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Transcript of Ian A. Wilson, D.Phil.

Date: April 21, 2018

Case: Pfizer, Inc. -v- Genentech, Inc. (PTAB)

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1 (1 to 4)

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 ----- 4 5 PFIZER, INC. and SAMSUNG BIOEPIS 6 CO., LTD., 7 8 Petitioners, Case No.: 1 9 IPR2017-01488 10 -vs.- IPR2017-01489 1 11 GENENTECH, INC., Patent Owner. Patent 6,407,213 12 13 ----- 14 1 Case IPR2017-02139 has been joined with this 15 proceeding. 16 1 Case IPR2017-02140 has been joined with this 17 proceeding. 18 Deposition of IAN A. WILSON, D.Phil. 19 La Jolla, California 20 Saturday, April 21, 2018 21 9:07 a.m. 22 Job No.: 185272 23 Pages: 1 - 299 24 Reported by: Tricia Rosate, RDR, RMR, CRR, CCRR 25 CSR No. 10891</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PETITIONER PFIZER, INC.: 3 BENJAMIN LASKY, ESQ. 4 KIRKLAND & ELLIS, LLP 5 601 Lexington Avenue 6 New York, New York 10022 7 (212) 446-6415 8 blasky@kirkland.com 9 -and- 10 SHARICK NAQI, ESQ. 11 KIRKLAND & ELLIS, LLP 12 300 North LaSalle 13 Chicago, Illinois 60654 14 (312) 862-3235 15 sharick.naqi@kirkland.com 16 17 ON BEHALF OF THE PETITIONER CELLTRION INC.: 18 ROBERT V. CERWINSKI, ESQ. 19 GOODWIN PROCTER, LLP 20 620 Eighth Avenue 21 New York, New York 10018 22 (212) 459-7240 23 rcerwinski@goodwinlaw.com 24 25</p>
<p>1 Deposition OF IAN A. WILSON, D.Phil, held at: 2 Residence Inn by Marriott 3 8901 Gilman Drive 4 La Jolla, California 92037 5 (858) 587-1770 6 7 8 9 10 11 Pursuant to Notice, before Tricia Rosate, RDR, 12 RMR, CRR, CCRR, Certified Shorthand Reporter No. 13 10891 in and for the State of California. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S (Continued) 2 ON BEHALF OF THE PETITIONER SAMSUNG BIOEPIS: 3 AMIT THAKORE, ESQ. 4 WHITE & CASE, LLP 5 1221 Avenue of the Americas 6 New York, New York 10020-1095 7 (212) 819-2692 8 athakore@whitecase.com 9 10 ON BEHALF OF THE PATENT OWNER GENENTECH, INC.: 11 ANDREW J. DANFORD, ESQ. 12 WILMER CUTLER PICKERING HALE and DORR, LLP 13 60 State Street 14 Boston, Massachusetts 02109 15 (617) 526-6806 16 andrew.danford@wilmerhale.com 17 -and- 18 NORA Q.E. PASSAMANECK, ESQ. 19 WILMER CUTLER PICKERING HALE and DORR, LLP 20 1225 17th Street 21 Suite 2600 22 Denver, Colorado 80202 23 (720) 274-3152 24 nora.passamaneck@wilmerhale.com 25</p>

