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# Transcript of Lutz Riechmann, Ph.D.

**Date:** June 19, 2018

**Case:** Celltrion, Inc. -v- Genentech, Inc. (PTAB)

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Celltrion, Inc. v. Genentech

IPR2017-01373

Genentech Exhibit 2064

Transcript of Lutz Riechmann, Ph.D.  
 Conducted on June 19, 2018

<p style="text-align: center;">1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE                  2 BEFORE THE PATENT TRIAL AND APPEAL BOARD                  3 -----x                  4 CELLTRION, INC., Case Nos.                  5 Petitioner, IPR2017-01373                  6 -vs- IPR2017-01374                  7 GENENTECH, INC., U.S. Patent No.                  8 Patent Owner. 6,407,213                  9 -----x                  10                  11                  12                  13 VIDEOTAPED DEPOSITION OF:                  14 LUTZ RIECHMANN, Ph.D.                  15 Tuesday, June 19, 2018                  16 New York, New York                  17 9:37 a.m. - 11:37 a.m.                  18                  19                  20 Reported in stenotype by:                  21 Rich Germosen,                  22 CCR, CRCR, CRR, RMR, NYACR, NYRCR                  NCRA/NJ/NY/CA Certified Realtime Reporter                  NCRA Realtime Systems Administrator                  Job No. 194202</p>	<p style="text-align: center;">3</p> <p>1 A P P E A R A N C E S:                  2                  3                  4 ON BEHALF OF THE PETITIONER                  5 ROBERT V. CERWINSKI, ESQ.                  6 GOODWIN PROCTER LLP                  7 The New York Times Building                  8 620 Eighth Avenue                  9 New York, New York 10018                  10 (212) 813.8800                  11                  12 ON BEHALF OF THE PATENT OWNER                  13 ANDREW J. DANFORD, ESQ.                  14 -and-                  15 LAURA MACRO, ESQ.                  16 WILMER CUTLER PICKERING HALE and DORR LLP                  17 60 State Street                  18 Boston, Massachusetts 02109                  19 (617) 526.6806                  20 ALSO PRESENT:                  21 CHRIS JOHNSON, Videographer                  22 TRACI ROPP, ESQ., Genentech, Inc.</p>																																														
<p style="text-align: center;">2</p> <p>1 VIDEOTAPED DEPOSITION of LUTZ RIECHMANN, Ph.D.,                  2 taken in the above-entitled matter before RICH GERMOSEN,                  3 Certified Court Reporter, (License No. 30XI00184700),                  4 Certified Realtime Court Reporter-NJ, (License No.                  5 30XR00016800), NCRA/NY/CA Certified Realtime Reporter,                  6 NCRA Registered Merit Reporter, New York Association                  7 Certified Reporter, NCRA Realtime Systems Administrator,                  8 taken at the offices of GOODWIN PROCTER LLP, The New                  9 York Times Building, 620 Eighth Avenue, New York, New                  10 York 10018, on Tuesday, June 19, 2018, commencing at                  11 9:37 a.m.                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1 WITNESS</td> <td style="width: 50%; text-align: right;">EXAMINATION</td> </tr> <tr> <td>2 LUTZ RIECHMANN, Ph.D.</td> <td></td> </tr> <tr> <td>3 BY MR. DANFORD</td> <td style="text-align: right;">7</td> </tr> <tr> <td>4 BY MR. CERWINSKI</td> <td style="text-align: right;">86</td> </tr> <tr> <td>5 BY MR. DANFORD</td> <td style="text-align: right;">90</td> </tr> <tr> <td>6 BY MR. CERWINSKI</td> <td style="text-align: right;">91</td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: center;">E X H I B I T S</td> </tr> <tr> <td>10 EXHIBIT NO. DESCRIPTION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>11 Exhibit 1143 Lutz Riechmann reply</td> <td style="text-align: right;">8</td> </tr> <tr> <td>12 declaration</td> <td></td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14 Exhibit 1143 Exhibit 1143 in 1374IPR</td> <td style="text-align: right;">8</td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16 Exhibit 2041 Ian Wilson declaration in</td> <td style="text-align: right;">28</td> </tr> <tr> <td>17 1373 IPR</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19 Exhibit 1063 document previously marked as</td> <td style="text-align: right;">34</td> </tr> <tr> <td>20 exhibit 1063</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22 Exhibit 1071 Kurrle reference</td> <td style="text-align: right;">44</td> </tr> </table>	1 WITNESS	EXAMINATION	2 LUTZ RIECHMANN, Ph.D.		3 BY MR. DANFORD	7	4 BY MR. CERWINSKI	86	5 BY MR. DANFORD	90	6 BY MR. CERWINSKI	91	7		8		9		E X H I B I T S		10 EXHIBIT NO. DESCRIPTION	PAGE	11 Exhibit 1143 Lutz Riechmann reply	8	12 declaration		13		14 Exhibit 1143 Exhibit 1143 in 1374IPR	8	15		16 Exhibit 2041 Ian Wilson declaration in	28	17 1373 IPR		18		19 Exhibit 1063 document previously marked as	34	20 exhibit 1063		21		22 Exhibit 1071 Kurrle reference	44
