UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANOFI-AVENTIS U.S. LLC AND REGENERON PHARMACEUTICALS, INC, Petitioners

v.

GENENTECH, INC. AND CITY OF HOPE, Patent Owners

Case IPR2015-01624 U.S. Patent No. 6,331,415

PETITIONERS' OBJECTION S TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64



Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners sanofi-aventis U.S. LLC and

Regeneron Pharmaceuticals, Inc. object to the admissibility of the following exhibits served by Patent Owners Genentech, Inc. and City of Hope on May 16, 2016.

I. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTIONS

Evidence	Objections
Exhibit 2003	Not Made Available for Deposition: Object to
Expert Declaration of	admission of this declaration unless this witness is made
John Fiddes, Ph.D.	available for a deposition. See Ikaria, Inc. v. Geno LLC,
(Second Declaration	Case IPR2013-00253, slip. op. (P.T.A.B. April 1, 2014)
of Steven Lanier	(Paper 20)
McKnight,	
Reexamination Nos.	
90/007,542 and	
90/007,859 (June 3,	
2008))	
Exhibit 2019	See Appendix A, attached hereto.
(Expert Declaration of	
John Fiddes)	
Exhibit 2020 (Foote	Previously objected to on April 28, 2016. See Paper 26.
Deposition)	
Exhibit 2021 (Expert	Opinion testimony by a lay witness (FRE 701) . E.g.,
Declaration of Reiner	Dr. Gentz lacked a Ph.D. in molecular biology as of April
Gentz)	8, 1983.
	See objections to specific paragraphs in Appendix B, attached hereto.
Exhibit 2023	Previously objected to. See Paper 26
(Expert Report of	
Gregory Winter, <i>Eli</i>	
Lilly v. Genentech)	
Exhibit 2024	Previously objected to. See Paper 26
(Transcript of Gregory	J J
Winter Deposition,	



Eli Lilly v. Genentech)	
Exhibit 2026 (Arthur	Not Made Available for Deposition: Object to
Riggs Declaration)	admission of this declaration unless this witness is made available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2027 (Ronald	Not Made Available for Deposition: Object to
Wetzel Declaration)	admission of this declaration unless this witness is made
	available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2028 (Jeanne	Not Made Available for Deposition: Object to
Perry Declaration)	admission of this declaration unless this witness is made
	available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2029	Not Made Available for Deposition: Object to
(William Holmes	admission of this declaration unless this witness is made
Declaration)	available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2030	Not Made Available for Deposition: Object to
(Michael Rey	admission of this declaration unless this witness is made
Declaration)	available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2031	Not Made Available for Deposition: Object to
(Michael Mumford	admission of this declaration unless this witness is made
Declaration)	available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> . (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2032 (Shmuel	Not Made Available for Deposition: Object to
Cabilly Declaration)	admission of this declaration unless this witness is made available for a deposition. <i>See Ikaria, Inc. v. Geno LLC</i> , Case IPR2013-00253, <i>slip. op.</i> (P.T.A.B. April 1, 2014) (Paper 20).
Exhibit 2033 (Julie	See Appendix C, attached hereto.



