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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

IPR2017-01374

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 style="text-align: right;">5</p> <p>1 E X H I B I T S (CONT'D.)</p> <p>2 EXHIBIT NO. DESCRIPTION PAGE</p> <p>3 Exhibit 1003C document previously marked 47</p> <p>4 Exhibit 1003C</p> <p>5</p> <p>6 Exhibit 1001 document filed as exhibit 52</p> <p>7 1049, exhibit stamp reads</p> <p>8 1001</p> <p>9</p> <p>10 Exhibit 1051 Tramontano reference 57</p> <p>11</p> <p>12 Exhibit 1001 document previously marked 88</p> <p>13 Exhibit 1001</p> <p>14 **original exhibits returned with original transcript</p> <p>15 by PLANET DEPOS to WILMER HALE</p> <p>16 (exhibit index concluded)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">7</p> <p>1 of WilmerHale for the patent owner, Genentech. And</p> <p>2 I'm joined today by my colleague, Laura Macro, of</p> <p>3 WilmerHale and Traci Ropp of Genentech.</p> <p>4 MR. CERWINSKI: Rob Cerwinski,</p> <p>5 Goodwin Procter LLP representing Celltrion, the</p> <p>6 petitioner.</p> <p>7 THE VIDEOGRAPHER: The court reporter</p> <p>8 today is Rich Germosen representing Planet Depos.</p> <p>9 Would the court reporter please swear</p> <p>10 in the witness.</p> <p>11 (Whereupon, the court reporter</p> <p>12 administered the oath to the witness.)</p> <p>13</p> <p>14 L U T Z R I E C H M A N N, Ph.D.,</p> <p>15 having been first duly sworn or affirmed, was</p> <p>16 examined and testified as follows:</p> <p>17 EXAMINATION BY MR. DANFORD:</p> <p>18 BY MR. DANFORD:</p> <p>19 Q. Good morning, Dr. Riechmann.</p> <p>20 A. <b>Good morning.</b></p> <p>21 Q. We met in the hallway. I'm Andrew</p> <p>22 Danford. I'm one of the attorneys representing</p>
<p style="text-align: right;">6</p> <p>1 -----</p> <p>2 P R O C E E D I N G S</p> <p>3 9:37 a.m.</p> <p>4 New York, New York</p> <p>5 -----</p> <p>6 THE VIDEOGRAPHER: Stand by, please.</p> <p>7 We are now on the record. Here</p> <p>8 begins tape number one in the videotaped deposition</p> <p>9 of Lutz Riechmann, Ph.D., in the matter of</p> <p>10 Celltrion, Incorporated versus Genentech,</p> <p>11 Incorporated PTAB, in the United States Patent and</p> <p>12 Trademark Office for the Patent Trial and Appeal</p> <p>13 Board, case number IPR2001701373 and 01374.</p> <p>14 Today's date is Tuesday, June 19,</p> <p>15 2018. The time on the video monitor is</p> <p>16 approximately 9:37 a.m. The videographer today is</p> <p>17 Chris Johnson representing Planet Depos.</p> <p>18 This video deposition is taking place</p> <p>19 at 620 Eighth Avenue, New York, New York.</p> <p>20 Would counsel please voice identify</p> <p>21 themselves and state whom they represent.</p> <p>22 MR. DANFORD: This is Andrew Danford</p>	<p style="text-align: right;">8</p> <p>1 Genentech. It's nice to meet you.</p> <p>2 A. <b>Same here.</b></p> <p>3 Q. Let's just start by handing you a</p> <p>4 couple of exhibits.</p> <p>5 (Whereupon, Lutz Riechmann reply</p> <p>6 declaration, is received and marked as Exhibit 1143</p> <p>7 for Identification.)</p> <p>8 BY MR. DANFORD:</p> <p>9 Q. I've given you first here an exhibit</p> <p>10 that's been marked as number 1143 in the 1373IPR.</p> <p>11 Exhibit 1143 is a copy of your reply</p> <p>12 declaration from the 1373IPR; correct?</p> <p>13 A. <b>That's correct.</b></p> <p>14 (Whereupon, Exhibit 1143 in 1374IPR,</p> <p>15 is received and marked as Exhibit 1143 for</p> <p>16 Identification.)</p> <p>17 BY MR. DANFORD:</p> <p>18 Q. Let me hand you another exhibit which</p> <p>19 has also been marked as exhibit 1143. This is</p> <p>20 exhibit 1143 in the 1374IPR.</p> <p>21 A. <b>(Reviews.)</b></p> <p>22 Q. This 1143 exhibit is your</p>

