

ESTTA Tracking number: **ESTTA609335**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052897
Party	Plaintiff Thomas Skold
Correspondence Address	ARTHUR E JACKSON MOSER IP LAW GROUP 1030 BROAD STREET, SUITE 203 SHREWSBURY, NJ 07702 UNITED STATES docketing@mtiplaw.com, ajackson@mtiplaw.com
Submission	Opposition/Response to Motion
Filer's Name	Arthur E. Jackson
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Signature	/Arthur E. Jackson/
Date	06/11/2014
Attachments	SKSKD007 Brief in Opposition to Registrant_s Motion to Strike.pdf(152989 bytes ) Skold Exhibits Opposition to M to Strike.pdf(2411273 bytes ) SKD007 Skold Notice of Filing Marks Deposition.pdf(43698 bytes ) Marks Deposition Final.pdf(106177 bytes ) Marks ExhibitsT149_150part1.pdf(2186564 bytes ) Marks ExhibitsT149_150part2.pdf(2699188 bytes )



In Nov. 2013, Dr. Marks was Chair of Dermatology at Penn. State Univ. College of Medicine. Of Exhibit T150's two pages, the first is an email, and is unrelated by content to page 2. The email has 31 lines of English, 9 lines needing translation, and 3 Swedish lines of plain meaning. The email has, in English, a description of the Restoraderm technology, but does not use that name. As Registrant recognized during the deposition,<sup>4</sup> the email concerns drafting a patent for Restoraderm technology. The second page is a lengthier description of the technology titled "**Restoraderm**: A product and a dermal delivery technology" (emphasis added). The two pages are related by the fact that they were found in Dr. Marks' file with an "original" staple joining them,<sup>5</sup> by the dating that the email of p.1 thus provides to p. 2, and by Dr. Marks' recollection that "this was sent in preparation for a meeting at the Caribbean Derm to discuss Restoraderm."<sup>6</sup>

### **General Argument**

Registrant has presented, and admits it has, zero evidence of priority before 28 February 2002. Instead of evidence, Registrant has sought to imply by cross-examination that Sköld's evidence is made up or exaggerated. Exhibit T150 and its testimonial framework shatters that innuendo. This is what Registrant seeks to exclude.

On the day of Dr. Marks' deposition, the undersigned met with him for just a very few minutes ahead of the depositions of Jeff Day and Dr. Marks,<sup>7</sup> to review documents Dr. Marks had recently found in his office. Dr. Marks was largely otherwise occupied while the undersigned reviewed the documents. As Dr. Marks testified, he gave Ex.

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<sup>4</sup> Marks Dep. 16:11 – 17:5.

<sup>5</sup> Marks Dep. 6:2-14.

<sup>6</sup> Marks Dep. 7:17-21.

<sup>7</sup> Day deposition scheduled to begin at 1 p.m.; it ran 1:33 to 3:44 p.m. The Marks deposition ran from 4:00 to 4:26.

T150 to the undersigned “*approximately four hours ago*” at “12:30, 1:00 today.”<sup>8</sup> The undersigned saw only Ex. T150 and one other document, attached hereto as Exhibit 1, as of potential relevance (to Sköld’s or to Registrant’s position), and asked for these, plus Dr. Marks’ Curriculum vitae (Ex. T149).<sup>9</sup> Copies of the C.V. and Exhibit T150 were made available at the deposition, including copies for Registrant’s use. The attached Declaration of Thomas Sköld<sup>10</sup> shows that he did not see Ex. T150 until the day of the Marks deposition, and only vaguely learned of Ex. T150 the night before.

Thus, the undersigned made Exhibit T150 available to Registrant within a very few hours of its being given to Petitioner. There has been no undue surprise within the concept of Fed. R. Civ. P. 37(c)(1) since discovery within 4 hours of introduction is more than ***substantial justification*** under that rule.

Registrant was well aware that Mark’s testimony would concern Dr. Marks’ “information on priority of trademark use.”<sup>11</sup> That Dr. Marks had documentary corroboration on this very point of priority was a pleasant surprise to the undersigned; It was not an undue surprise of the type the rules seek to exclude. Accordingly, the motion should be denied in due course, namely at “final hearing.” 37 CFR 1.123(k).

Petitioner believes that the above encapsulates its argument, and clearly shows that the Motion should be denied, but there are an additional few points he wishes to make, including rebuttals to certain text in the Registrant’s Motion to Strike.

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<sup>8</sup> Marks Dep. 14:15-19 (emphasis added).

<sup>9</sup> The box in which any documents collected from Marks would be found contained only one additional document (Exhibit 1). Thus, Dr. Marks’ testimony at p. 20 of his deposition of “four or five” is inadvertently incorrect.

<sup>10</sup> Declaration of Thomas Sköld attached as Exhibit 3.

<sup>11</sup> Exhibit A.1 to Registrant’s Motion to Strike at 3, 16 (Petitioner’s Pre-Trial Disclosures).

### **“Complete Lack of Good Faith”**

Registrant asserts that, because Petitioner did not distract from the Day Deposition to discuss his upcoming presentation of Ex. T150 during the Marks Deposition, he acted “with a complete lack of indicia of good faith.” Strong language for at very most a small harm. If the Registrant needed more time during the depositions of mid-November 2013, it could have asked for it – and would have received it to the extent it was in the power of Petitioner.<sup>12</sup> If the Registrant developed some real attack on the document it could have *timely* alerted the undersigned and possibly the Board to seek to launch this attack. There was no lack of good faith. And there was no harm in the *less than four hour delay between discovery and production to Registrant*.

Registrant asserts harm in that more time would have allowed for an informal translation. Nothing in the few lines of Swedish text affects any argument helpful to Registrant. See Exhibit 2 (comparison of Google Translate translation and Registrant’s professional translation).<sup>13</sup> As discussed above, Registrant’s cross-examination shows that it exactly understood what the email of p.1 of Exhibit T150 comprised. Moreover, Petitioner made great pains to make Sköld available for a deposition during Registrant’s testimony period, though Registrant did not notice any depositions. If Registrant wanted Petitioner’s view as a native speaker of Swedish, Petitioner was available.

Further, all of this has little to do with why Exhibit T150 was put in evidence, and why Registrant seeks to exclude it as a last gasp effort to save its case. As discussed above, what is important is its existence as corroboration of Dr. Marks’ testimony. The

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<sup>12</sup> The Marks deposition finished at 4:26 p.m., leaving plenty of time for a recess. Moreover, the next day was available, and originally scheduled for depositions.

<sup>13</sup> Attached hereto.

email date, the original staple, and the “Restoraderm” title of the technology description were the important things (*“Important Things”*), and these were plainly and unambiguously in front of Registrant during the 14 November deposition.

### **Asserted Lack of Context for Exhibit T150**

Registrant misleadingly asserts “Registrant and the Board are left with no context for what this single page [p. 2] is or how it relates to the email, if at all.” As discussed, and well known to Registrant, the papers are related by storage with an original staple and being “sent in preparation for a meeting at the Caribbean Derm.” Thus, the context is quite clear, and Registrant’s assertions to the contrary are disingenuous.

### **Translation Issue**

The great majority of Ex. T150 is in English. It takes but a very few minutes to learn the meaning of a few lines of prospectively substantive Swedish text (about 76 words) via Google translate. See Exhibit 2. At least one of Registrant’s two attorneys at the deposition had plenty of time to obtain a useful translation.

What is most relevant is the *Important Things*. Nothing in the few Swedish lines would have provided grist for cross-examination. Even had it been important, Registrant recognized that the email related to drafting a patent application.<sup>14</sup> That’s exactly the message of the only truly substantive lines in Swedish (the 2<sup>nd</sup> to 4<sup>th</sup> Swedish lines: essentially, *rough draft attached, I edited the lipid disorder concept*). Registrant’s cross-examination sought to highlight the lack of internal connection between the two pages,<sup>15</sup> thus illustrating that Registrant had a full chance to cross-examine the origins of this

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<sup>14</sup> Marks Dep. 16:11 – 17:5.

<sup>15</sup> Marks Dep. 15:17 – 18:1.

document. Registrant's motion, prepared with six months of preparation time, indicates no substantial area where Registrant was deprived of an opportunity to challenge.

The Registrant asserts that a certified translation of the ancillary text of p. 1 was "required by the rules," and cites Fed. R. Evid. 604 and a precedential Board decision. Rule 604 states that an "interpreter must be qualified and must give an oath or affirmation to make a true translation." The rule's plain text does not stand for Registrant's proposition. If a translation were needed, Registrant has provided it.

The case cited is Blue Man Prods. Inc. v. Tarmann, 75 U.S.P.Q.2d 1811, 1814, Opp. No. 91154055 (TTAB 2005). Registrant's brief implies that it stands for a rigid requirement for translation, but provides a cunningly crafted parenthetical on the case saying: "granting applicant's motion to strike with respect to evidence submitted in a foreign language." The Board in Dicta complains about the language issue, but more importantly it complains that "there is no indication that they... have been circulated in the United States." See, Blue Man, slip op. at 8. The true ruling was that the documents were not properly authenticated, and thus excluded.<sup>16</sup> The citation of Blue Man so as to suggest it stands for a rigid requirement for translation is disingenuous.

Accordingly, the translation issue is a red herring.

### **Failure to Produce**

As is clearly outlined above, Petitioner did not have Exhibit T150 until within 4 hours of when it was provided to Registrant. Nor for that matter did Petitioner earlier have Exhibit T149. As set forth in the Declaration of Thomas Sköld, he did not find Exhibit T150 in his efforts to find documents for production.