Davis Declaration) Exhibit 2035 (U.S. Patent No. 4,495,280 File History) Exhibit 2040 (U.S. Patent No. 4,299,916) Exhibit 2041 (U.S. Previously objected to. See Paper 26. Patent No. 3,996,345) Exhibit 2057 (U.S. Patent No. 4,193,983) Exhibit 2060 (Gentz et al. Publication) Exhibit 2060 (Gentz et al. Publication) Exhibit 2072 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2072 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2080 (Gentz et al. Publication) Exhibit 2072 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2073 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2074 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2075 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2076 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2077 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2078 (Expert Report of Carlo M. Croce, M.D.) Exhibit 2080 (Deposition Transcript of James H. Sabry, M.D.) Exhibit 2091 (Deposition Transcript of Timothy R. Schwartz) Exhibit 2093 (Expert Hearsay (FRE 801, 802, 803): The exhibit sets forth inadmissible hearsay offered for the truth of the matters asserted therein and is not subject to any exceptions. Furthermore, the exhibit does not contain any non-hearsay statements under Fed. R. Evid. 801(d). Exhibit 2091 (Deposition Transcript of Timothy R. Schwartz) Exhibit 2093 (Expert Hearsay (FRE 801, 802, 803): The exhibit sets forth inadmissible hearsay offered for the truth of the matters asserted therein and is not subject to any exceptions. Furthermore, the exhibit does not contain any non-hearsay statements under Fed. R. Evid. 801(d). Exhibit 2091 (Deposition Transcript of Timothy R. Schwartz) Exhibit 2091 (Hearsay (FRE 801, 802, 803): The exhibit sets		
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statements under Fed. R. Evid. 801(d).	of Timothy R.	asserted therein and is not subject to any exceptions.
	Schwartz)	Furthermore, the exhibit does not contain any non-hearsay
Exhibit 2093 (Expert Hearsay (FRE 801, 802, 803): The exhibit sets forth		statements under Fed. R. Evid. 801(d).
	Exhibit 2093 (Expert	Hearsay (FRE 801, 802, 803): The exhibit sets forth



	Tentioners Objections to Evidence
Report of Robert C.	inadmissible hearsay offered for the truth of the matters
Rickert, Ph.D.)	asserted therein and is not subject to any exceptions.
	Furthermore, the exhibit does not contain any non-hearsay
	statements under Fed. R. Evid. 801(d).
Exhibit 2116 (Davis	Insufficient Basis for Opinion (FRE 702, 703 and 705,
Declaration Appendix	37 C.F.R. §42.65). Fails to provide underlying data
(C)	sufficient to support opinion.
	Summaries to Prove Content (FRE 1006). Fails to
	provide underlying data.
	Demonstrative Exhibit: "Demonstrative exhibits are not
	evidence." EMC Corp. v. Personalweb Tech., LLC,
	IPR2013-00082, Paper 66 at 3 (P.T.A.B. Dec. 13, 2013).
Exhibit 2117 (Davis	Insufficient Basis for Opinion (FRE 702, 703 and 705,
Declaration Appendix	37 C.F.R. §42.65). Fails to provide underlying data
D)	sufficient to support opinion.
	Summaries to Prove Content (FRE 1006) . Fails to
	provide underlying data.
	Demonstrative Exhibit: "Demonstrative exhibits are not
	evidence." EMC Corp. v. Personalweb Tech., LLC,
	IPR2013-00082, Paper 66 at 3 (P.T.A.B. Dec. 13, 2013).
Exhibit 2122	Hearsay (FRE 801, 802, 803): The exhibit sets forth
(Feldman et al.	inadmissible hearsay offered for the truth of the matters
Publication)	asserted therein and is not subject to any exceptions.
	Furthermore, the exhibit does not contain any non-hearsay
	statements under Fed. R. Evid. 801(d).
Exhibit 2123	Hearsay (FRE 801, 802, 803): The exhibit sets forth
(Gibbons Publication)	inadmissible hearsay offered for the truth of the matters
	asserted therein and is not subject to any exceptions.
	Furthermore, the exhibit does not contain any non-hearsay
	statements under Fed. R. Evid. 801(d).
Exhibit 2124 (Nelsen	Hearsay (FRE 801, 802, 803): The exhibit sets forth
Publication)	inadmissible hearsay offered for the truth of the matters
	asserted therein and is not subject to any exceptions.
	Furthermore, the exhibit does not contain any non-hearsay
	statements under Fed. R. Evid. 801(d).
Exhibit 2125 (Scherer	Hearsay (FRE 801, 802, 803): The exhibit sets forth
Publication)	inadmissible hearsay offered for the truth of the matters
	asserted therein and is not subject to any exceptions.
	_
	Furthermore, the exhibit does not contain any non-hearsay statements under Fed. R. Evid. 801(d).



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