Conducted on June 19, 2018

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

<p style="text-align: right;">13</p> <p>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.  <b>5 A. Uh-huh.</b>                  6 Q. Were any of those documents that are                  7 listed here materials that you identified through a                  8 literature search?  <b>9 A. I remember now the Pauling reference,</b>  <b>10 that's something I found.</b>                  11 Q. The Pauling reference is exhibit                  12 1145; right?  <b>13 A. That's right, yeah.</b>                  14 Q. And that's one that you found                  15 yourself; correct?  <b>16 A. Yeah.</b>                  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?  <b>20 A. I don't remember.</b>                  21 Q. Before your work on this case, were                  22 you aware of exhibit 1144?</p>	<p style="text-align: right;">15</p> <p><b>1 skilled in the art, but the Goodwin team asked me</b>  <b>2 where does it actually --</b>                  3 MR. CERWINSKI: I caution you not to                  4 reveal the substance of any communications with                  5 attorneys.                  6 THE WITNESS: Okay.  <b>7 A. I just felt it needed -- at that</b>  <b>8 point it would be suitable to have a reference in</b>  <b>9 the -- which shows that it was really established as</b>  <b>10 common knowledge, this distance of two atoms when</b>  <b>11 they're touching in a protein.</b>                  12 Q. And it's not in something in here you                  13 called a list of additional materials considered;                  14 correct?  <b>15 A. Say again.</b>                  16 Q. The list that that exhibit 1145 is on                  17 is titled: Additional Materials Considered;                  18 correct?  <b>19 A. Yes.</b>                  20 Q. And these are materials that are in                  21 addition to the materials that you considered when                  22 preparing your original declaration; correct?</p>
<p style="text-align: right;">14</p> <p><b>1 A. I don't remember when I became first</b>  <b>2 aware of it.</b>                  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?  <b>6 A. Again, I probably have seen that book</b>  <b>7 before, but there was a specific point which I</b>  <b>8 wanted to find kind of the first time kind of</b>  <b>9 established generally in the literature that the</b>  <b>10 distance between two atoms when they're touching is</b>  <b>11 the sum of van der Walls radii.</b>                  12 (Reporter clarification.)  <b>13 A. Van der Walls radii. And that was</b>  <b>14 just Linus Pauling in 1960 when he looked at the</b>  <b>15 structural data available at that point and he saw</b>  <b>16 that the distance between two atoms, which are</b>  <b>17 touching, is in proteins generally about 3 or</b>  <b>18 3.3-angstrom, something like that.</b>                  19 Q. So this Pauling reference was not                  20 something that you addressed in your original                  21 declaration in these proceedings; correct?  <b>22 A. It's common knowledge for person</b></p>	<p style="text-align: right;">16</p> <p><b>1 A. Correct.</b>                  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?  <b>5 A. That's correct, yes.</b>                  6 Q. Okay. Just going down to exhibit                  7 1193, that's an article by Foote; correct?  <b>8 A. Correct.</b>                  9 Q. Did you find that article through                  10 your own research?  <b>11 A. No.</b>                  12 Q. How did you become aware of exhibit                  13 1193?  <b>14 A. During the preparation for the</b>  <b>15 first -- for my first deposition.</b>                  16 Q. Before your work on this case, were                  17 you aware of exhibit 1193?  <b>18 A. No.</b>                  19 Q. Exhibit 1194 is an article by                  20 Kolbinger; correct?  <b>21 A. Yes.</b>                  22 Q. Did you find that article through</p>

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