UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC., and
SAMSUNG BIOEPIS CO., LTD.,
Petitioners,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01488
Patent 6,407,213

REPLY DECLARATION OF JEFFERSON FOOTE, PH.D.

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I, **Jefferson Foote**, declare under penalty of perjury as follows:

I. INTRODUCTION

1. Counsel for Pfizer Inc. ("Pfizer") retained me to provide my opinions regarding U.S. Patent No. 6,407,213 ("the '213 patent") (Ex. 1001), which is assigned to Genentech, Inc., in these *inter partes* review proceedings. I previously prepared and submitted a Declaration in support of the Petition in this proceeding, dated May 23, 2017. (Ex. 1003.) I continue to receive $800 per hour for my services in connection with these proceedings; no part of my compensation is dependent upon my opinions given or the outcome of this case.

2. Since preparing my first Declaration, I have reviewed the Expert Declaration of Dr. Ian A. Wilson ("Wilson Declaration"), which was submitted by Genentech in response to my initial Declaration. (Ex. 2041.) Dr. Wilson concludes that the challenged claims of the '213 patent I addressed in my first Declaration would ***not*** have been invalid as anticipated or obvious in light of the prior art.

3. For the reasons discussed in my first Declaration and further below, I disagree with Dr. Wilson. I have reviewed the evidence that has been submitted in these proceedings since my first Declaration, including but not limited to, the Wilson Declaration, and declarations and testimony from named inventors Dr. Paul Carter, and Dr. Leonard Presta, and it remains my opinion that the challenged claims of the '213 patent are anticipated by and/or obvious over the prior art. Indeed, the

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