

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**

U.S. Patent No. 6,331,415
Appl. No. 07/205,419, filed June 10, 1988
Issued: Dec. 18, 2001

Title: Methods of Producing Immunoglobulins, Vectors
and Transformed Host Cells for Use Therein

IPR Trial No. TBD

**DECLARATION OF JEFFERSON FOOTE, PH.D., IN SUPPORT OF
SANOFI-AVENTIS U.S. LLC AND REGENERON'S PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 6,331,415**

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1. I, Jefferson Foote, Ph.D., have been retained by Mayer Brown LLP, counsel for sanofi-aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. I understand that sanofi-aventis and Regeneron have petitioned for *inter partes* review of U.S. Patent No. 6,331,415 ("the '415 patent," Ex. 1001) and requested that the United States Patent and Trademark Office cancel Claims 1-4, 9, 11, 12, 14-20 and 33 of the '415 patent ("the challenged claims") as unpatentable. The following discussion and analyses address and are presented in support of the bases for sanofi-aventis and Regeneron's petition.

I. BACKGROUND AND QUALIFICATIONS, PREVIOUS TESTIMONY, AND COMPENSATION

A. Background and Qualifications

2. As further detailed in my CV, attached as Exhibit A, I received a bachelor's degree from Harvard College in 1977 in Biochemical Sciences. My senior thesis involved structural studies on the enzyme aspartate transcarbamylase from *Escherichia coli* (*E. coli*) and was performed in the Chemistry Department under the direction of Professor William N. Lipscomb.

3. After receiving my undergraduate degree, I worked as a research assistant in Harvard's Department of Biochemistry and Molecular Biology from 1977-79 in the laboratory of Professor David Dressler. My first research project

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