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<sup>16</sup> Blue Man at 11.

Exhibit 1 to this Opposition Brief, the one additional document the undersigned received from Dr. Marks, is of no relevance to Registrant's defense. It says that Dr. Marks and Dr. Ruby Ghadially worked together in July 2003 on reviewing studies of the Restoraderm product. Registrant (a) knows who Dr. Marks is and the likely contours of his involvement with Sköld, and (b) knows Dr. Ghadially's role as a tester of Restoraderm formulations was known to them from long disclosed documents that were introduced at trial, including at least Exhibits T23, T50, T59, T61 and T84.

Accordingly, there was no harm to Registrant.

### **Non-Timely Motion**

Pursuant to §707.03(b)(3), TTAB Manual Of Procedure (3rd Ed., 2nd Rev., 2013), the Motion should have been made promptly after the testimony of Dr. Marks. Instead, Registrant made its Motion 6 months, 13 days after the Marks testimony.

If the motion had been filed in a timely manner, Registrant would have even less chance of achieving its object of excluding Exhibit T150, but the Board's object of assuring a fair presentation of evidence would have been further sustained. Having suffered very little if any harm, and then contrary to the Board's procedures gamed the process to assure that there was no avenue to ameliorate any such little harm, Registrant does not deserve the sanction of excluding Exhibit T150.

Accordingly, in light of the clear lack of harm, and the untimeliness of the motion, the motion should be denied.

### **Registrant Seeks to Strike Noticed Testimonial Evidence**

Registrant's proposal on purging the *testimony* of Dr. Marks highlights the injustice of the Motion. There is no assertion that Dr. Marks' testimony was not noticed.

Dr. Marks testified that he attended a side meeting at the inaugural Caribbean Derm meeting in January 2002, and Exhibit T150 corroborates that testimony. At p. 8 of the Marks Deposition, *as Registrant would redact it*, Marks would answer “Yes” to “Did the meeting you spoke of concerning Restoraderm happen at the January Caribbean Derm meeting?”, without any context for what meeting was referenced. In the would-be stricken part (p. 7), Dr. Marks explains that Ex. T150 “was dated actually 11 January 2002, right before that Caribbean Dermatology meeting, and as I recall, this was sent in preparation for a meeting at the Caribbean Derm to discuss Restoraderm.” So Registrant would strike (a) a context for what meeting (to discuss Restoraderm), (b) a better time frame for the meeting, and (c) the fact that that Dr. Marks found validation for his recollection of the meeting in his files. Moreover, from the un-redacted testimony it is clear (d) that the word “Restoraderm” is something used at the meeting, not a phrase applied in hindsight. This clearly noticed and appropriate testimony would be lost if the deposition were redacted per Registrant’s Exhibits B.1 and B.2.

Further, text is stricken at p. 9 simply because it identifies the Restoraderm technology with reference to Ex. T150. The testimony that those “individuals that were involved in the scientific evaluation” used the term “Restoraderm” exclusively reference Sköld’s technology is valid even without reference to Ex. T150.

While Petitioner does not believe that the Board will strike Exhibit T150, if it did, it would need to revisit the undue removal of clearly noticed testimonial evidence. Since there is no jury, it could do this by simple description of the weight it will apply to evidence, rather than by editing the deposition.

**Conclusion**

In light of the discussion above, clearly the Motion should be denied.

Respectfully submitted,

Date: June 11, 2014

By: 

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Attorney for Petitioner



**Exhibit T150**  
(Corroborating evidence to Dr. Marks' testimony)

Sköld v. Galderma  
Cancellation No. 92052897  
Re Registration Nos. 2985751 and 3394514  
Re Registrant's Motion to Strike

**Thomas Sköld**

Från: "Ylva Margareta Skoglösa" <YMS@pv.dk>  
 Till: "Thomas Sköld" <skold@mbox312.swipnet.se>  
 Skickat: den 11 januari 2002 11:37  
 Bifoga: CLAIMS.doc  
 Ämne: krav och text 31307XX1

Bäste Thomas,

Tack för ett väldigt trevligt och kreativt möte.

Jag bifogar som avtalat det mycket oslipade utkast till kraven som vi ställde up i gemensamt arbete i går.

Jag har även spånat lite på en engelsk text om lipid-oordningen:

The vehicle is designed in its choice of and share of lipids to resemble the normal lipid organisation of the stratum corneum. Thus the administered vehicle will easily penetrate the lipid bilayer of the skin and in doing so create a temporary and reversible state of enhanced atrophy among the bilayer. The enhanced atrophy in itself should then give rise to a) enhanced energy levels, said energy could promote active transport of the to-be-carried substances into the skin, and/or b) naturally and reversibly occurring holes and disorganised patches in the lipid bilayer, through which the active substances could then pass more easily. It is very well feasible that the temporary disarray in the lipid bilayer will temporarily break up the organised structure of the bilayer and create micelles of lipids with areas between them/ surrounding them through which lipophobic/hydrophil substances and compositions can enter the stratum corneum. As the content of the vehicle resembles the natural lipid build-up of the skin, the so introduced new lipids will after a short span of creative chaos easily blend in with the natural lipid building stones of the lipid bilayer and thus not permanently damage the skin.

Som en sista punkt för denna gången, ber jag dig att du skickar oss den adress som du vill att vi skall sända posten till.

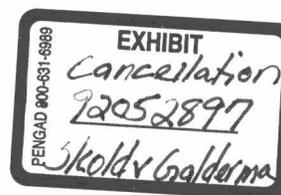
Ha det så skönt i solen.  
 Med glada hälsningar,

Ylva

<<CLAIMS.doc>>  
 Ylva Skoglösa, Ph.D.  
 Plougmann & Vingtoft a/s  
 - intellectual property consulting  
 Tel. +45 33 63 93 00  
 Direct: +45 33 63 93 85  
 Fax: +45 33 63 96 00  
 Web: [www.pv.dk](http://www.pv.dk)  
 e-mail: [yms@pv.dk](mailto:yms@pv.dk)

① NOTICE  
 ② TWIN LAB

TILL TURNER  
 001 801 553 7075



NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for

# Restoraderm

## A product and a dermal delivery technology

Restoraderm is a novel dermal drug delivery vehicle formulated to provide unique skin barrier restoration properties. It is a water-based product containing lipids similar to those which make up the normal skin barrier (stratum corneum) – palmitic acid, cholesterol and ceramide 3. Uniquely, Restoraderm also contains mevalonic acid, which has been shown to promote *in situ* cholesterol synthesis by the skin. By promoting synthesis of cholesterol, the lipid content of the vehicle can be maintained in the 6 – 13% range and the water content 70 – 80%, thereby enabling the skin to “breathe” normally, enhancing the ability to restore normal barrier function. The formulation can be used alone to stimulate skin barrier restoration, or can be enhanced by the addition of certain active drug substances, which may be dissolved in appropriate solvents such as propylene glycol or ethanol.

Typical dermal drug delivery vehicles have an alcohol or petrolatum base, with little consideration given to the biological properties of the vehicle itself. In contrast the Restoraderm technology is designed not only to efficiently deliver active ingredients to or through the skin but also to enhance their efficacy by stimulating restoration of normal skin barrier function. This benefit arises not only due to the delivery of lipids in the vehicle itself but also as a result of the stimulation of cholesterol biosynthesis by the skin.

The lipids in the Restoraderm formulation have been specifically designed to contribute to the restoration of the normal barrier without the risk of a significant degree of barrier disruption. For example, emulsified fatty acids can inherit certain detergent properties if their structure is significantly altered from those in the normal skin. These detergent properties can lead to disruption of normal barrier function counteracting the potential benefit of the vehicle technology. Restoraderm lipids are designed to eliminate these unwanted side effects.

The Restoraderm vehicle is designed to enhance the penetration of active ingredients into the normal stratum corneum. Whereas in other formulations the enhancement of penetration arises due to disruption of the normal barrier (with concomitant physiological consequences) the Restoraderm technology is designed to enhance penetration while leaving the normal barrier intact (or even functionally enhanced). This effect is achieved by careful selection of the lipids of the vehicle, which blend with the normal lipids present in the stratum corneum, resulting in a temporary and reversible disruption and enhanced penetration, followed by a rapid return to normal barrier function.

**Exhibit 1**

(Other document provided to Jackson by Dr. Marks)

Sköld v. Galderma  
Cancellation No. 92052897  
Re Registration Nos. 2985751 and 3394514  
Re Registrant's Motion to Strike

James G. Marks Jr. M.D. - FW: Restoraderm

From: "Jeffrey Day" <jday@collagenex.com>  
To: "James G. Marks Jr. M.D." <jmarks@psu.edu>  
Date: 7/15/2003 1:51 PM  
Subject: FW: Restoraderm

① Couldn't Interpret Data Figures

Jim,  
I have enclosed the results of a study we performed via Ruby Ghadially (UCSF); on Restoraderm. The intent of the study was to prove barrier recovery, and we did so versus Petrolatum, which seems to be the gold standard.

Issues: The only potential negative to the study is that barrier recovery with Restoraderm took 18-24 hours, and barrier recovery with Petrolatum was faster acting!

- Is this time period an issue? - No
- Would someone expect faster than 24 hours? - No
- Does this matter? - No

② Standard in this Model

We are working on ways to show faster results:

- Interesting

1. Pre-Treating for 5 days
2. Using Acetone versus tape stripping, simply because our product (Restoraderm) works by mingling with the lipids, and tape stripping eliminates everything. It may take that long to work, simply because there is no lipids to mingle with until that time period!

