Case IPR2016-00820 U.S. Patent No. 7,064,197 UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOLOGIC, INC., Petitioner

v.

ENZO LIFE SCIENCES, INC., Patent Owner

Case IPR2016-00820

U.S. Patent No. 7,064,197 TITLE: SYSTEM, ARRAY AND NON-POROUS SOLID SUPPORT COMPRISING FIXED OR IMMOBILIZED NUCLEIC ACIDS Issue Date: June 20, 2006

DECLARATION OF GREGORY BUCK, Ph.D.

DOCKET

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	A.	Fish Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 31, 32, 33, 34, 41, 61, 62, 63, 68, 69, 70, 72, 73, 74, 79, 100, 191, 192, 193, 194, 212, 213, 219, 222, 225, 226, 227, 230, 233, Or 23623				
		1.	Fish Does Not Involve Nucleic Acid Hybridization Detection Technology			
		2.	Fish Does Not Disclose Single-Stranded Nucleic Acid Strands Fixed Or Immobilized To A Non-Porous Solid Support			
		3.	Fish Does Not Disclose Single-Stranded Nucleic Acids Fixed Or Immobilized To A Non-Porous Solid Support In Hybridizable Form			

		a. The Hybridization Described In Diehl Is Not Applicable To Fish	
		b. The '197 Patent Prosecution History Does Not Support Petitioner's Inherency Theory	
	4.	Fish Does Not Disclose A Fixed Or Immobilized Nucleic Acid That Comprises A Nucleic Acid Sequence Complementary To A Nucleic Acid Sequence Of Interest Sought To Be Identified, Quantified Or Sequenced41	
B.		Standing Alone, Does Not Render Obvious Any Of ns 31, 64, 68, 101, 192, Or 19543	
	1.	Fish Does Not Teach Or Suggest A Fixed Or Immobilized Nucleic Acid That Comprises A Nucleic Acid Sequence Complementary To A Nucleic Acid Sequence of Interest Sought To Be Identified, Quantified Or Sequenced	
	2.	Fish Does Not Disclose Fixed Or Immobilized RNA46	
C.		In View Of Gilham Does Not Render Obvious Any Of ns 38, 78, Or 218	
D.	 VPK Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 27, 31, 32, 34, 61, 62, 63, 68, 69, 70, 72, 74, 79, 100, 191, 192, 193, 194, 213, 219, 226, 227, Or 236. 		
	1.	The '197 Patent Provides Written Description For The Genus Of "Non-Porous Solid Supports."	
	2.	VPK Does Not Anticipate Any of Claims 1, 6, 8, 9, 12, 13, 14, 15, 27, 31, 32, 34, 61, 62, 63, 68, 69, 70, 72, 74, 79, 100, 191, 192, 193, 194, 213, 219, 226, 227, Or 23659	
		a. Independent Claims 1, 6, 8, 9, 12, 13, 14, 15, And 2762	
		b. Dependent Claims 31, 68, And 19266	
		c. Dependent Claims 79, 219, And 23668	

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d.	Dependent Claims 32, 34, 61, 62, 63, 69, 70, 7	2, 74,	100,
	191, 193, 194, 213, 226, And 227		69

E.	Noyes In View Of VPK And Ramachandran Does Not Render	
	Obvious Any Of Claims 16, 38, 64, 78, 101, 195, 218, 222, Or	
	230	.70

F. VPK In View Of Metzgar Does Not Render Obvious Any Of Claims 33, 41, 73, 212, 225, Or 233......80

I. INTRODUCTION

I, Gregory Buck, Ph.D., a resident of Richmond, Virginia over 18 years of age, hereby declare as follows:

1. I have personal knowledge of all of the matters about which I testify in this declaration.

2. Desmarais LLP retained me on behalf of Enzo Life Sciences, Inc. ("Enzo") to provide my technical opinions and testimony about claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 31, 32, 33, 34, 38, 41, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 78, 79, 100, 101, 191, 192, 193, 194, 195, 212, 213, 218, 219, 222, 225, 226, 227, 230, 233, and 236 of U.S. Patent No. 7,064,197 (Ex. 1001, "the '197 Patent"). I refer to those claims as the "challenged claims."

3. I am being compensated for my work in this proceeding and receiving reimbursement for expenses incurred in the course of my work. My compensation is not contingent in any way on either the opinions I have reached or the outcome of this case.

4. I was also retained on behalf of Enzo to provide technical opinions and testimony on infringement and validity issues regarding the '197 Patent in certain district court cases. I have provided an expert report and/or export testimony in the following matters: *Enzo Life Sciences, Inc. v. Agilent Technologies Inc.*, Civil Action No. 1:12-cv-434 (D. Del.); *Enzo Life Sciences, Inc.*

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