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UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CELLTRION, INC.

Petitioner,

v.

GENENTECH, INC.,  
Patent Owner.

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Case IPR2017-01374  
U.S. Patent No. 6,407,213

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Genentech, Inc. (“Genentech”) presents the following objections to evidence served with Petitioner Celltrion, Inc.’s (“Petitioner”) Reply (Paper 53).

**I. Exhibits 1133, 1135, 1144, 1145, and 1193-1196**

Genentech objects to Exhibits 1133, 1135, 1144, 1145, and 1193-1196 for the following reasons.

**A. Exhibit 1133**

Genentech objects to Exhibit 1133 to the extent it includes statements made without personal knowledge of the facts asserted, including in, but not limited to, paragraph 3. *See* Fed. R. Evid. 602.

**B. Exhibit 1135**

Genentech objects to Exhibit 1135 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1135 on the grounds that it is irrelevant because it is not part of the instituted grounds, and because Petitioner’s use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1135 as lacking proper authentication. *See* Fed. R. Evid. 901.

**C. Exhibit 1144**

Genentech objects to Exhibit 1144 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1144 on the grounds that it is irrelevant because it is not part of the instituted grounds, and because Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403.

**D. Exhibit 1145**

Genentech objects to Exhibit 1145 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1145 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds, and because Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1145 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**E. Exhibit 1193**

Genentech objects to Exhibit 1193 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1193 on the grounds that it is irrelevant because it is not part of the instituted grounds, and because

Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial.

*See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1193 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**F. Exhibit 1194**

Genentech objects to Exhibit 1194 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1194 on the grounds that it is irrelevant to the instituted grounds because it is not prior art, not part of the instituted grounds, not probative of the of the state of the art at the time of the invention, and because Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1194 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**G. Exhibit 1195**

Genentech objects to Exhibit 1195 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1195 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds, and because Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1195 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**H. Exhibit 1196**

Genentech objects to Exhibit 1196 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1196 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioner's use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1196 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**II. Deposition Transcript of Ian Wilson, D. Phil. (Exhibit 1138)**

Genentech objects to excerpts of Deposition Transcript of Ian Wilson, D. Phil. (Exhibit 1138) cited within the Reply to the extent that they are mischaracterized or taken out of context, including 19:7-20:1, 19:23-20:25, 22:8-12, 28:2-8, 91:3-92:14, 102:23-103:5, 103:23-104:1, 104:12-105:5, 116:1-122:1, 143:20-144:24, 184:16-185:7, 196:5-197:6, and 253:18-254:21, as being misleading, confusing, unfairly prejudicial, and irrelevant. *See* Fed. R. Evid. 401, 402, 403.

Genentech objects to Exhibit 1138 to the extent testimony was elicited from questions outside the scope of the witness's direct testimony, as such testimony is both not relevant and prejudicial to Genentech, as well as in violation of Fed. R. Evid. 611(b) and 37 C.F.R. § 42.53(d)(5)(ii).

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