

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

Case IPR2016-00710
Patent 6,331,415

EXPERT DECLARATION OF JULIE L. DAVIS

Mylan v. Genentech

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Exhibit 1:	Curriculum Vitae of Julie L. Davis
Exhibit 2:	Index to Documents Considered in Forming Opinions
Appendix A:	License Agreement Summary
Appendix B:	Settlement Agreement Summary
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I. BACKGROUND AND EXPERIENCE

1. I have been providing audit and financial consulting services to attorneys and corporate clients for thirty-eight years. The early part of my career was devoted to directing and performing independent financial audits of private and publicly held companies ranging from manufacturing entities to financial institutions. Drawing upon that background, I now consult extensively with companies involved in business and intellectual property disputes.

2. I have worked on numerous intellectual property cases during my career and have conducted complex studies of damages related thereto. These studies have included evaluations of lost sales, lost profits, incremental profits, manufacturing, and marketing capacities, fixed and variable costs, product line profitability, price erosion, reasonable royalties, unjust enrichment, and prejudgment interest. I have testified in matters related to these studies.

3. In addition to intellectual property disputes, I have assisted companies in developing intellectual property strategies and managing their intellectual property portfolios. I have also conducted studies related to those portfolios including patent portfolio analyses, competitive assessments, licensing analyses, cost studies, and benchmarking studies. In addition, I have co-authored a book on the best practices used by leading companies in managing their intellectual property.

4. I graduated in 1978, *summa cum laude*, from Kansas State University with a Bachelor of Science degree in Business Administration and Accounting. In the same year, I earned the Gold Key in the State of Kansas for the highest score in the state on the CPA exam. I am a member of the American Institute of Certified Public Accountants, American Bar Association, and Licensing Executives Society. My curriculum vitae, which is attached as Exhibit 1, describes my professional credentials including other publications and prior testimony experience.

II. SCOPE OF RETENTION

5. The above-referenced matter relates to a petition for *inter partes* review filed by Mylan Pharmaceuticals Inc. (“Mylan”)¹ against Genentech, Inc. (“Genentech”) and City of Hope related to U.S. Patent No. 6,331,415 entitled “Methods of Producing Immunoglobulins, Vectors and Transformed Host Cells for Use Therein,” issued on December 18, 2001 (“the ’415 patent” or “the Cabilly II patent”).²

6. I understand that, in a September 8, 2016 decision, the Patent Trial and Appeal Board (the “Board”) instituted *inter partes* review on two grounds that collectively involve claims 1-4, 11, 12, 14, 18-20, and 33 of the Cabilly II patent.³

¹ For the purposes of this declaration, I may refer to Mylan as “the Petitioner.”

² *Mylan Pharmaceuticals Inc. v. Genentech, Inc.*, IPR2016-00710, Paper 2 (March 3, 2016); Ex. 1001, U.S. Patent No. 6,331,415.

³ *Mylan Pharmaceuticals Inc.*, IPR2016-00710, Paper 13 at 15 (Sept. 8, 2016).

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