**We are also looking at a 5 day study to show we don't disturb the barrier longer term!**

Let me know of your thoughts and any comments or recommendations you have!

Jeff Day

③ Chronic vs Acute Injury  
SHS-?

-----Original Message-----

From: Ruby Ghadially [mailto:rghadially@orca.ucsf.edu]  
Sent: Monday, July 07, 2003 12:48 AM  
To: jday@collagenex.com; thomas-skold@telia.com  
Subject: Restoraderm

Dear Jeff, Thomas,

Please find attached the results of the barrier studies.

OBJECTIVE: To determine if application of Restoraderm to epidermis improves barrier recovery

good model? ④

METHODS: To determine if application of Restoraderm to the epidermis improves barrier recovery the barrier was perturbed by tape stripping. Immediately after barrier perturbation Restoraderm was applied to the epidermis. Barrier recovery was then measured at 2, 4, 6, and 24 h.

RESULTS: As you can see from the attached RESULTS there is a tendency to delay the barrier recovery, but no significant delay. Because of the results with Restoraderm, we also did a full study with the Restoraderm plus precursors to confirm the findings. There is really no significant delay in barrier repair with Restoraderm like there is with Restoraderm

Can improve? ⑤

plus lipid precursors.

This may partly explain why we got such good penetration pictures in the first studies!

\* We need to consider why Restoraderm did not improve barrier recovery as expected.

Are the lipids truly in physiologic ratios - (Thomas?). From the presentation it looks like they are.

If we add the precursor lipids it appears that they must no longer be in this physiologic ratio?

If they are in physiologic ratio then it may well be that the other components of the cream are interfering with the ability of the lipid mix to improve barrier recovery.

What should we do next.

1. First of all we can do a simple study of 5 days application of Restoraderm to normal skin and show it does not actually perturb the barrier. This would be valuable. Good drug penetration with no barrier perturbation.
2. We can consider further studies of the lipid mix alone to see its effect on barrier recovery. If the lipid mix improves barrier recovery then it is something else in another phase that is interfering.
3. There is a possibility that if we designed the study with a pretreatment phase of 5 days of Restoraderm application the barrier would be improved.

Maybe we should email some comments and then arrange a conference call to discuss fully (I am out of town July 7-12).

Ruby

Ruby Ghadially M.B., Ch.B., F.R.C.P.(C)Derm  
Associate Professor  
Dept. of Dermatology  
University of California, San Francisco

Tel: (415) 221-4810 ext. 3373  
Fax: (415) 751-3927  
email: rghadially@orca.ucsf.edu

Mailing Address:  
VA Medical Center (190)  
4150 Clement St.  
San Francisco, CA 94121

## **Exhibit 2**

( A comparison of Google Translate vs. Registrant's professional translation for  
the few lines of Swedish in Exhibit T150)

Sköld v. Galderma

Cancellation No. 92052897

Re Registration Nos. 2985751 and 3394514

Re Registrant's Motion to Strike

<b>Google Translate – 27 May 2014</b>	<b>Galderma Translation Provided with Motion</b>
<p>from: [Email address -- NTT<sup>1</sup>]  to: [Email address – NTT]  Posted: 11 January 2002 11:37  attach: [English]  Subject: requirements and text 31307XX1</p> <p>Dear Thomas,</p> <p>Thanks for a great and creative meeting.</p> <p>I enclose which contracted the very rough draft of the requirements that we set up in joint work yesterday. I have also been checking some on an English text of lipid disorder:</p> <p>[English text in 17 lines – NTT]</p> <p>As a final point for this time, I ask that you send us the address you want us to send the item to.</p> <p>Please enjoy in the sun.  With cheerful greetings,</p>	<p>From: "Ylva Margareta Skogl6sa" &lt;YMS@pv.dk&gt;  To: "Thomas Skold" &lt;skold@mbox312swipnet.se&gt;  Sent: January 11, 2002 11:37  Attachments: CLAIMS.doc  Subject: requirements and text 31307XX1</p> <p>Dear Thomas,</p> <p>Thank you for a very enjoyable and creative meeting.</p> <p>I attach as per agreement, the very rough draft of the requirements that we drew up together yesterday. I have also come up with ideas about an English text on lipid disorder:</p> <p>[English text in 17 lines – NTT]</p> <p>As a final point for this time, I ask you to send us the address where you would like us to send the post.</p> <p>Enjoy the sunshine.  Very best regards,</p>

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<sup>1</sup> NTT = No need to translate.

### **Exhibit 3**

(Declaration of Thomas Sköld, executed 4 June 2014)

Sköld v. Galderma

Cancellation No. 92052897

Re Registration Nos. 2985751 and 3394514

Re Registrant's Motion to Strike

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Nos. 2985751; and 3394514

Dated: August 16, 2005 & March 11, 2008, Respectively

Thomas Sköld,	)	
Petitioner,	)	
	)	
v.	)	
	)	Cancellation No. 92052897
Galderma Laboratories, Inc.,	)	
Registrant	)	
_____	)	

**DECLARATION OF THOMAS SKÖLD**

1. I, Thomas Sköld, declare as follows:
2. I am the Petitioner in this Cancellation proceeding.
3. I am over the age of eighteen (18) and am competent to make this declaration.
4. I have personal knowledge of the matters which are the subject of this declaration.
5. I was present at the deposition of Dr. James G. Marks on 14 November 2013, and present when Exhibit T150 was introduced.
6. I am aware of the content of Exhibit T150, and I am aware that I am the probable source from which Dr. Marks obtained Exhibit T150 in late 2001 or early 2002.
7. Nonetheless, I did not uncover a copy of Exhibit T150, nor either of p. 1 or p. 2 thereof, during my efforts to find documents for production in this proceeding.
8. On the evening before Dr. Marks' deposition on 14 November 2013, in a social setting, Dr. Marks mentioned that he had found a document dating from early 2002 mentioning Restoraderm, which document turned out to be Exhibit T150.
9. I did not see Exhibit T150 until sometime after 12 p.m. on 14 November 2013.
10. The events of the preceding two paragraphs provided me with my first knowledge during this cancellation proceeding that Exhibit T150 existed.

11. prior to 14 November 2013, I knew in principle that Dr. Marks had a distinguished Curriculum Vitae, but did not have a copy. Nor did I earlier realize that it might be useful in Dr. Marks' deposition.

12. I declare, under penalty of perjury under the laws of the United States of America and 28 U.S.C. § 1746, that the foregoing is true and correct, and that this declaration was executed this 4<sup>TH</sup> day of June 2014 in Norrtälje, Sweden.

Date: JUNE 4<sup>TH</sup>, 2014

Respectfully submitted,

By: 

Thomas Sköld





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration Nos. 2985751; and 3394514

Dated: August 16, 2005 & March 11, 2008, Respectively

\_\_\_\_\_  
Thomas Skold, )  
 )  
 ) Petitioner, )  
 )  
v. )  
 )  
Galderma Laboratories, Inc., )  
 )  
 ) Registrant. )  
\_\_\_\_\_

Cancellation No. 92052897

DEPOSITION OF JAMES G. MARKS, M.D.,

a witness herein, called for examination, taken by  
and before Ann Medis, Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Pennsylvania, at the Penn State  
Hershey Medical Center, University Physician  
Center, 4th Floor Conference Room, 500 University  
Drive, Hershey, Pennsylvania 17033, on Thursday,  
November 14, 2013, commencing at 4:00 p.m.

Job No. 32507

## 1 APPEARANCES:

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6 732.917.6323

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24  
25 Also Present: Thomas Skold

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\* I N D E X \*

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Exhibit T149	James G. Marks, M.D. CV	4
Exhibit T150	Email, 1/11/02, and stapled attachment, from Ylva Margereta Skoglosa	6

- - - -

1  
2 JAMES G. MARKS, JR, M.D.,  
3 having been first duly sworn, was examined  
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. JACKSON:

7 Q. Professor Marks, could you put your full  
8 name into the record.

9 A. James G. Marks, Jr.

10 Q. Your residence?

11 A. Hershey, Pennsylvania.

12 MR. JACKSON: I'm going to put this in  
13 the record as Skold T149.

14 (Petitioner Exhibit T149 was marked.)

15 BY MR. JACKSON:

16 Q. Professor Marks, is what has been handed  
17 to you as Exhibit T149, is that a copy of your  
18 curriculum vitae?

19 A. Yes.

20 MR. ROCHFORD: I'll object to these  
21 questions on the grounds of relevance, foundation,  
22 form. If this is a prelude to some attempt to  
23 qualify Dr. Marks as an expert in this case,  
24 there's been no notice given under Rule 26 during  
25 the required period in this proceeding, and the

1 MARKS

2 corollary TBMP rule, which is 401.3.

3 So we will proceed under protest here as  
4 indicated under the TBMP rules and object to any  
5 expert testimony given here contrary to the --

6 MR. JACKSON: I don't believe that will  
7 be an issue, but we'll see.

8 BY MR. JACKSON:

9 Q. When and where did you meet Thomas  
10 Skold, Professor Marks?

11 A. When and where? I believe it was in the  
12 late 1990s in Orlando, Florida at an American  
13 Academy of Dermatology meeting. So I'd have to  
14 look at what year that American Academy of  
15 Dermatology meeting actually occurred, but I  
16 believe it was the late '90s. It could have been  
17 earlier. I don't think it was in this century.

