

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENZYME CORPORATION,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

Case No. IPR2016-00383
U. S. Patent No. 6,331,415

**Declaration of Timothy Creagan in Support of Petitioner's Reply to
Patent Owners' Preliminary Response**

Genzyme Exhibit 1061 Genzyme v. Genentech, et al., IPR2016-00383
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I, Timothy Creagan, declare as follows:

1. I am the Vice President of Intellectual Property at Genzyme Corporation ("Genzyme").

2. Genzyme is a wholly-owned, indirect subsidiary of Sanofi SA, the ultimate parent company of Genzyme. Sanofi SA is a publicly traded entity, headquartered in France. Sanofi SA acquired Genzyme in April 2011 through a purchase of 100% of Genzyme stock.

3. Since the acquisition, and until a corporate restructuring that took effect on January 1, 2016, Genzyme was a separate, independent business unit of Sanofi SA. During that time period, net sales for Genzyme's products were reported separately in the annual reports of Sanofi SA.

4. From the time of the acquisition through December 30, 2015, Genzyme's legal department functioned with a large extent of autonomy from Sanofi SA. No lawyers in Genzyme's legal department had any direct reporting requirement to anyone (either legal or management) in Sanofi SA. Genzyme paid for its *Inter Partes* Reviews, litigations and related patent matters through its own budget. Genzyme also made the ultimate decisions of whether and when patent-related legal proceedings would be filed, seeking the authorization only from Genzyme management. With respect to legal proceedings that were filed,

Genzyme controlled the strategies and manner in which they were prosecuted or defended against.

5. Genzyme, with the assistance of its outside counsel, solely prepared and filed the present IPR proceeding. It was Genzyme that desired review of U.S. Patent 6,331,415, and it was Genzyme that was solely responsible for directing, controlling, and funding (including costs and legal fees) the preparation and filing of the present IPR. Genzyme's General Counsel, Tracey McCain, granted power of attorney to Genzyme's outside counsel at Mayer Brown LLP to transact business with the Patent Trial and Appeal Board in connection with the present IPR.

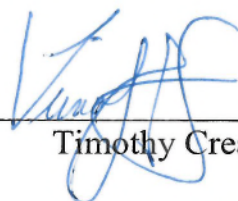
6. Neither Sanofi SA nor sanofi-aventis U.S. LLC participated in the decision to file the present IPR. They did not co-author Genzyme's Petition, exercise any control over the filing or content of the Petition, or provide funding or other compensation for the preparation and filing of the Petition. At no point did Genzyme seek authorization from anyone at Sanofi SA or sanofi-aventis U.S. LLC regarding the content, funding or timing of filing of the present IPR.

7. The corporate restructuring that took effect on January 1, 2016, was prospectively announced in July 2015 by Olivier Brandicourt, the CEO of the Sanofi SA. As part of the restructuring, the reporting structure between Genzyme and Sanofi SA also changed, with the heads of certain Genzyme departments

(including legal, and intellectual property in particular) now reporting out of Genzyme directly to their Sanofi SA counterparts. When Genzyme's IPR was filed on December 30, 2015, Genzyme identified Sanofi SA as the real party-in-interest in light of the imminent corporate restructuring.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code.

Dated: May 20, 2016

By: 

Timothy Creagan