

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS
INTERNATIONAL GMBH and
TEVA PHARMACEUTICALS
USA, INC.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

Civil Action No.
1:18-cv-12029-ADB

**ATTORNEY DECLARATION OF ELAINE HERRMANN BLAIS IN SUPPORT
OF PLAINTIFFS' OPENING CLAIM CONSTRUCTION BRIEF**

I, Elaine Herrmann Blais, declare as follows:

1. I am a partner at Goodwin Procter LLP and counsel for Plaintiffs Teva Pharmaceuticals International GMBH and Teva Pharmaceuticals USA, Inc. (collectively, "Teva") in this matter. I am licensed to practice before all courts in the Commonwealth of Massachusetts, and this Court, and submit this Declaration in support of Plaintiffs' Opening Claim Construction Brief. I have personal knowledge of the matters set forth herein, and if called upon would testify as follows.

2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent. No. 8,586,045.

3. Attached hereto as **Exhibit B** is a true and correct excerpted copy of the Petition for *Inter Partes* Review filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01712, Paper 1 (P.T.A.B. October 1, 2018).

4. Attached hereto as **Exhibit C** is a true and correct excerpted copy of the Declaration of Alain P. Vasserot, Ph.D. filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01712, Exhibit 1236 (P.T.A.B. October 1, 2018).

5. Attached hereto as **Exhibit D** is a true and correct excerpted copy of the Declaration of Dr. Andrew Charles filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01712, Exhibit 1018 (P.T.A.B. October 1, 2018).

6. Attached hereto as **Exhibit E** is a true and correct excerpted copy of the Final Written Decision filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01712, Paper 68 (P.T.A.B. March 31, 2020).

7. Attached hereto as **Exhibit F** is a true and correct excerpted copy of the Petition for *Inter Partes* Review filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01425, Paper 1 (P.T.A.B. August 8, 2018).

8. Attached hereto as **Exhibit G** is a true and correct excerpted copy of the Final Written Decision filed in *Eli Lilly & Co. v. Teva Pharms. Int'l GmbH*, IPR2018-01425, Paper 78 (P.T.A.B. February 18, 2020).

9. Attached hereto as **Exhibit H** is a true and correct excerpted copy of Defendant's Preliminary Disclosures Pursuant to Rule 16.6(d)(4), served in the above-captioned matter on July 10, 2020.

10. Attached hereto as **Exhibit I** is a true and correct excerpted copy of U.S. Patent No. 8,597,649.

11. Attached hereto as **Exhibit J** is a true and correct excerpted copy of U.S. Patent No. 9,266,951.

12. Attached hereto as **Exhibit K** is a true and correct excerpted copy of U.S. Patent No. 9,346,881.

13. Attached hereto as **Exhibit L** is a true and correct excerpted copy of U.S. Patent No. 9,340,614.

14. Attached hereto as **Exhibit M** is a true and correct excerpted copy of U.S. Patent No. 9,890,210.

15. Attached hereto as **Exhibit N** is a true and correct excerpted copy of U.S. Patent No. 9,890,211.

16. Attached hereto as **Exhibit O** is a true and correct excerpted copy of U.S. Patent No. 9,884,907.

17. Attached hereto as **Exhibit P** is a true and correct excerpted copy of U.S. Patent No. 9,884,908.

18. Attached hereto as **Exhibit Q** is a true and correct excerpted copy of the prescribing information for EMGALITY (galcanezumab-gnlm) injection, for subcutaneous use (last revised December 5, 2019).

19. Attached hereto as **Exhibit R** is a true and correct copy of Chapter 3, “Antigen Recognition by B-cell and T-cell Receptors” from Charles A. Janeway *et al.*, *Immunobiology: The Immune System in Health and Disease*, 5th Edition, 2001.

20. Attached hereto as **Exhibit S** is a true and correct copy of Chapter 7, “Antibody Humanization by CDR Grafting,” from *Antibody Engineering: Methods and Protocols*, Methods in Molecular Biology™, Edited by Benny K.C. Lo, 2004.

21. Attached hereto as **Exhibit T** is a true and correct copy of the article Riechmann *et al.*, *Reshaping Human Antibodies for Therapy*, *Nature*, 332:323–27, 1988.

22. Attached hereto as **Exhibit U** is a true and correct copy of pages from Pei-Show Juo, Ph.D., *Concise Dictionary of Biomedicine and Molecular Biology*, 2nd Edition, 2001.

23. Complete copies of any excerpted documents identified above will be provided to the Court upon request.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, and that I executed this declaration in Milton, Massachusetts on this 11th day of September, 2020.

Respectfully Submitted,

/s/ Elaine Herrmann Blais

Elaine Herrmann Blais (BBO# 656142)

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210

Tel.: (617) 570-1000

Fax: (617) 523-1231

eblais@goodwinlaw.com

CERTIFICATE OF SERVICE

I, Elaine H. Blais, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel of record who are not served through the CM/ECF system on September 11, 2020.

/s/ Elaine Herrmann Blais
Elaine Herrmann Blais (BBO# 656142)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
eblais@goodwinlaw.com