18 Q. Did you perhaps in collaboration  
19 organize the original Caribbean Derm meeting?

20 A. Yes.

21 Q. What year was that?

22 A. That was in 2002.

23 Q. I will assume, but ask for your  
24 confirmation, that you attended.

25 A. Yes. I did attend.

## MARKS

1  
2 Q. I believe that in the recent period  
3 leading up to this deposition that you found in  
4 your file a paper that I will have labeled Exhibit  
5 T150.

6 (Petitioner Exhibit T150 was marked.)

7 BY MR. JACKSON:

8 Q. That is an email and a stapled  
9 attachment with the email being from Ylva  
10 Margereta Skoglosa dated 11 January 2002.

11 Now, as you found that document in your  
12 files, was it stapled with the original staple as  
13 it is in the exhibit?

14 A. Yes.

15 MR. ROCHFORD: Wait a minute. I only  
16 have a one page.

17 MR. JACKSON: It's on -- the back page  
18 is copied.

19 MR. ROCHFORD: You're saying what is a  
20 two-sided document was actually two pages in his  
21 files?

22 MR. JACKSON: Yes. Here it is, the  
23 original.

24 MR. ROCHFORD: I object to any testimony  
25 regarding this document as it has not been

1 MARKS

2 produced previously. There's been ample  
3 opportunity. So we proceed under protest.

4 BY MR. JACKSON:

5 Q. What is your inference as to why the  
6 document attached that's entitled "Restoraderm, A  
7 Product and A Dermal Delivery Technology," what is  
8 your inference as to why it is found in your files  
9 stapled to a January 2001 document, email?

10 MR. ROCHFORD: First I'll object to the  
11 question as I think there was a date misstated,  
12 first of all. So I'll object to the form.

13 Beyond that, the question calls for  
14 speculation, and there's been no foundation laid  
15 as to what this document is. So on all those  
16 grounds we'll object.

17 A. It was dated actually 11 January 2002,  
18 right before that Caribbean Dermatology meeting,  
19 and as I recall, this was sent in preparation for  
20 a meeting at the Caribbean Derm to discuss  
21 Restoraderm.

22 MR. ROCHFORD: Move to strike as  
23 nonresponsive and for all the bases previously  
24 indicated as well as to T150 a hearsay objection.  
25

## MARKS

1  
2 BY MR. JACKSON:

3 Q. Did that meeting concerning Restoraderm  
4 occur at the Restoraderm derm -- sorry -- at the  
5 Caribbean Derm meeting of January 2001?

6 A. 2002.

7 Q. My apologies.

8 MR. ROCHFORD: Foundation. Can we start  
9 the question over?

10 BY MR. JACKSON:

11 Q. Did the meeting you just spoke of  
12 concerning Restoraderm happen at the January 2002  
13 Caribbean Derm meeting?

14 A. Yes.

15 MR. ROCHFORD: Object to form,  
16 foundation, form, speculation.

17 BY MR. JACKSON:

18 Q. Do you recall scientific presentations  
19 concerning Restoraderm technology during the 2004,  
20 2005 timeframe?

21 A. 2004, 2005?

22 Q. Yes.

23 A. So as I reviewed my file, I found  
24 documents in which the scientific basis for  
25 Restoraderm was discussed. And actually I was

1 MARKS

2 involved in evaluating those scientific  
3 evaluations. So the answer is yes.

4 MR. ROCHFORD: Object and move to strike  
5 on relevance grounds.

6 BY MR. JACKSON:

7 Q. From your interactions with the  
8 dermatology community, was it your impression that  
9 Restoraderm, the term Restoraderm exclusively  
10 referred to the technology that's referenced on  
11 the second page of Exhibit T150?

12 MR. ROCHFORD: Objection. Calls for  
13 speculation, form, foundation, relevance, hearsay.

14 A. So speaking in the broader or general  
15 sense of the general dermatology community, I  
16 don't think I can answer that one accurately.  
17 Certainly among the individuals that were involved  
18 in the scientific evaluation, yes.

19 It's hard for me to generalize to my  
20 colleagues in the general dermatology community.

21 MR. ROCHFORD: I move to strike on all  
22 those grounds previously enumerated. Also, it  
23 calls for expert testimony. We've already noted  
24 all the reasons why it's inappropriate here.

25

1 MARKS

2 BY MR. JACKSON:

3 Q. Were you named to the scientific  
4 advisory board of Collagenex?

5 A. Yes.

6 Q. Do you know roughly about what  
7 timeframe?

8 A. The early part of the decade between  
9 2000 and 2010. I didn't look at the contracts  
10 because they were renewed annually, but it would  
11 be in that -- probably the first half of --  
12 between 2000 and 2005 approximately.

13 Q. From that relationship with Collagenex  
14 and the interactions you had with Collagenex, was  
15 it your impression that the term Restoraderm was  
16 exclusively used to refer to Thomas Skold's  
17 technology?

18 A. Yes.

19 MR. ROCHFORD: Objection. Calls for  
20 speculation, hearsay, foundation, relevance.

21 BY MR. JACKSON:

22 Q. One moment, Dr. Marks. For my part,  
23 Dr. Marks, I thank you. There may be questions  
24 from the other side. If there are questions from  
25 the other side, then I may ask one or two. Well,

1 MARKS

2 I can't speculate how many, but I may ask you more  
3 questions.

4 MR. ROCHFORD: Off the record for a  
5 moment.

6 (There was a recess in the proceedings.)

7 CROSS-EXAMINATION

8 BY MR. ROCHFORD:

9 Q. Good afternoon, Mr. Marks. We  
10 introduced ourselves earlier. Again, for the  
11 record, my name is Rich Rochford from Haynes and  
12 Boone representing Galderma, with my colleague  
13 Lisa Congleton.

14 A couple preliminary comments -- actually  
15 only one in this sense that because of the nature  
16 of this proceeding, we have to make the objections  
17 now on the record, but they don't get ruled on  
18 till later. I may ask you some questions that  
19 deal with things that we've objected to, and we  
20 don't waive any objections by raising those  
21 questions now.

22 Mr. Marks, you know Mr. Skold very well,  
23 don't you?

24 A. It's Dr. Marks, and the answer is yes.

25 Q. Did I say Mister?

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A. Yes.

Q. I apologize. Do you prefer Doctor, Professor?

A. I think in the circumstances where I'm -- my whole testimony is relevant to my role as a physician/scientist doing clinical research, Doctor is probably more accurate.

Q. Okay. So, Dr. Marks, let's turn to the question now. You're close friends with Mr. Skold?

A. That's correct.

Q. You've known each other for a long time?

A. That's correct.

Q. You've worked together?

A. Correct.

Q. You've given him personal references?

A. Personal references? What do you mean by that?

Q. Haven't you vouched for him in a professional context?

A. I've evaluated the science involved in Restoraderm, but I don't know that that says vouch for him personally. So I think there's perhaps a difference there.

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Q. Let me put the question another way.

Have you ever given him a reference to anybody?

A. I may have. I don't recall.

Q. You've socialized extensively with  
Mr. Skold over the years?

A. Yes.

Q. Together with your wives?

A. Correct.

Q. Including him staying at your house in  
Hershey?

A. Correct.

Q. Have you stayed at his house in Sweden?

A. Yes.

Q. On the island?

A. Technically speaking, no. It was in a  
boat next to the island.

Q. Mr. Skold owns an island and a boat,  
doesn't he?

A. The boat we stayed in I don't think he  
owned, but my understanding is, yes, he owns a  
boat and he does own an island is my understanding  
also, but I haven't checked with the Swedish  
authorities to be sure.

Q. So you would do whatever you can to help

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Mr. Skold, wouldn't you?

A. As long as it's ethical and legal, yes.

Q. Now, do you know Mr. Jackson?

A. No.

Q. Have you met with him previously?

A. Yes.

Q. When did you meet with him?

A. We met for the first time yesterday evening. We had -- we met yesterday evening.

Q. He showed you this document that he's marked as P150. Did you give that to him at that time?

A. Which one is P150? I have T.

Q. T150, when did you give that to Mr. Jackson?

A. Approximately -- let me see -- approximately four hours ago. So around 12:30, 1:00 today.

Q. How did you come across T150?

A. I went through my files from the interactions I had with Collagenex.

Q. In the context of when you were serving on the Collagenex Scientific Advisory Board?

A. Yes.

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Q. This document T150 came from that file?

A. Yes.

Q. So that covers documents from a period of years in the 2000s; is that correct?

A. Yes. That's my recollection. Again, as I said earlier, I don't know exactly. I assume the first time I was on the advisory board was perhaps in 2001, and it may have lasted to whenever they were sold. And I don't remember exactly when Collagenex was sold.

Q. You don't recall exactly when you joined that advisory board, do you?

A. Not exactly, that's correct.

Q. So it could have been later than 2001?

A. It could have been, yes.

Q. And this document T150, the first page of it, you're not listed as an addressee on this document.

A. That's correct.

Q. In fact, that bears Mr. Skold's header as if it came from his email files, correct?

A. It's certainly his header, and I guess -- I think that's, again, technical. I don't know which files it came from.

## MARKS

1  
2 Q. I'm referring to the bold letters Thomas  
3 Skold.

4 A. Absolutely.

5 Q. Is it your understanding that when some  
6 document bears that heading, it came from that  
7 person's email files?

8 A. I would expect because I don't ever  
9 remember reacting to Dr. -- or interacting with  
10 Dr. Skoglosa.

11 Q. You haven't dealt with Dr. Skoglosa who  
12 is listed here at the bottom of this message?

13 A. I don't remember that, that's correct.

14 Q. You'll note that this first page here  
15 listed that it's the Bifoga, which I take might be  
16 the subject, says "Claims" at the top. Do you see  
17 that?

