

PHIGENIX
Exhibit 1016

Filed on behalf of Phigenix, Inc.
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHIGENIX, INC.
Petitioner
v.
IMMUNOGEN, INC.
Patent Owner of
U.S. Patent No. 8,337,856 to Walter Blättler, et al.
Issued on December 25, 2012
Appl. No. 11/949,351 filed on December 3, 2007

IPR Trial No. 2014-TBD

DECLARATION OF MICHAEL G. ROSENBLUM, PH.D.

I, Michael Rosenblum, Ph.D., do hereby declare as follows:

1. After receiving my B.S. in chemistry from the University of South Carolina in 1972, I earned a M.S. in pharmacology from the Medical University of South Carolina in 1974 and a Ph.D. in pharmacology from the University of Arizona College of Medicine in 1978. I received my post-doctoral training at the MD Anderson Cancer Center from 1978 to 1981. Currently, I am a Professor and the Head of the Immunopharmacology and Targeted Therapy Laboratory, Department of Experimental Therapeutics, Division of Cancer Medicine, M.D. Anderson Cancer Center. I was also previously the Director of Research Development, Department of Experimental Therapeutics, M.D. Anderson Cancer Center, from 2008 to 2013.

2. I have substantial personal experience in developing immunoconjugates for cancer diagnosis and therapy. I am familiar with the construction of immunoconjugates with non-humanized or humanized monoclonal antibodies, the characterization of such immunoconjugates in both *in vitro* and *in vivo* settings. Since 1991, I have conducted and supervised research pertaining to immunotoxins directed against breast cancer and other tumor types. One of my research projects involved the evaluation of *in vitro* cytotoxicity, pharmacokinetics and *in vivo* efficacy of immunoconjugates comprising humanized antibodies directed at the

extracellular domain of ErbB2 in breast cancer cells *in vitro* and in xenograft models of breast cancer.

3. I have authored or co-authored over 188 peer-reviewed publications and obtained 14 U.S. Patents in the field of immunoconjugates and cancer treatment. I co-authored a book chapter with one of my graduate students entitled “Design, Development and Characterization of Recombinant Immunotoxins Targeting HER2/new, in Antibody-Drug Conjugates and Immunotoxins: From Pre-Clinical Development to Therapeutic Applications.” I served as Associate Editor of the journal *Molecular Biotherapy* (2003-2006) and as Senior Editor of *Molecular Cancer Therapeutics* (2007-2014). I am currently Associate Editor of *Pharmacological Reviews*, and I have served as an *ad hoc* reviewer of several journals including *Cancer Research*, *Clinical Cancer Research*, *Journal of Immunology*, *Journal of Pharmacology and Experimental Therapeutics*, *Molecular Cancer Therapeutics*, and *Cancer Immunology and Immunotherapy*. I also served as a grant reviewer in the US Army Breast Cancer Program from 1995 to 1996, and in the NIH Study Section for cancer immunobiology and immunotherapy from 2007 to 2009. Details of my publications and other activities relating to immunoconjugates and breast cancer are listed in the copy of my curriculum vitae which is submitted as an Exhibit to this Declaration (**Ex. 1032**).

4. I understand that an administrative proceeding in the United States Patent Office, called an *Inter Partes* Review, is being requested by Phigenix, Inc. I make this Declaration in support of Phigenix, Inc.'s Petition for *Inter Partes* Review of U.S. Patent No. 8,337,856 (**Ex. 1001**).

5. My compensation for work with respect to this *Inter Partes* Review will not be affected by the outcome of this *Inter Partes* Review. My scientific investigations are funded from several sources, which are set forth in my curriculum vitae (**Ex. 1032**).

6. I have reviewed U.S. Patent No. 8,337,856 (hereinafter "the '856 patent," **Ex. 1001**), by inventors Walter Blättler and Ravi Chari and, in particular, Claims 1-8 of the '856 patent. In addition, I have reviewed the Declaration of Dr. Mark Sliwocoswki (**Ex. 1028**) and the Declaration of Dr. Barbara Klencke (**Ex. 1029**). I have been informed by counsel of Phigenix that although the '856 patent was filed as application number 11/949,351 on December 3, 2007, I am to evaluate the '856 patent and claims as though it was filed on March 16, 2000, the earliest priority date claimed by the '856 patent. Furthermore, I understand from counsel of Phigenix that the intended audience for a given patent is a person of "ordinary skill in the art," as opposed to an expert in the field.

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