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<p>1 E X H I B I T S (CONT'D.)</p> <table border="1"><thead><tr><th data-bbox="159 262 300 283">EXHIBIT NO.</th><th data-bbox="300 262 617 283">DESCRIPTION</th><th data-bbox="617 262 841 283">PAGE</th></tr></thead><tbody><tr><td data-bbox="159 294 300 315">3 Exhibit 1003C</td><td data-bbox="300 294 617 315">document previously marked</td><td data-bbox="617 294 841 315">47</td></tr><tr><td data-bbox="159 325 300 346"></td><td data-bbox="300 325 617 346">Exhibit 1003C</td><td data-bbox="617 325 841 346"></td></tr><tr><td data-bbox="159 399 300 420">6 Exhibit 1001</td><td data-bbox="300 399 617 420">document filed as exhibit</td><td data-bbox="617 399 841 420">52</td></tr><tr><td data-bbox="159 430 300 451"></td><td data-bbox="300 430 617 451">1049, exhibit stamp reads</td><td data-bbox="617 430 841 451"></td></tr><tr><td data-bbox="159 462 300 483"></td><td data-bbox="300 462 617 483">1001</td><td data-bbox="617 462 841 483"></td></tr><tr><td data-bbox="159 535 300 556">10 Exhibit 1051</td><td data-bbox="300 535 617 556">Tramontano reference</td><td data-bbox="617 535 841 556">57</td></tr><tr><td data-bbox="159 609 300 630">12 Exhibit 1001</td><td data-bbox="300 609 617 630">document previously marked</td><td data-bbox="617 609 841 630">88</td></tr><tr><td data-bbox="159 640 300 661"></td><td data-bbox="300 640 617 661">Exhibit 1001</td><td data-bbox="617 640 841 661"></td></tr></tbody></table> <p>14 **original exhibits returned with original transcript 15 by PLANET DEPOS to WILMER HALE 16 (exhibit index concluded)</p>	EXHIBIT NO.	DESCRIPTION	PAGE	3 Exhibit 1003C	document previously marked	47		Exhibit 1003C		6 Exhibit 1001	document filed as exhibit	52		1049, exhibit stamp reads			1001		10 Exhibit 1051	Tramontano reference	57	12 Exhibit 1001	document previously marked	88		Exhibit 1001		<p>1 of WilmerHale for the patent owner, Genentech. And 2 I'm joined today by my colleague, Laura Macro, of 3 WilmerHale and Traci Ropp of Genentech. 4 MR. CERWINSKI: Rob Cerwinski, 5 Goodwin Procter LLP representing Celltrion, the 6 petitioner. 7 THE VIDEOGRAPHER: The court reporter 8 today is Rich Germosen representing Planet Depos. 9 Would the court reporter please swear 10 in the witness. 11 (Whereupon, the court reporter 12 administered the oath to the witness.) 13 14 L U T Z R I E C H M A N N, Ph.D., 15 having been first duly sworn or affirmed, was 16 examined and testified as follows: 17 EXAMINATION BY MR. DANFORD: 18 BY MR. DANFORD: 19 Q. Good morning, Dr. Riechmann. 20 A. <b>Good morning.</b> 21 Q. We met in the hallway. I'm Andrew 22 Danford. I'm one of the attorneys representing</p>
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<p>1 ----- 2 P R O C E E D I N G S 3 9:37 a.m. 4 New York, New York 5 ----- 6 THE VIDEOGRAPHER: Stand by, please. 7 We are now on the record. Here 8 begins tape number one in the videotaped deposition 9 of Lutz Riechmann, Ph.D., in the matter of 10 Celltrion, Incorporated versus Genentech, 11 Incorporated PTAB, in the United States Patent and 12 Trademark Office for the Patent Trial and Appeal 13 Board, case number IPR2001701373 and 01374. 14 Today's date is Tuesday, June 19, 15 2018. The time on the video monitor is 16 approximately 9:37 a.m. The videographer today is 17 Chris Johnson representing Planet Depos. 18 This video deposition is taking place 19 at 620 Eighth Avenue, New York, New York. 20 Would counsel please voice identify 21 themselves and state whom they represent. 22 MR. DANFORD: This is Andrew Danford</p>	<p>1 Genentech. It's nice to meet you. 2 A. <b>Same here.</b> 3 Q. Let's just start by handing you a 4 couple of exhibits. 5 (Whereupon, Lutz Riechmann reply 6 declaration, is received and marked as Exhibit 1143 7 for Identification.) 8 BY MR. DANFORD: 9 Q. I've given you first here an exhibit 10 that's been marked as number 1143 in the 1373IPR. 11 Exhibit 1143 is a copy of your reply 12 declaration from the 1373IPR; correct? 13 A. <b>That's correct.</b> 14 (Whereupon, Exhibit 1143 in 1374IPR, 15 is received and marked as Exhibit 1143 for 16 Identification.) 17 BY MR. DANFORD: 18 Q. Let me hand you another exhibit which 19 has also been marked as exhibit 1143. This is 20 exhibit 1143 in the 1374IPR. 21 A. <b>(Reviews.)</b> 22 Q. This 1143 exhibit is your</p>																											