18 MR. SKOLD: It's the attachment.

19 BY MR. ROCHFORD:

20 Q. "Claims doc," do you see that?

21 A. Yes.

22 Q. And you'll see that Dr. Skoglosa is  
23 someone who does intellectual property consulting.  
24 Do you see that?

25 A. Now that you point it out, yes.

## MARKS

1  
2 Q. So is it your understanding that this  
3 document represented something that was being done  
4 in connection with a patent filing somewhere?

5 A. I don't know that.

6 Q. No one said anything to you to suggest  
7 what the purpose of this first page was when it  
8 was created by Dr. Skoglosa?

9 A. If they did, I don't recall that.  
10 Certainly not recently.

11 Q. And you don't know what the Swedish  
12 terms were here in terms of Dr. Skoglosa's message  
13 to Mr. Skold, do you?

14 A. Absolutely not.

15 Q. You're like me on that one.  
16 Then you said that first page was stapled in  
17 your file to the second page.

18 A. Exactly.

19 Q. That has Restoraderm at the top; is that  
20 correct?

21 A. That's correct.

22 Q. Under that it says, "A product and a  
23 dermal delivery technology."

24 A. Correct.

25 Q. Do you see that?

1 MARKS

2 A. Yes.

3 Q. Now, there were no Restoraderm -- let me  
4 ask you this: You evaluated testing done on  
5 formulations of what became known as the  
6 Restoraderm formulation in 2004 and 2005; isn't  
7 that correct?

8 MR. JACKSON: Beyond the scope of the  
9 direct. So an objection.

10 But proceed, Dr. Marks.

11 A. I know I looked at studies and evaluated  
12 them and gave my opinion as a dermatologist on  
13 those. Now, the exact dates, I'd have to look at  
14 documents to say again. That's been quite some  
15 time ago. That sounds reasonable that it was  
16 after. I know when I looked at through the files,  
17 there was some scientific communications after  
18 that.

19 BY MR. ROCHFORD:

20 Q. And those were all after early 2002,  
21 correct?

22 A. Correct.

23 Q. And all the testing that was done  
24 relating to Mr. Skold's formulations were done  
25 after early 2002, correct?

## MARKS

1  
2 A. I don't know that because I don't know  
3 if there was testing done in Sweden or some place  
4 else before.

5 Q. But all the testing that you're aware of  
6 was done after early 2002?

7 A. I would say -- I would say that's  
8 correct, other than there may have been some  
9 discussions relevant to testing which I just don't  
10 recall since it's been over a decade ago.

11 Q. But there are none that you can recall  
12 that were prior to that time?

13 A. Correct.

14 Q. And to your knowledge, there were no  
15 Restoraderm products as of early 2002, were there,  
16 sir?

17 A. To my knowledge, there were no  
18 Restoraderm products?

19 As of now I don't recall any, but that  
20 doesn't mean there might have been some prototypes  
21 or, again, something in Europe which I just don't  
22 remember.

23 Q. But you don't recall anything from that  
24 time period, do you, sir?

25 A. Correct.

## MARKS

1  
2 Q. So it's entirely possible that this  
3 document here, this page 2 that refers to a  
4 product, came from some time after early 2002;  
5 isn't that correct?

6 A. I guess one of the things I would say --  
7 and, again, I can't remember the exact details --  
8 there could have been a prototype in that meeting  
9 in 2002 at Crib Derm. It's not uncommon to --

10 Q. I don't want you guessing, sir. If you  
11 know there was something, tell me. Otherwise,  
12 please don't guess.

13 A. No.

14 Q. Did you give Mr. Jackson any other  
15 documents besides this T150 document?

16 A. Yes.

17 Q. What else did you give him?

18 A. Communications subsequent to that that  
19 were in my file relevant to Restoraderm.

20 Q. How many documents?

21 A. Maybe four or five. I'm not positive.

22 Q. Do you recall what those were about?

23 A. Relevant to what could Restoraderm be,  
24 the vehicle to deliver active ingredients, such as  
25 perhaps an antifungal or a steroid. And then

MARKS

1  
2 there was another document, as I recollect, on how  
3 Restoraderm increased the penetration through the  
4 barrier of the skin.

5 Q. And you're using Restoraderm to describe  
6 what you were working on as part of the Collagenex  
7 Scientific Advisory Board --

8 A. Correct.

9 Q. -- during that time period?

10 A. Correct.

11 MR. ROCHFORD: That's all I have.

12 MR. JACKSON: That was easy relatively.

13 THE WITNESS: Is that it?

14 MR. JACKSON: Yes.

15 MR. ROCHFORD: Thank you, Doctor.

16 (Whereupon, at 4:26 p.m., the taking of  
17 the instant deposition ceased.)  
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STATE OF Pennsylvania )

) :ss

COUNTY OF Dauphin )

I, JAMES G. MARKS, M.D., the witness  
herein, having read the foregoing  
testimony of the pages of this deposition,  
do hereby certify it to be a true and  
correct transcript, subject to the  
corrections, if any, shown on the attached  
page.

  
JAMES G. MARKS, M.D.

Sworn and subscribed to before  
me, this 11<sup>th</sup> day of December  
, 2013.

Mary K Forshey  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Mary K. Forshey, Notary Public  
Derry Twp., Dauphin County  
My Commission Expires May 28, 2014  
Member, Pennsylvania Association of Notaries

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COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF DAUPHIN ) SS:

C E R T I F I C A T E

I, Ann Medis, Registered Professional Reporter, Certified Livenote Reporter and Notary Public within and for the Commonwealth of Pennsylvania, do hereby certify:

That JAMES G. MARKS, M.D., the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify the inspection, reading and signing of said deposition were not waived by counsel for the respective parties and by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of November, 2013.

  
Notary Public

## INSTRUCTIONS TO WITNESS

1  
2  
3 Please read your deposition over carefully  
4 and make any necessary corrections. You should state  
5 the reason in the appropriate space on the errata  
6 sheet for any corrections that are made.

7 After doing so, please sign the errata sheet  
8 and date it.

9 You are signing same subject to the changes  
10 you have noted on the errata sheet, which will be  
11 attached to your deposition.

12 It is imperative that you return the original  
13 errata sheet to the deposing attorney within thirty  
14 (30) days of receipt of the deposition transcript by  
15 you. If you fail to do so, the deposition transcript  
16 may be deemed to be accurate and may be used in court.

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for the following reasons:

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DATE

<b>A</b>	15:7	9:12,23	<b>comments</b>	<b>created</b> 17:8	9:20
<b>Absolutely</b>	<b>attached</b> 7:6	10:19	11:14	<b>Crib</b> 20:9	<b>describe</b> 21:5
16:4 17:14	22:12 24:11	<b>Cancellation</b>	<b>Commonw...</b>	<b>CROSS-E...</b>	<b>DESCRIP...</b>
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1967-1971 Temple University School of Medicine, Philadelphia, Pennsylvania, MD

1971-1972 Intern, Geisinger Medical Center, Danville, Pennsylvania

1975-1978 Dermatology Resident, Wilford Hall USAF Medical Center,  
San Antonio, Texas-Chief Resident; 1978

1978 Jan-Mar Dermatopathology, Armed Forces Institute of Pathology, Washington, DC

**Licensure:**

Pennsylvania #MD-013368-E

**Hospital Appointments:**

1972-1975 General Medical Officer, USAF Hospital, Aviano, Italy-Chief of Professional Services; 1974-1975

1978-1980 Chief of Cutaneous Immunology and Staff Dermatologist, Wilford Hall USAF Medical Center

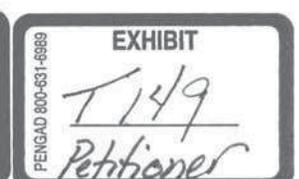
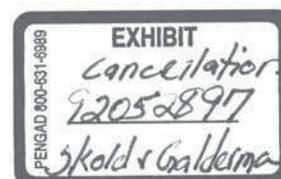
1980-present Staff Dermatologist, The Milton S. Hershey Medical Center of The Pennsylvania State University College of Medicine

**Academic Appointments:**

1978-1980 Director of Dermatology Residency Curriculum, Wilford Hall USAF Medical Center

1978-1980 Clinical Instructor of Dermatology, University of Texas Health Science Center at San Antonio

1980-1985 Assistant Professor of Medicine, Division of Dermatology, The Milton S. Hershey Medical Center of The Pennsylvania State University College of Medicine



1985-1991	Associate Professor of Medicine, Division of Dermatology, The Milton S. Hershey Medical Center of The Pennsylvania State University College of Medicine
1991-2002	Professor of Medicine, Division of Dermatology, The Milton S. Hershey Medical Center of The Pennsylvania State University College of Medicine
2002-present	Professor of Dermatology, Department of Dermatology, The Milton S. Hershey Medical Center of The Pennsylvania State University College of Medicine
1998-2002	Chief, Division of Dermatology
1997-2002	Director of Dermatology Residency Program
2002-present	Chair, Department of Dermatology

### **Teaching:**

High evaluations by students and residents for teaching in the clinic and lecture room,  
Nominated for Teacher of the Year Award

Woman's Dermatology Society or American Contact Dermatitis Society Mentoring Awardees:  
Drs. Mary Martini, Bruce Brod, Erin Warshaw, Christen Mowad, Maria Wei, Matthew  
Zirwas, and Pamela Scheinman.

