

Filed on behalf of Patent Owner Genentech, Inc. by:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLTRION, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01373
U.S. Patent No. 6,407,213

PATENT OWNER'S OBJECTIONS TO DEMONSTRATIVES

Pursuant to the Board's Order Granting Request for Oral Argument (Paper 67), Patent Owner submits objections to Petitioner's Oral Hearing Demonstratives.

1. Patent Owner objects to slides 88, 89, 127, and 128 because they include material that was presented untimely by Petitioner and that is subject to Patent Owner's motions to strike and to exclude. *See* Paper 59; Paper 61.

2. Patent Owner objects to slides 92 and 120 because they rely on the testimony of '213 patent inventor Dr. Leonard Presta regarding how he arrived at the invention of the '213 patent and his expectations to argue that the challenged claims would have been obvious. An inventor's knowledge and expectations, however, do not reflect the knowledge and expectations of a person of ordinary skill and may not be used to prove obviousness. *See Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 454 (Fed. Cir. 1985) ("Inventors, as a class . . . sets them apart from the workers of *ordinary* skill, and one should not go about determining obviousness under § 103 by inquiring into what *patentees* (i.e., inventors) would have known or would likely have done, faced with the revelations of references."); 35 U.S.C. § 103.

3. Patent Owner objects to Petitioner's slides 29 and 65 to the extent they assert that the prior art teaches serial substitutions of framework residues to increase binding affinity because such argument was not made in the Petition and is therefore an untimely and improper argument.

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Patent Owner's Objections to Demonstratives

Respectfully Submitted,

July 13, 2018

By: /David L. Cavanaugh /

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CERTIFICATE OF SERVICE

I hereby certify that, on July 13, 2018, I caused a true and correct copy of the following materials:

- Patent Owner's Objections to Demonstratives

to be served via electronic mail on the following attorneys of record:

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