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5	7
<p>1 A P P E A R A N C E S (Continued)</p> <p>2 ALSO PRESENT:</p> <p>3 SARAH MILLER, The Videographer</p> <p>4 TRACI ROPP, Genentech</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 LA JOLLA, CALIFORNIA; SATURDAY, APRIL 21, 2018</p> <p>2 9:07 A.M. - 6:15 P.M.</p> <p>3 - - - -</p> <p>4 THE VIDEOGRAPHER: Here begins Tape No. 1 in</p> <p>5 the videotaped deposition of Dr. Ian Wilson in the</p> <p>6 matter of Pfizer vs. Genentech and Celltrion vs.</p> <p>7 Genentech, Case No. IPR2017-01486-01489 [sic] and</p> <p>8 Case No. IPR2017-01373-01374.</p> <p>9 Today's date is April 21, 2018. The time on</p> <p>10 the video monitor is 9:07 a.m.</p> <p>11 The videographer today is Sarah Miller,</p> <p>12 representing Planet Depo.</p> <p>13 This video deposition is taking place at</p> <p>14 8901 Gilman Drive, La Jolla, California.</p> <p>15 Will counsel please voice identify</p> <p>16 themselves and state whom they represent.</p> <p>17 MR. LASKY: My name's Ben Lasky from</p> <p>18 Kirkland & Ellis. I represent Pfizer.</p> <p>19 With me today from Kirkland & Ellis is</p> <p>20 Sharick Naqi.</p> <p>21 MR. CERWINSKI: I'm Robert Cerwinski. I'm</p> <p>22 with Goodwin Procter, LLP, and I represent Celltrion,</p> <p>23 petitioner.</p> <p>24 MR. THAKORE: Amit Thakore from White & Case</p> <p>25 representing petitioner Samsung Bioepis.</p>
6	8
<p>1 C O N T E N T S</p> <p>2 EXAMINATION OF IAN A. WILSON, D.Phil. PAGE</p> <p>3 By Mr. Lasky 8, 146, 280</p> <p>4 By Mr. Cerwinski 268</p> <p>5 By Mr. Danford 270</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 (Attached to transcript)</p> <p>9 WILSON DEPOSITION EXHIBIT PAGE</p> <p>10 Exhibit 1194 "Humanization of a mouse 187</p> <p>11 anti-human IgE antibody: a</p> <p>12 potential therapeutic for</p> <p>13 IgE-mediated allergies"</p> <p>14</p> <p>15 Exhibit 1195 "Applications and Engineering 217</p> <p>16 of Monoclonal Antibodies"</p> <p>17</p> <p>18</p> <p>19 PREVIOUSLY MARKED EXHIBITS</p> <p>20 Exhibit 1001 Exhibit 1055</p> <p>21 Exhibit 1002 Exhibit 1071</p> <p>22 Exhibit 1003 Exhibit 1125</p> <p>23 Exhibit 1021 Exhibit 1193</p> <p>24 Exhibit 1034 Exhibit 2041</p> <p>25 Exhibit 1052</p>	<p>1 MR. DANFORD: Andrew Danford from WilmerHale</p> <p>2 representing patent owner, Genentech and the witness,</p> <p>3 and I'm joined today by Nora Passamaneck of</p> <p>4 WilmerHale and Traci Ropp of Genentech.</p> <p>5 THE VIDEOGRAPHER: Okay. The court reporter</p> <p>6 today is Tricia Rosate representing Planet Depo.</p> <p>7 Will the reporter please swear in the</p> <p>8 witness.</p> <p>9 IAN A. WILSON, D.Phil.,</p> <p>10 having been first duly sworn, testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. LASKY:</p> <p>13 Q Good morning, Dr. Wilson.</p> <p>14 I just need to say something for the record.</p> <p>15 The first case number, 2017-01488, and that's my</p> <p>16 fault, my handwriting. So --</p> <p>17 Good morning.</p> <p>18 A Good morning.</p> <p>19 Q Could you please state your full name for</p> <p>20 the record.</p> <p>21 A Ian Andrew Wilson.</p> <p>22 Q And have you had your deposition taken</p> <p>23 before?</p> <p>24 A Yes.</p> <p>25 Q How many times?</p>