Leadership Mentor for James Dinulos, David Adams, and Peter Shalock

Visiting Professor at the University of Pennsylvania, Hahnemann, Johns Hopkins, Jefferson,  
Albert Einstein, Wayne State, University of Virginia, Medical College of Virginia,  
University of Texas-San Antonio, Uniformed Services University, Brooke Army  
Medical Center, Wilford Hall USAF Medical Center, University of California-San  
Francisco, New York University, Mayo Clinic Jacksonville and Scottsdale, Henry Ford  
Hospital, University of Cincinnati, University of Pittsburgh, Mt. Sinai, Wright State  
University, Case Western Reserve, St. Luke's/Roosevelt Medical Center

Lecturer at Scientific Meetings in North America and Europe

Developed Novartis University Preceptorship for Primary Care Physicians which was  
adopted nationwide as an innovative educational program-1998-2003

Developed Contact Dermatitis State-of-Art Issues: A seminar which attracts physicians and  
industry scientists from Europe, the Orient, and North America-1991-2009

Co-Founder and Co-Director of Caribbean Dermatology Symposium 2002-present

Co-Founder and Co-Director of Coastal Dermatology Symposium 2005-Present

American Academy of Dermatology, Mentor in the "Masters" in Dermatology Academic  
Leadership Program, 2007-present

### **Professional Honors:**

1967 Who's Who in American Colleges and Universities

1978-1980 The Air Force Commendation Medal for Meritorious Service

1982 Roerig Pharmaceuticals Challenges in Dermatology Educational  
Exhibit Award, American Academy of Dermatology Annual  
Meeting, New Orleans, Louisiana

1984 American Academy of Dermatology's Exchange Fellowship Award  
to the Annual Meeting of the Italian Society of Dermatology, Rome, Italy

1986	Pennsylvania Professor of Dermatology Lector at The Pennsylvania Academy of Dermatology, Pittsburgh, Pennsylvania
1992-present	Best Doctors in America
1994	Who's Who in Executives and Professionals
1996	Who's Who in North America
1996-1997	Best Doctors in America®: Northeast Region
1997-present	Who's Who in Medicine and Healthcare
1998-2005	Dictionary of International Biography, 27th-32nd editions
1998	United States Patent Award - Co-Inventor - "Use of Cocoa Butter or Partially "Hydrolyzed Cocoa Butter for the Treatment of Burns and Wounds"
1998	United State Patent Award - Co-Inventor - "Use of Hydrolyzed Cocoa Butter for Percutaneous Absorption"
1998-present	Who's Who in America
2000	Outstanding People of the 20th Century, 2nd edition
2001	President, American Contact Dermatitis Society
2001-2006	Who's Who in the East, 29th-34th editions
2002	Outstanding People of the 21st Century
2003 and 2008	American Contact Dermatitis Society Presidential Citation
2003-present	Guide to America's Top Physicians
2003	Alpha Omega Alpha Honor Medical Society
2004	2000 Outstanding People
2004	International Health Professional of the Year
2007	America's Top Dermatologists
2010	Who's Who in Science and Engineering
2013	Steven and Sharon Baron Award

**Membership in Professional Organizations:**

American Academy of Dermatology  
Society for Investigative Dermatology  
Association of Military Dermatologists  
Dermatology Foundation  
Pennsylvania Academy of Dermatology  
Philadelphia Dermatology Society  
North American Contact Dermatitis Group  
American Contact Dermatitis Society  
European Society of Contact Dermatitis  
Pennsylvania Medical Society

**Board Certification:**

1972 National Board of Medical Examiners: #115390  
1972 Professional Licensure: Pennsylvania #13368E  
1978 Specialty Board Certification: Dermatology

**Consulting Activities:**

Associate Editor of *American Journal of Contact Dermatitis*, 1990 - 1998  
Section Editor of *American Journal of Contact Dermatitis*, 1998 - 2000  
Editorial Board of *Cutaneous and Ocular Toxicology*, 1991-2001  
Reviewer for the *Journal of the American Academy of Dermatology*, *Archives of Dermatology*,  
*JAMA*, *American Journal of Contact Dermatitis*  
Dermatology Consultant to the Veterans Administration Hospital, Lebanon, Pennsylvania, 1981  
- 2007  
Dermatology Consultant to Private Industry

**Research Interests:**

Contact Dermatitis  
Occupational Skin Disease  
Investigational New Drugs and Devices

**Other Activities:**

Board of Directors, Braun Station East Community, 1976  
Member of South Hanover Township Lions Club, 1980-present  
Vice-President, 1982; President, 1983  
Pharmacy and Therapeutics Committee, 1980-1983  
Hershey Medical Center Faculty Organization Counselor, 1983-1984  
Citizens Advisory Board of South Hanover Elementary School, 1983-1984  
Senator, The Pennsylvania State University, 1984-1989  
Director of VA Dermatology Clinic 1985-2001  
Ambulatory Care Committee, 1987-1988  
Divisional Coordinator for the Clinical Science Departments during the  
1988 United Way Campaign  
Patient Education Video Committee on Contact Dermatitis, American Academy  
of Dermatology, 1989  
Committee on Patch Test Certification, American Academy of Dermatology, 1988  
Committee on Undergraduate Medical Education (CUMED), 1989-1990, 1996-1997  
Board of Directors, American Contact Dermatitis Society, 1990-1993  
Dermatology Block Coordinator for Introduction to Medicine Course, 1989-1997  
Department of Medicine Committee on Promotion and Tenure, 1991-1993, 1997-2002  
Committee on Contact Dermatitis, American Academy of Dermatology, 1991-1992  
American Contact Dermatitis Society Annual Meeting Committee, 1992-1994  
Committee on Contact Dermatitis, American Academy of Allergy and Immunology, 1992-1995  
North American Contact Dermatitis Group Study Director 1992-2002  
Vice-President, American Contact Dermatitis Society, 1993  
Vice-President, Central Penn Chapter of United States Amateur Ballroom Association, 1993  
Executive Committee Pennsylvania Academy of Dermatology, 1993  
Co-Director, Integument and Musculoskeletal Committee, Department of Medicine, 1996-1997  
Director of Hershey Medical Center Dermatology Clinic 1997-2007  
Corporate Compliance Oversight Committee Member, 2000-present  
Chair, Department of Medicine Finance Committee, 2000

Mid-cycle Review of Obstetrics and Gynecology Residency, 2000  
 Search Committee for the Chair of Pediatrics, 2000-2001  
 Leader, Cosmetic Ingredient Review Expert Panel, 2001-present  
 Clinical Team, 2001-2007, Co-Leader 2001-2003, Leader, 2003-2005  
 Chair, Search Committee for the Chair of the Department of Pathology, 2002  
 Medical Staff Executive Committee, 2002-present  
 Advisory Board, First World Congress on Work-Related and Environmental Allergy & Fourth  
 International Symposium on Irritant Contact Dermatitis, 2002; Second World Congress  
 on Work-Related and Environmental Allergy, 2007  
 Search Committee for the Chair of Ophthalmology, 2004-2005  
 Chair, Finance/Audit Committee, American Contact Dermatitis Society, 2004-2005  
 Chair, Search Committee for selecting division leaders in Cardio-Thoracic (CT) Surgery and  
 Electrophysiology (EP), 2005  
 Penn State Hershey Medical Group Board of Governors, 2008-present  
 Medical Student Research Committee, 2009-2013  
 Leader, Community Service Team, 2009-2013  
 Penn State Campaign Cabinet for "For The Future", 2010-present

**Publications - Books:**

1. Marks, J.G. and Miller, J.J.: *Lookingbill and Marks' Principles of Dermatology*. W.B. Saunders, Philadelphia, 4<sup>th</sup> edition 2006.
2. Lookingbill, D.P. and Marks, J.G.: *Principles of Dermatology*. W.B. Saunders, Philadelphia, 1st edition 1986. Spanish Edition, Editorial Medica Panamericana, Buenos Aires, 1988, 2nd edition, 1993 - selected by Doody's Rating Service as one of the best health science books published in 1993. 3rd Edition, 2000.
3. Marks, J.G., Elsner, R., and DeLeo, V.A.: *Contact and Occupational Dermatology*. Mosby Year Book, St. Louis, 1st edition 1992; 2nd edition 1997, 3rd edition 2002.
4. Helm, K.F. and Marks, J.G.: *Atlas of Differential Diagnosis in Dermatology*. Churchill Livingstone, London, 1998. (Available in CD-ROM)
5. *Handbook of Contact Dermatitis*. Edited by: Gebhardt, M., Elsner, P., Marks, J.G.: Martin Dunitz, London, 2000.
6. Marks, J.G.: Candidiasis. Section in *Current Therapy in Dermatology 2nd Edition*. Provost, T., Farmer, E., Eds., B.C. Decker, Inc., Philadelphia. pp. 190-191, 1988.
7. Marks, J.G.: Treatment of Contact Dermatitis. Section in *Conn's Current Therapy*, 1988 Edition, Rakel, R.E., Editor; W.B. Saunders, Philadelphia pp. 729-730 and 1989 Edition, pp. 754-755.

