

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

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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 IPR2017-01488¹
U.S. Patent No. 6,407,213

PATENT OWNER'S OBJECTIONS TO DEMONSTRATIVES

¹ Case IPR2017-02139 has been joined with this proceeding.

Pursuant to the Order Granting Request for Oral Argument (Paper 69), Patent Owner submits objections to Petitioners' Oral Hearing Demonstratives.

1. Patent Owner objects to Petitioners' slides 60, 61, and 138-142 because they include material presented untimely by Petitioners and subject to Patent Owner's motions to strike and to exclude. *See* Patent Owner's Motion to Strike (Paper 61); Patent Owner's Motion to Exclude (Paper 63).

2. Patent Owner objects to Petitioners' slides 55 and 111 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, according to the concepts underlying the Constitution and the statutes that have created the patent system, possess something—call it what you will—which 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.

Respectfully submitted,

Date: July 13, 2018

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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:

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