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9	<p>1 A I can't remember how many. About three or 2 four. 3 Q Okay. And were they all in connection with 4 expert witness work? 5 A Yes. 6 Q Okay. How many times have you previously 7 served as an expert witness in a litigation or 8 patent office proceeding? 9 A Could you explain? 10 Q Sure. Well, let's start with a 11 district court action. 12 Have you ever served as an expert in a court 13 action? 14 A One. One time. 15 Q Okay. And who were you retained by in that 16 case? 17 A WilmerHale. 18 Q Okay. And who was the -- 19 Well, first of all, was Genentech the party 20 that you were representing there? 21 A I don't think so. 22 Q Okay. Do you know who the party was? 23 A I can't remember. 24 Q Okay. Was the party the patent owner? 25 Well, strike that.</p>	11
10	<p>1 Was this a patent case? 2 A It's such a long time ago, I can't -- I 3 don't actually remember the details of the case. I 4 actually destroy the documents, and I destroy it from 5 my memory, too. So -- 6 Q Fair enough. 7 Do you know what the issues were that you 8 were giving an opinion on in that case? 9 A It had to do with epitopes on -- on a 10 receptor. 11 Q And was it relating to a therapeutic 12 product? 13 A As far as I -- I recall, yes. 14 Q Do you recall what the product was? 15 A No. 16 Q Okay. And you were deposed in that case? 17 A Yes. 18 Q Okay. Other than that case, have you ever 19 been involved in a case in the district court or in 20 any court? 21 A No. 22 Q All right. Have you ever served as an 23 expert witness previously in an action before the 24 U.S. Patent and Trademark Office? 25 A In what sense? I don't really --</p>	12
9	<p>1 You -- I'm not understanding some of the 2 questions. 3 Q Okay. Sure. So you understand that the 4 proceeding that you're here for today is an 5 inter partes review in the U.S. Patent and Trademark 6 Office? 7 Do you understand that? 8 A I understand it now. 9 Q Oh, okay. Okay. Well, why don't you tell 10 me. What other cases have you been involved in as an 11 expert witness? 12 A They've -- they'e largely been to do -- to 13 do with -- cases to do with -- with patents. By and 14 large, I think it's been patents. 15 I had one other case that had noth- -- that 16 was -- that was a separate issue that was just a 17 dispute between parties on some scientific grounds. 18 Q Okay. Have you ever previously been 19 retained by Genentech in a legal matter? 20 A Yes. 21 Q And -- and what -- what did that involve? 22 A That involved -- similar to dealing with 23 patents. 24 Q And was it relating to the product 25 Herceptin?</p>	11
10	<p>1 A Other than this case? 2 Q Yes. 3 A No. 4 Q Okay. 5 A Not -- not that I remember. 6 Q Okay. So the other case that you worked 7 with -- worked on with Genentech, what product was 8 involved in that case? 9 A I can't remember what -- what those were. 10 Q Okay. Was -- was that in the U.S. or 11 somewhere else? 12 A U.S. Or those -- those are Brazilian 13 proceedings as well. 14 Q Okay. And when was this? 15 A That's been ongoing for the last year or so. 16 Q Okay. And were you -- have you had a 17 deposition taken in that case? 18 A No. 19 Q Okay. Other than in litigation or in the 20 patent office, have you ever been retained by 21 Genentech as a consultant? 22 A Not to the -- not to my knowledge. 23 Q Have you ever received funding from 24 Genentech? 25 A Funding from -- personally or for my lab?</p>	12