Conducted on June 19, 2018

9	<p>1 declaration -- your reply declaration from the                  2 1374IPR; correct?  <b>3 A. Yeah.</b>                  4 Q. And your reply declaration from the                  5 1373IPR is substantively the same as your                  6 declaration from the 1374IPR; correct?  <b>7 A. Yes.</b>                  8 Q. And other than really the case                  9 numbers, you're not aware of any differences between                  10 the two documents; correct?  <b>11 A. That's correct.</b>                  12 Q. Okay. Well, let's just pick up your                  13 1373 declaration then, and if you could turn to page                  14 21 of the exhibit, looking at the very bottom                  15 numbers, that's your signature on that page;                  16 correct?  <b>17 A. Yeah.</b>                  18 Q. And you signed this declaration on                  19 May 25, 2018; correct?  <b>20 A. Yes.</b>                  21 Q. Have you reviewed exhibit 1143 since                  22 you signed it?</p>	11
10	<p>1 <b>A. This? This same --</b>                  2 Q. Yeah. Have you reviewed your reply                  3 declarations --  <b>4 A. Yes.</b>                  5 Q. -- after you signed it?                  6 And are you aware of any errors or                  7 inaccuracies in your reply declaration?  <b>8 A. Yes, I noticed one typo and one wrong</b>  <b>9 reference.</b>                  10 Q. Okay. Why don't you point me to                  11 that. You can start with the typo if you want.  <b>12 A. It's somewhere where it should say</b>  <b>13 "that" -- no, "than" rather than "that." So</b>  <b>14 something is better that something else. Do you</b>  <b>15 want me to find that or --</b>                  16 Q. No, that's fine.  <b>17 A. Yeah, I thought so. But, yes, wrong</b>  <b>18 references is paragraph 25.</b>                  19 Q. Okay.  <b>20 A. Which is on page 13 or the bottom</b>  <b>21 number of 14. There discuss a prior art reference</b>  <b>22 for residue 78H.</b></p>	12
9	<p>1 Q. Yeah.  <b>2 A. And in the table, I refer there to</b>  <b>3 exhibit 1063 Chothia 1985 at 660, and that should</b>  <b>4 have been Chothia &amp; Lesk 1987.</b>                  5 Q. Okay.  <b>6 A. Which I think was exhibit 1062 if I'm</b>  <b>7 correct. That was on page 906 maybe, I think 906.</b>                  8 Q. Okay. We'll come back to that later                  9 today then.                  10 Approximately how many hours did you                  11 spend preparing your reply declarations?  <b>12 A. I don't remember.</b>                  13 Q. More or less than 50 hours?  <b>14 A. Less than 50 hours I think, yeah.</b>                  15 Q. Was it more or less than 30 hours?  <b>16 A. Don't know. Could be in that range,</b>  <b>17 yeah.</b>                  18 Q. When did you start working on your                  19 reply declaration?  <b>20 A. I don't recall.</b>                  21 Q. Was it after Genentech submitted its                  22 patent owner response and the declaration of Dr. Ian</p>	11
11	<p>1 Wilson in these proceedings?  <b>2 A. Yes.</b>                  3 Q. Did you talk with anyone other than                  4 counsel for Celltrion about the opinions set forth                  5 in your reply declarations?  <b>6 A. No.</b>                  7 Q. What did you do to prepare your reply                  8 declaration?  <b>9 A. I read your response. I read Ian</b>  <b>10 Wilson's declaration. I read my first declaration</b>  <b>11 again, and I read petitioner's reply. I think</b>  <b>12 that's what it's called.</b>                  13 Q. Did you do any literature searches as                  14 part of preparing your reply?  <b>15 A. Yeah, I mean, I do that -- it comes</b>  <b>16 up all the time, so I guess I did, but I -- it's not</b>  <b>17 something which I particularly take note of it. I</b>  <b>18 do it because when I read something and there is a</b>  <b>19 reference where I don't remember what it is, I start</b>  <b>20 doing a literature search at that moment because I</b>  <b>21 have to find it because not all the references are</b>  <b>22 obviously given.</b></p>	12

