

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

David L. Cavanaugh (Reg. No. 36,476)
Lauren V. Blakely (Reg. No. 70,247)
Robert J. Gunther, Jr. (*Pro Hac Vice*)
Lisa J. Pirozzolo (*Pro Hac Vice*)
Kevin S. Prussia (*Pro Hac Vice*)
Andrew J. Danford (*Pro Hac Vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave., NW
Washington, DC 20006

Adam R. Brausa (Reg No. 60,287)
Daralyn J. Durie (*Pro Hac Vice*)
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLTRION, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01374
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 66), 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 58; Paper 60.

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.

Respectfully Submitted,

July 13, 2018

By: /David L. Cavanaugh/

David L. Cavanaugh
Reg. No. 36,476
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
202-663-6025

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:

Cynthia Lambert Hardman
GOODWIN PROCTER LLP
chardman@goodwinlaw.com
620 Eighth Avenue, New York, NY 10018

Robert V. Cerwinski
GOODWIN PROCTER LLP
rcerwinski@goodwinlaw.com
620 Eighth Avenue, New York, NY 10018

Elizabeth Holland
GOODWIN PROCTER LLP
eholland@goodwinlaw.com
620 Eighth Avenue, New York, NY 10018

Linnea P. Cipriano
GOODWIN PROCTER LLP
lcipriano@goodwinlaw.com
620 Eighth Avenue, New York, NY 10018

Sarah J. Fischer
GOODWIN PROCTER LLP
sfischer@goodwinlaw.com
100 Northern Avenue, Boston, MA 02110

IPR2017-01374
Patent Owner's Objections to Demonstratives

/Lauren V. Blakely/

Lauren V. Blakely

Reg. No. 70,247

Wilmer Cutler Pickering Hale & Dorr LLP

950 Page Mill Road

Palo Alto, CA 94304

(650) 600-5039