

Filed on behalf of Patent Owners Genentech, Inc. and City of Hope by:

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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
Patent 6,331,415

**PATENT OWNERS' NOTICE REGARDING SUPPLEMENTAL
EVIDENCE**

On May 20, 2016, Petitioners filed and served Petitioners' Objections to Evidence Pursuant To 37 C.F.R. § 42.64 in the instant IPR proceeding. *See* IPR2015-01624, Paper No. 29. In particular, Petitioners objected to Exhibit 2035 (File History of U.S. Patent No. 4,495,280), as well as paragraphs 161, 189, and 195 of the Expert Declaration of John Fiddes (Ex. 2019) (all of which pertain to the file history of Exhibit 2035), as lacking completeness under Federal Rule of Evidence 102. *See id.* at 1, 3, 9. Patent Owners disagree with Petitioners' objections—as far as Patent Owners are aware, Exhibit 2035 is a complete copy of the file history for U.S. Patent No. 4,495,280. Petitioners failed to identify any particular pages of the file history in Exhibit 2035 that are purportedly missing.

Nevertheless, in order to obviate these objections, Patent Owners intend to file as supplemental evidence a certified copy of the file history of U.S. Patent No. 4,495,280. The service used by Patent Owners to obtain certified file histories from the Patent Office has estimated that the time required by the Patent Office to issue a certified file history can be more than three weeks. The Patent Owner diligently requested a certified copy of the file history upon learning of Petitioners' objections. However, in view of the time period to receive the certified copy from the U.S. Patent and Trademark Office ("USPTO"), Patent Owners have not received and are not able to file a certified file history by today's 10 business day deadline to file supplemental evidence in response to Petitioners' objections filed

Patent Owners' Notice Regarding Supplemental Evidence

on May 20, 2016. The Patent Owners are prepared to file the certified copy of the File History as soon as it is received.

Patent Owners have asked Petitioners' counsel whether they will object to Patent Owners' filing of the certified file history of U.S. Patent No. 4,495,280 when it becomes available from the Patent Office. Petitioners' counsel responded that they have no objection.

Respectfully submitted,

/David L. Cavanaugh/

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Dated: June 6, 2016

Patent Owners' Notice Regarding Supplemental Evidence

CERTIFICATE OF SERVICE

I hereby certify that, on June 6, 2016, I caused a true and correct copy of the foregoing materials:

- Patent Owners' Notice Regarding Supplemental Evidence

to be served via electronic mail on the following attorneys of record:

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