

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANDOZ INC.,  
Petitioner,

v.

ELI LILLY & COMPANY,  
Patent Owner.

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Case No: IPR2016-00318  
Patent No. 7,772,209

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**DECLARATION OF BRUCE A. CHABNER, M.D.**

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I, Bruce A. Chabner, hereby declare as follows:

## **I. INTRODUCTION**

1. My name is Bruce A. Chabner. I am the Clinical Director Emeritus and the Paul G. Allen Distinguished Investigator at the Massachusetts General Hospital Cancer Center. I am also a Professor of Medicine at Harvard Medical School.

2. I have been asked by counsel for Patent Owner Eli Lilly to review United States Patent No. 7,772,209 (“the ’209 patent”) and other materials, and to provide my opinion as to whether claims 1-22 of the ’209 patent would have been obvious to the person of ordinary skill in the art as of June 1999. I also have been asked to respond to opinions offered by Dr. Archie Bleyer and Dr. Ron Schiff concerning the validity of the ’209 patent, both in their declarations and at their depositions.

3. I understand that there are three proceedings that involve the ’209 patent. Because there are a number of common issues to the three proceedings, I am providing a single declaration across all three.

4. In this declaration, I provide opinions regarding the ’209 patent, the prior art, the level of skill of the person of ordinary skill in that art, and how such a person would understand the prior art. The bases and reasons for my opinions,

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