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<p style="text-align: right;">13</p> <p>1 Q For your lab.</p> <p>2 A No.</p> <p>3 Q Okay. And personally?</p> <p>4 A No.</p> <p>5 Q Okay. The declarations --</p> <p>6 I've handed you two documents, Dr. Wilson.</p> <p>7 One is marked Exhibit 2041 in IPR2017-01488, and one</p> <p>8 is marked Exhibit 2041 in IPR2017-01489.</p> <p>9 These are the two declarations that you've</p> <p>10 submitted in these proceedings?</p> <p>11 A I just wanted to make sure my signature is</p> <p>12 on there.</p> <p>13 Yes, they are.</p> <p>14 Q Okay. Is it fair to say that the two</p> <p>15 declarations are substantively identical in terms of</p> <p>16 their content?</p> <p>17 A As far as I remember, yes.</p> <p>18 Q Okay. At the time you signed them, you</p> <p>19 believed them to be true and accurate to the best of</p> <p>20 your knowledge; is that right?</p> <p>21 A Yes, I did.</p> <p>22 Q Okay. Is there anything that you now</p> <p>23 realize is -- was in error or that you want to</p> <p>24 change?</p> <p>25 A No. I -- I -- there's one or two typos,</p>	<p style="text-align: right;">15</p> <p>1 A I -- to the extent that I was required to --</p> <p>2 that I was required to for my deposition, yes -- for</p> <p>3 my declaration.</p> <p>4 Q Okay. Do you know if there's any documents</p> <p>5 here that you didn't review completely?</p> <p>6 A "Completely" meaning --</p> <p>7 Q Like, read it from start to finish.</p> <p>8 A I think I've -- I've opened most of the</p> <p>9 documents, whether -- and -- and skimmed through</p> <p>10 them. I -- I can't -- there's so many documents</p> <p>11 here, I can't -- I can't recall every single document</p> <p>12 that's in this particular list as to when I reviewed</p> <p>13 it.</p> <p>14 Q Okay. Is it fair to say, though, if it's</p> <p>15 listed here, it's something that you opened,</p> <p>16 considered relevant enough to consider it, and place</p> <p>17 it on your "Materials Considered" list?</p> <p>18 MR. DANFORD: Objection to form.</p> <p>19 THE WITNESS: Most of the -- the things I --</p> <p>20 I recognize, yes.</p> <p>21 BY MR. LASKY:</p> <p>22 Q Is there anything you're aware of that you</p> <p>23 considered that's missing from this list?</p> <p>24 A Whoa.</p> <p>25 Q And I guess I'm asking if you're aware of</p>
<p style="text-align: right;">14</p> <p>1 very minor things, a missing word, a missing comma, a</p> <p>2 missing exponent on the 9. But as far as substance</p> <p>3 are concerned, no.</p> <p>4 Q Okay. Well, as we go through, if there's</p> <p>5 anything you see that you --</p> <p>6 A Sure.</p> <p>7 Q -- need to change in terms of typos --</p> <p>8 A Sure.</p> <p>9 Q -- please let me know.</p> <p>10 Now, at the back of each of your</p> <p>11 declarations, you will see that there is a list of</p> <p>12 the materials that -- well, it's a "Materials</p> <p>13 Considered" list.</p> <p>14 Do you see that?</p> <p>15 A Exhibit B?</p> <p>16 Q Exhibit B. Yes.</p> <p>17 A I see that.</p> <p>18 Q Okay. And did you review and consider each</p> <p>19 of the documents in that "Materials Considered" list</p> <p>20 in each of your declarations?</p> <p>21 A I don't -- I don't remember every single one</p> <p>22 of them, but I recognize most of these, yes.</p> <p>23 Q Okay. And you read and understood all of</p> <p>24 these references before providing your declaration;</p> <p>25 is that right?</p>	<p style="text-align: right;">16</p> <p>1 it.</p> <p>2 A I'm not aware of any. I'd have to go</p> <p>3 through and -- and check, but I'm not aware of -- of</p> <p>4 any. Most of the papers, of course, I recognize</p> <p>5 right away, and --</p> <p>6 Yes.</p> <p>7 Q Okay. Before -- I want to focus on the time</p> <p>8 before you submitted your declarations up to when you</p> <p>9 submitted them.</p> <p>10 How much time did you spend on the case?</p> <p>11 A Before I submitted the declaration?</p> <p>12 Q Right. Up to the date that you submitted</p> <p>13 the declaration. How much time would you have</p> <p>14 submitted on --</p> <p>15 A Many, many hours.</p> <p>16 Q How many -- how many would you --</p> <p>17 A I haven't added them up yet, but it would be</p> <p>18 tens of hours.</p> <p>19 Q Tens of hours?</p> <p>20 A Yeah. Uh-huh.</p> <p>21 Q Less than 100?</p> <p>22 A I couldn't say if it was less than 100 or</p> <p>23 more than 100, but it was a -- a large number of</p> <p>24 hours.</p> <p>25 Q Okay. And did you read the '213 patent in</p>

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