8. Lookingbill, D.P. and Marks, J.G.: Principles of Clinical Diagnosis. Chapter in *Dermatologic Medicine and Surgery*, Third Edition, Moschella, S.L. and Hurley, H.J., Editors; W.B. Saunders, Philadelphia, pp. 165-239, 1992.
9. Marks, J.G. and Martini, M.C.: Contact Dermatitis and Contact Urticaria. Chapter in *Principles and Practice of Dermatology, Chapter VI*, Sams, W.M. and Lynch, P.J., Editors; Churchill Livingstone, Inc., New York, 1st edition 1990; 2nd Edition, pp. 419-430, 1996.
10. Zug, K.A., and Marks, J.G.: Plants and Woods. Chapter in *Occupational Skin Disease*, 3rd Edition, Adams, R.M., Editor; W.B. Saunders, Philadelphia, pp. 567-596, 1999.
11. Marks, J.G.: Cosmetics. Chapter in *Occupational Skin Diseases*, 3rd Edition, Adams, R.M., Editor; W.B. Saunders, Philadelphia, pp. 371-388, 1999.
12. Mowad, C.M., Marks, J.G.: Allergic Contact Dermatitis. Chapter in *Dermatology*, Bologna, J.L., et al, Editors; Mosby, London, 1<sup>st</sup> Ed, pp. 227-240, 2003, 2<sup>nd</sup> Ed. pp. 209-222, 2008.
13. Bryan E. Anderson and James G. Marks, Jr.: *Plant-Induced Dermatitis*. Chapter in *Wilderness Medicine* by Paul S. Auerbach, 5th Ed., 1262-1286, Mosby Elsevier, 2007.

#### **Publications - Refereed Journals:**

1. Marks, J.G. and Sussman, S.J.: Thrombophlebitis in an eight-year-old girl. *Pediatrics* 80:336, 1972.
2. Marks, J.G.: Atopic dermatitis, eczema herpeticum, infectious mononucleosis and depressed cell-mediated immunity. *S. Med. J.* 71:330-333, 1978.
3. Marks, J.G. and West, G.W.: Allergic contact dermatitis to radiotherapy dye. *Contact Dermatitis* 4:1-2, 1978.
4. Marks, J.G., Miller, W.N., and Garcia, R.L.: March cellulitis. *Military Medicine* 143:314-316, 1978.
5. Marks, J.G., Thor, D.E., and Lowe, R.S.: Darier's disease: An immunologic study. *Arch. Dermatol* 114:1336-1339, 1978.
6. Marks, J.G., Bishop, M.E., and Willis, W.F.: Allergic contact dermatitis to sculptured nails. *Arch. Dermatol.* 115:100, 1979.
7. McDaniel, W.R. and Marks, J.G.: Contact urticaria to spray starch. *Arch. Dermatol.* 115:628, 1979.

8. Marks, J.G. and Tomasovic, J.J.: Linear nevus sebaceous syndrome. *J. Am. Acad. Dermatol.* 2:31-31, 1980.
9. Marks, J.G., King, R.D., and Davis, B.M.: Treatment of tinea nigra palmaris with miconazole. *Arch. Dermatol.* 116:321-322, 1980.
10. Ryan, M.E., Davis, B.M., and Marks, J.G.: Contact urticaria and allergic contact dermatitis to benzocaine gel. *J. Am. Acad. Dermatol.* 2:221-223, 1980.
11. Marks, J.G. and White, J.W.: Molluscum contagiosum in a halo nevus. *Int. J. Dermatol.* 19:258-259, 1980.
12. Rist, T. and Marks, J.G.: Granuloma fissuratum masquerading as a skin tumor. *Cutis* 25:663, 1980.
13. Parry, E.L., Foshee, W.S., and Marks, J.G.: Diaper dermatophytosis. *J. Dis. Child.* 136:273, 1980.
14. Marks, J.G.: Allergic contact dermatitis to carbonless copy paper. *JAMA* 245:2331-2332, 1981.
15. Marks, J.G., Trautlein, J.J., and Laws, D.: Failure to induce immunologic contact urticaria. *Contact Dermatitis* 7:344-345, 1981.
16. Marks, J.G.: Allergic contact dermatitis to povidone-iodine. *J. Am. Acad. Dermatol.* 6:473-475, 1982.
17. Dicken, C.H., Bauer, E.A., Hazen, P.G., Krueger, G.G., Marks, J.G., McGuire, J.S., and Schachiner, L.A.: Isotretinoin treatment of Darier's disease. *J. Am. Acad. Dermatol.* 6:721-726, 1982.
18. Leitzel, K., Cano, C., Marks, J., and Lipton, A.: Failure of nerve growth factor to enhance wound healing in the hamster. *J. Neurosci. Res.* 8:413-417, 1982.
19. Marks, J.G., Rainey, C.M., Rainey, M.A., and Andreozzi, R.J.: Dermatoses among poultry workers; chicken poison disease. *J. Am. Acad. Dermatol.* 9:852-857, 1983.
20. Marks, J.G., Cano, C., Leitzel, K., and Lipton, A.: Inhibition of wound healing by topical steroids. *J. Dermatol. Surg. Oncol.* 9:819-821, 1983.
21. Marks, J.G. and Rainey, M.A.: Cutaneous reactions to surgical preparations and dressings. *Contact Dermatitis* 10:1-5, 1984.
22. Marks, J.G., DeMelfi, T., McCarthy, M.A., Witte, E.J., Castagnoli, N., Epstein, W.L., and Aber, R.C.: Dermatitis from cashew nuts. *J. Am. Acad. Dermatol.* 10:627-631, 1984.

23. Plourde, P.V., Marks, J.G., and Hammond, J.M.: Acanthosis nigricans and insulin resistance. *J. Am. Acad. Dermatol.* 10:887-891, 1984.
24. Marks, J.G., Trautlein, J.J., Zwillich, C.W., and Demers, L.M.: Contact urticaria and airway obstruction from carbonless copy paper. *JAMA* 252:1038-1040, 1984.
25. Hempstead, R.W. and Marks, J.G.: A case of pediatric pemphigus vulgaris treated with topical steroids. *Arch. Dermatol.* 120:962-963, 1984.
26. Lookingbill, D.P., Horton, R., Demers, L.M., Egan, N., Marks, J.G., and Santen, R.J.: Tissue production of androgens in women with acne. *J. Am. Acad. Dermatol.* 12:481-487, 1985.
27. Leitzel, K., Cano, C., Marks, J.G., and Lipton, A.: Growth factors and wound healing in the hamster. *J. Dermatol. Surg. Oncol.* 11:617-622, 1985.
28. Falanga, V., and Marks, J.G.: Italian Society of Dermatology Annual Meeting, Rome, Italy, May 31-June 2, 1984. *J. Am. Acad. Dermatol.* 12:121-122, 1985.
29. Egan, N., Ward, R., Olmstead, M., and Marks, J.G.: Junctional epidermolysis bullosa and pyloric atresia in two siblings. *Arch. Dermatol.* 121:1186-1188, 1985.
30. Emmons, W., and Marks, J.G.: Immediate and delayed reactions to cosmetic ingredients. *Contact Dermatitis* 13:258-265, 1985.
31. Marks, J.G.: Occupational skin disease in hairdressers. *Occupational Medicine* 1:273-284, 1986.
32. Marks, J.G.: Contact urticaria. *Cosmetics & Toiletries* 101:59-62, 1986.
33. Marks, J.G., Trautlein, J.J., Epstein, W.L., Laws, D.M., and Sicard, G.R.: Oral hyposensitization to poison ivy/oak. *Arch. Dermatol.* 123:476-478, 1987.
34. Marks, J.G., Westheim, A., and Sipes, W.: Pa patch - A new patch testing device. *J. Am. Acad. Dermatol.* 16:961-963, 1987.
35. Lloyd, T., Garry, F.L., Manders, E.K., and Marks, J.G.: The effect of age and hair color on human hairbulb tyrosinase activity. *Br. J. Dermatol.* 116:485-489, 1987.
36. Marks, J.G., Zaino, R.J., Bressler, M.F., and Williams, J.V.: Changes in lymphocyte and langerhans cell populations in allergic and irritant contact dermatitis. *Int. J. Dermatol.* 26:354-357, 1987.

37. Westheim, A.I., Tenser, R.B., and Marks, J.G.: Acyclovir resistance in a patient with chronic mucocutaneous herpes simplex infection. *J. Am. Acad. Dermatol.* 17:875-880, 1987.
38. Marks, J.G.: Allergic contact dermatitis to alstroemeria. *Arch. Dermatol.* 124:914-916, 1988.
39. Marks, J.G.: Dermatologic Problems of Office Workers. *Dermatologic Clinics* 6:75-79, 1988.
40. Herzog, J., Dunne, J., Aber, R., Claver, M., and Marks, J.G.: Milk tester's dermatitis. *J. Am. Acad. Dermatol.* 19:503-508, 1988.
41. Feldman, S.B., Sexton, F.M., Buzas, J., and Marks, J.G.: Allergic contact dermatitis to topical steroids. *Contact Dermatitis* 19:226-228, 1988.
42. Reginella, R.F., Fairfield, J.C., and Marks, J.G.: Hyposensitization to poison ivy after working in a cashew nut shell oil processing factory. *Contact Dermatitis* 20:274-279, 1989.
43. Marks, J.G.: Treatment of apocrine chromhidrosis with topical capsaicin. *J. Am. Acad. Dermatol.* 21:418-420, 1989.
44. Rietschel, R.L., Marks, J.G., Adams, R.M., et al: Preliminary Studies of the True Test® Patch Test System. *J. Am. Acad. Dermatol.* 21:841-843, 1989.
45. Marks, J.G.: Poison ivy and poison oak allergic contact dermatitis. *Immunology and Allergy Clinics of North America* 9:497-506, 1989.
46. Thiboutot, D.M., Hamory, B.H., and Marks, J.G.: Dermatoses among floral shop workers. *J. Am. Acad. Dermatol.* 22:54-58, 1990.
47. Diamond, S.P., Wiener, S.G., and Marks, J.G.: Allergic contact dermatitis to nasturtium. *Dermatol. Clinics* 8:77-80, 1990.
48. Gette, M.T. and Marks, J.G.: Tulip fingers. *Arch. Dermatol.* 126:203-205, 1990.
49. Marks, J.G., Moss, J.N., Parno, J.R., et al: Methylchloroisothiazolinone/methylisothiazolinone (Kathon CG) biocide - United States multicenter study of human skin sensitization. *Am. J. Contact Dermatitis* 1:157-161, 1990.
50. Marks, J.G.: Allergic Contact Dermatitis from Cosmetics: How Common Is It? *J. Cosmetics & Toiletries* 105:73-76, 1990.

