

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**

---

PFIZER, INC. AND  
SAMSUNG BIOEPIS CO., LTD.;  
Petitioners,

v.

GENENTECH, INC.,  
Patent Owner.

---

Case IPR2017-01488<sup>1</sup>  
U.S. Patent No. 6,407,213

---

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

---

<sup>1</sup> Case IPR2017-02139 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Genentech, Inc.

("Genentech") presents the following objections to evidence served with Petitioner Pfizer, Inc. and Samsung Bioepis Co., Ltd.'s (collectively, "Petitioners") Reply (Paper 56).

**I. Exhibits 1193-1196 and 1206-1211**

Genentech objects to Exhibits 1193-1196 and 1206-1211 for the following reasons.

**A. 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 Petitioners' 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.

**B. 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 state of the art at the time of the invention, and because Petitioners' 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.

**C. 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 Petitioners' 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.

**D. 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 Petitioners' 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.

**E. Exhibit 1206**

Genentech objects to Exhibit 1206 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 1206 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 state of the art at the time of the invention, and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1206 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**F. Exhibit 1207**

Genentech objects to Exhibit 1207 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 1207 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1207 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

**G. Exhibit 1208**

Genentech objects to Exhibit 1208 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 1208 on the grounds that it is irrelevant to the instituted ground of obviousness because it is not part of the instituted ground and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1208 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

#### **H. Exhibit 1209**

Genentech objects to Exhibit 1209 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 1209 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1209 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

#### **I. Exhibit 1210**

Genentech objects to Exhibit 1210 as a new exhibit that was not included in the Petition or the instituted ground, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1210 on the grounds that it is irrelevant to the instituted grounds because it not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.