13

1 Q. And maybe if we could just turn to  
 2 the back of your reply declaration. I'm just  
 3 looking at the very last page where it says:  
 4 Additional materials considered.  
 5 **A. Uh-huh.**  
 6 Q. Were any of those documents that are  
 7 listed here materials that you identified through a  
 8 literature search?  
 9 **A. I remember now the Pauling reference,**  
 10 **that's something I found.**  
 11 Q. The Pauling reference is exhibit  
 12 1145; right?  
 13 **A. That's right, yeah.**  
 14 Q. And that's one that you found  
 15 yourself; correct?  
 16 **A. Yeah.**  
 17 Q. What about exhibit 1144, which is  
 18 U.S. Patent number 5821337? Did you find that  
 19 patent on your own or was that given to you?  
 20 **A. I don't remember.**  
 21 Q. Before your work on this case, were  
 22 you aware of exhibit 1144?

14

1 **A. I don't remember when I became first**  
 2 **aware of it.**  
 3 Q. Just coming back to exhibit 1145, the  
 4 Pauling book, were you aware of that reference prior  
 5 to your work on this case?  
 6 **A. Again, I probably have seen that book**  
 7 **before, but there was a specific point which I**  
 8 **wanted to find kind of the first time kind of**  
 9 **established generally in the literature that the**  
 10 **distance between two atoms when they're touching is**  
 11 **the sum of van der Walls radii.**  
 12 (Reporter clarification.)  
 13 **A. Van der Walls radii. And that was**  
 14 **just Linus Pauling in 1960 when he looked at the**  
 15 **structural data available at that point and he saw**  
 16 **that the distance between two atoms, which are**  
 17 **touching, is in proteins generally about 3 or**  
 18 **3.3-angstrom, something like that.**  
 19 Q. So this Pauling reference was not  
 20 something that you addressed in your original  
 21 declaration in these proceedings; correct?  
 22 **A. It's common knowledge for person**

15

1 **skilled in the art, but the Goodwin team asked me**  
 2 **where does it actually --**  
 3 MR. CERWINSKI: I caution you not to  
 4 reveal the substance of any communications with  
 5 attorneys.  
 6 THE WITNESS: Okay.  
 7 **A. I just felt it needed -- at that**  
 8 **point it would be suitable to have a reference in**  
 9 **the -- which shows that it was really established as**  
 10 **common knowledge, this distance of two atoms when**  
 11 **they're touching in a protein.**  
 12 Q. And it's not in something in here you  
 13 called a list of additional materials considered;  
 14 correct?  
 15 **A. Say again.**  
 16 Q. The list that that exhibit 1145 is on  
 17 is titled: Additional Materials Considered;  
 18 correct?  
 19 **A. Yes.**  
 20 Q. And these are materials that are in  
 21 addition to the materials that you considered when  
 22 preparing your original declaration; correct?

16

1 **A. Correct.**  
 2 Q. So all of the stuff that was on this  
 3 list was not something that you considered or  
 4 addressed in your original declaration; correct?  
 5 **A. That's correct, yes.**  
 6 Q. Okay. Just going down to exhibit  
 7 1193, that's an article by Foote; correct?  
 8 **A. Correct.**  
 9 Q. Did you find that article through  
 10 your own research?  
 11 **A. No.**  
 12 Q. How did you become aware of exhibit  
 13 1193?  
 14 **A. During the preparation for the**  
 15 **first -- for my first deposition.**  
 16 Q. Before your work on this case, were  
 17 you aware of exhibit 1193?  
 18 **A. No.**  
 19 Q. Exhibit 1194 is an article by  
 20 Kolbinger; correct?  
 21 **A. Yes.**  
 22 Q. Did you find that article through

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