51. Rietschel, R.L., Nethercott, J.R., Emmett, E.A., Maibach, H.I., Storrs, F.J., Larsen, W.G., Adams, R.M., Taylor, J.S., Marks, J.G., Mitchell, J.C., Fisher, A.A., Kanof, N.B., Clendenning, W.E., and Schorr, W.F.: Methylchloroisothiazolinone-methylisothiazolinone reactions in patients screened for vehicle and preservative hypersensitivity. *J. Am. Acad. Dermatol.* 22:734-738, 1990.
52. Marks, J.G.: The Accupatch - A New Patch Testing Device. *Am. J. Contact Dermatitis* 2:98-101, 1991.
53. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W., Maibach, H., Marks, J., Rietschel, R., Rosenthal, L., Schorr, W., Storrs, F., and Taylor, T.: Patch Testing With a Routine Screening Tray in North America, 1985 Through 1989: I. Frequency of Response. *Am. J. Contact Dermatitis* 2:122-129, 1991.
54. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W., Maibach, H., Marks, J., Mitchell, J., Rietschel, R., Rosenthal, L., Schorr, W., Storrs, F., and Taylor, J.: Patch Testing With a Routine Screening Tray in North America, 1985 Through 1989: II. Gender and Response. *Am. J. Contact Dermatitis* 2:130-134, 1991.
55. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W., Maibach, H., Marks, J., Mitchell, J., Rietschel, R., Rosenthal, L., Schorr, W., Storrs, F., and Taylor, J.: Patch Testing With a Routine Screening Tray in North America, 1985 Through 1989: III. Age and Response. *Am. J. Contact Dermatitis* 2:198-201, 1991.
56. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W.G., Maibach, H.I., Marks, J., Rietschel, R.L., Rosenthal, L., Storrs, W.F., Taylor, J.S.: Patch Testing With a Routine Screening Tray in North America, 1987 Through 1989: IV. Occupation and Response. *Am. J. Contact Dermatitis* 2:247-254, 1991.
57. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W.G., Maibach, H.I., Marks, J., Rietschel, R.L., Rosenthal, L., Storrs, W.F., Storrs, F.J., Taylor, J.S.: Results of First and Second Readings With Standard Screening Tray in North America: 1985 to 1989. *Am. J. Contact Dermatitis* 2:255-259, 1991.
58. Gette, M.T., Marks, J.G., Maloney, M.E.: The Frequency of Post-operative Allergic Contact Dermatitis to Topical Antibiotics. *Arch. Dermatol.* 128:365-368, 1992.
59. James, W.D., Rosenthal, L.E., Brancaccio, R.R., Marks, J.G.: American Academy of Dermatology Patch Testing Survey: Use and effectiveness of this procedure. *J. Am. Acad. Dermatol.* 26:991-994, 1992.

60. Isaac, M.A., Thiboutot, D.M., Vasily, D.B., Marks, J.G.: Contact Dermatitis From Printing Inks. *Am. J. Contact Dermatitis* 3:142-144, 1992.
61. Belsito, D.V., Storrs, F.J., Taylor, J.S., Marks, J.G., Adams, R.M., Rietschel, R.L., Jordan, W.P., Emmett, E.A.: Reproducibility of Patch Tests: A U.S. Multicenter Study. *Am. J. Contact Dermatitis* 3:193-200, 1992.
62. Mackey, S.A., Marks, J.G.: Allergic Contact Dermatitis To White Pine Sawdust. *Arch. Dermatol.* 128:1660, 1992.
63. Mackey, S.A., Marks, J.G.: Dermatitis in Machinists: A Retrospective Study. *Am. J. Contact Dermatitis* 4:22-26, 1993.
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65. Madden, S.D., Martel, J.K., Marks, J.G.: Self-interpretation of Nickel Accupatch Testing by Jewelry Sensitive Subjects. *Am. J. Contact Dermatitis* 4:93-97, 1993.
66. Helm, K.F., Lookingbill, D.P., Marks, J.G.: A clinical and pathologic study of histiocytosis X in adults. *J. Am. Acad. Dermatol.* 29:166-170, 1993.
67. Anderson, R.A., Colton, T., Doull, J., Marks, J.G., Smith, R.G.: Designing a biological monitoring program to assess community exposure to chromium: Conclusions of an expert panel. *J. Toxicol. Environmental Health* 40:555-583, 1993.
68. Madden, S.D., Thiboutot, D.M., Marks, J.G.: Occupationally-Induced Allergic Contact Dermatitis to Methylchloroisothiazolinone/Methylisothiazolinone Among Machinists. *J. Am. Acad. Dermatol.* 30:272-274, 1994.
69. Nethercott, J.R., Holness, D.L., Adams, R.M., Belsito, D.V., DeLeo, V.A., Emmett, E.A., Fowler, J., Fisher, A.A., Larsen, W.G., Maibach, H.I., Marks, J., Rietschel, R.L., Rosenthal, L., Storrs, W.F., Storrs, F.J., Taylor, J.S.: Multivariate Analysis of the Effect of Selected Factors on The Elicitation of Patch Test Response to 28 Common Environmental Contactants in North America. *Am. J. Contact Dermatitis* 5:13-18, 1994.
70. Pental, M.T., Andreozzi, R.J., Marks, J.G.: Allergic Contact Dermatitis From The Herbicides Trifluralin and Benefin. *J. Am. Acad. Dermatol.* 31:1057-1058, 1994.
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Bäste Thomas,

Tack för ett väldigt trevligt och kreativt möte.

Jag bifogar som avtalat det mycket oslipade utkast till kraven som vi ställde up i gemensamt arbete i går.

Jag har även spånat lite på en engelsk text om lipid-oordningen:

The vehicle is designed in its choice of and share of lipids to resemble the normal lipid organisation of the stratum corneum. Thus the administered vehicle will easily penetrate the lipid bilayer of the skin and in doing so create a temporary and reversible state of enhanced atrophy among the bilayer. The enhanced atrophy in itself should then give rise to a) enhanced energy levels, said energy could promote active transport of the to-be-carried substances into the skin, and/or b) naturally and reversibly occurring holes and disorganised patches in the lipid bilayer, through which the active substances could then pass more easily. It is very well feasible that the temporary disarray in the lipid bilayer will temporarily break up the organised structure of the bilayer and create micelles of lipids with areas between them/ surrounding them through which lipophobic/hydrophil substances and compositions can enter the stratum corneum. As the content of the vehicle resembles the natural lipid build-up of the skin, the so introduced new lipids will after a short span of creative chaos easily blend in with the natural lipid building stones of the lipid bilayer and thus not permanently damage the skin.

Som en sista punkt för denna gången, ber jag dig att du skickar oss den adress som du vill att vi skall sända posten till.

Ha det så skönt i solen.  
 Med glada hälsningar,

Ylva

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# Restoraderm

## A product and a dermal delivery technology

Restoraderm is a novel dermal drug delivery vehicle formulated to provide unique skin barrier restoration properties. It is a water-based product containing lipids similar to those which make up the normal skin barrier (stratum corneum) – palmitic acid, cholesterol and ceramide 3. Uniquely, Restoraderm also contains mevalonic acid, which has been shown to promote *in situ* cholesterol synthesis by the skin. By promoting synthesis of cholesterol, the lipid content of the vehicle can be maintained in the 6 – 13% range and the water content 70 – 80%, thereby enabling the skin to “breathe” normally, enhancing the ability to restore normal barrier function. The formulation can be used alone to stimulate skin barrier restoration, or can be enhanced by the addition of certain active drug substances, which may be dissolved in appropriate solvents such as propylene glycol or ethanol.

Typical dermal drug delivery vehicles have an alcohol or petrolatum base, with little consideration given to the biological properties of the vehicle itself. In contrast the Restoraderm technology is designed not only to efficiently deliver active ingredients to or through the skin but also to enhance their efficacy by stimulating restoration of normal skin barrier function. This benefit arises not only due to the delivery of lipids in the vehicle itself but also as a result of the stimulation of cholesterol biosynthesis by the skin.

The lipids in the Restoraderm formulation have been specifically designed to contribute to the restoration of the normal barrier without the risk of a significant degree of barrier disruption. For example, emulsified fatty acids can inherit certain detergent properties if their structure is significantly altered from those in the normal skin. These detergent properties can lead to disruption of normal barrier function counteracting the potential benefit of the vehicle technology. Restoraderm lipids are designed to eliminate these unwanted side effects.

The Restoraderm vehicle is designed to enhance the penetration of active ingredients into the normal stratum corneum. Whereas in other formulations the enhancement of penetration arises due to disruption of the normal barrier (with concomitant physiological consequences) the Restoraderm technology is designed to enhance penetration while leaving the normal barrier intact (or even functionally enhanced). This effect is achieved by careful selection of the lipids of the vehicle, which blend with the normal lipids present in the stratum corneum, resulting in a temporary and reversible disruption and enhanced penetration, followed by a rapid return to normal barrier function.