Immunodeficiency Virus*,
9 published in *Aids Research and Human Retroviruses* in June, 2011.
- 10 M. Exhibit 13: Article by Cristina M. Costantino, et al. entitled *Cannabinoid*
11 *Receptor 2-Mediated Attenuation of CXCR4-Tropic HIV Infection in Primary*
12 *CD4⁺ T Cells*, published in *PLoS One* on March 20, 2012.
- 13 N. Exhibit 14: Article by Mohanraj Rajesh, Pál Pacher, et al. entitled
14 *Cannabidiol Attenuates Cardiac Dysfunction, Oxidative Stress, Fibrosis,*
15 *Inflammatory, and Cell Death Signaling Pathways in Diabetic Cardiomyopathy,*
16 published in the *Journal of the American College of Cardiology* on December 14,
17 2010.
- 18 O. Exhibit 15: Article by Hao Pan, Pál Pacher, et al. entitled *Cannabidiol*
19 *Attenuates Cisplatin-Induced Nephrotoxicity by Decreasing Oxidative/Nitrosative*
20 *Stress, Inflammation, and Cell Death*, published in the *Journal of Pharmacology*
21 *and Experimental Therapeutics* in March 2009.
- 22 P. Exhibit 16: Article by Partha Mukhopadhyay, Pál Pacher, et al. entitled
23 *Cannabidiol Protects Against Hepatic Ischemia/Reperfusion Injury by Attenuating*
24 *Inflammatory Signaling and Response, Oxidative/Nitrate Stress, and Cell Death,*
25 published in the *Free Radical Biology & Medical Journal* on May 15, 2011.
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Q. Exhibit 17: Article by Mohanraj Rajesh, Pál Pacher, et al. entitled *Cannabidiol Attenuates High Glucose-Induced Endothelial Cell Inflammatory Response and Barrier Disruption*, published in the American Journal of Physiology – Heart and Circulatory Physiology in July 2007.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 11, 2012 in San Francisco, California.



ACHIM BRINKER