1   UNITED STATES PATENT AND TRADEMARK OFFICE

2   _____

3   BEFORE THE PATENT TRIAL AND APPEAL BOARD

                   _____

4

5

                    PHIGENIX, INC.

6   Petitioner

7   v.

8   IMMUNOGEN, INC.

                    Patent Owner

9   _____

10   Case No. IPR2014-00676

            Patent 8,337,856 B2

11   _____

12

13

14   Volume 2

15   DEPOSITION OF MICHAEL G. ROSENBLUM, Ph.D.

16   Washington, D.C.

17   Wednesday, December 17, 2014

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24   Reported by: John L. Harmonson, RPR

25   Job No. 88356

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 5   December 17, 2014

 6   8:32 a.m.

 7

 8

 9   Deposition of MICHAEL G. ROSENBLUM, Ph.D.,

10   held at the offices of Andrews Kurth, 1350 I

11   Street, N.W., Washington, D.C., pursuant to

12   Notice, before John L. Harmonson, a Registered

13   Professional Reporter and Notary Public of the

14   District of Columbia, who officiated in

15   administering the oath to the witness.
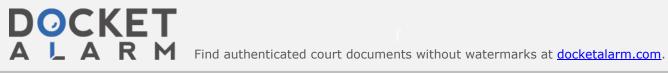
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1   A P P E A R A N C E S

2

3   On Behalf of Petitioner:

4   ANDREWS KURTH

5   600 Travis

6   Houston, Texas 77002

7   BY: GREG PORTER, ESQ.

8

9   ANDREWS KURTH

10   1350 I Street, N.W.

11   Washington, D.C. 20005

12   BY: PING WANG, M.D., ESQ.

13

14 On Behalf of Patent Owner:

15   STERNE KESSLER GOLDSTEIN & FOX

16   1100 New York Avenue, N.W.

17   Washington, D.C. 20005

18   BY: ELDORA ELLISON, PH.D., ESQ.

19   ERIC STEFFE, ESQ.

20

21 ALSO PRESENT:

22   JOSEPH J. KENNY, ESQ., ImmunoGen, Inc.

23

24

25

1   M. ROSENBLUM

2   --

3   P R O C E E D I N G S

4   8:32 a.m.

5   --

6   Whereupon,

7   MICHAEL G. ROSENBLUM, Ph.D.,

8   after having been first duly sworn or affirmed,

9   was examined and did testify under oath as

10   follows:

11   EXAMINATION

12   BY MS. ELLISON:

13   Q.   Good morning, Dr. Rosenblum.

14   A.   Good morning.

15   Q.   You understand that you remain under

16   oath since yesterday?

17   A.   I do.

18   Q.   During any of the breaks since the

19   deposition started yesterday morning, have you

20   spoken with counsel regarding the substance of

21   this case?

22   A.   I have not.

23   Q.   Can you tell me how many anti-HER2

24   antibodies were known as of March 2000?

25   A.   No, I cannot.

1   M. ROSENBLUM

2   Q.   Do you know if it was more than five?

3   A.   Probably more than five.

4   Q.   Do you know if it was more than ten?

5   A.   No, I cannot say for certain how many

6   anti-HER2 antibodies there were of different

7   species, different subtypes, classes, genetic

8   constructs. I cannot say for certain.

9   Q.   Do you know if there were more than

10   ten anti-HER2 antibodies as of March 2000?

11   A.   I do not know the answer to that.

12   Q.   I'm going to hand you a copy of

13   Exhibit 1006.

14   (Exhibit 1006 marked for

15   identification and attached hereto.)

16   BY MS. ELLISON:

17   Q.   This is a publication by Sarah

18   McKenzie and others published in Oncogene, 1989,

19   Volume 4, pages 543 through 548.

20   Have you ever read the McKenzie

21   publication that's provided as Exhibit 1006?

22   A.   If you'll just give me a second,

23   please.

24   I cannot say that I have ever seen

25   this publication before.

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