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**CONFIDENTIAL - UNDER PROTECTIVE ORDER**

# Transcript of Leonard George Presta, Ph.D.

**Date:** May 1, 2018

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

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Transcript of Leonard George Presta, Ph.D.

1 (1 to 4)

Conducted on May 1, 2018

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 ----- 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 ----- 5 PFIZER, INC. and SAMSUNG BIOEPIS CO., LTD., 6 Petitioner, 7 v. 8 GENENTECH, INC., 9 Patent Owner. 10 ----- 11 Case Nos. IPR2017-01488, IPR2017-01489 12 ----- 13 CELLTRION, INC., 14 Petitioner, 15 v. 16 GENENTECH, INC., 17 Patent Owner. 18 ----- 19 Case Nos. IPR2017-01373, IPR2017-01374 20 21 ** CONFIDENTIAL - UNDER PROTECTIVE ORDER ** 22 VIDEOTAPED DEPOSITION OF LEONARD GEORGE PRESTA, Ph.D. 23 San Francisco, California 24 Tuesday, May 1, 2018 25 8:58 a.m.</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF PETITIONER PFIZER, INC.: 3 BENJAMIN LASKY, ESQUIRE 4 SHARICK NAQI, ESQUIRE 5 KIRKLAND &amp; ELLIS, LLP 6 601 Lexington Avenue 7 New York, New York 10022 8 (212) 446-6415 9 ON BEHALF OF PETITIONER CELLTRION: 10 LINNEA P. CIPRIANO, ESQUIRE (videoconference) 11 ROBERT CERWINSKI, ESQUIRE (videoconference) 12 GOODWIN PROCTER LLP 13 620 Eighth Avenue 14 New York, New York 10019 15 (212) 813-8800 16 ON BEHALF OF PATENT OWNER GENENTECH, INC.: 17 ANDREW J. DANFORD, ESQUIRE 18 NORA Q.E. PASSAMANECK, ESQUIRE 19 WILMER CUTLER PICKERING HALE AND DORR, LLP 20 60 State Street 21 Boston, Massachusetts 02109 22 (617) 526-6022 23 ALSO PRESENT: 24 Joseph A. Mourgos, Videographer 25 Traci Ropp, Genentech</p>
<p>1 Job No.: 186258 2 Pages: 1 - 185 3 Reported By: Charlotte Lacey, RPR, CSR No. 14224 4 5 6 VIDEOTAPED DEPOSITION OF LEONARD GEORGE 7 PRESTA, Ph.D., held at the offices of DURIE TANGRI, 8 217 Leidesdorff Street, San Francisco, California 9 10 11 12 Pursuant to notice, before Charlotte Lacey, 13 Certified Shorthand Reporter, in and for the State of 14 California. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 I N D E X 2 WITNESS PAGE 3 LEONARD GEORGE PRESTA, Ph.D. 4 Examination by Mr. Lasky 7 5 Examination by Mr. Danford 170 6 Further Examination by Mr. Lasky 174 7 Further Examination by Mr. Danford 178 8 Further Examination by Mr. Lasky 179 9 Further Examination by Mr. Danford 183 10 11 12 I N D E X O F E X H I B I T S 13 EXHIBITS DESCRIPTION PAGE 14 Exhibit 1196 Annual Reports in Medicinal 131 15 Chemistry, Volume 29, Chapter 32, 16 "Humanized Monoclonal Antibodies" 17 18 19 P R E V I O U S L Y M A R K E D E X H I B I T S 20 EXHIBIT DESCRIPTION PAGE 21 Exhibit 1001 U.S. Patent Number 6,407,213 81 22 Exhibit 1193 Leopoldina-Symposium 53 23 Functional and Regulatory Aspects 24 of Enzyme Action article, 25 "Humanized Antibodies"</p>

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9	<p>1 Q Okay.</p> <p>2 So what, in general, was the subject matter of</p> <p>3 the declaration you submitted in that case?</p> <p>4 <b>A The -- it was so long ago. It was primarily</b></p> <p>5 <b>just countering the -- the Cary Queen PDL humanization</b></p> <p>6 <b>patent.</b></p> <p>7 Q Okay.</p> <p>8 The second deposition that you had taken, out</p> <p>9 of the three that you mentioned, what -- what case was</p> <p>10 that for?</p> <p>11 <b>A These were not Genentech cases. These were</b></p> <p>12 <b>for consulting clients.</b></p> <p>13 Q Okay.</p> <p>14 And you were representing them as a -- an</p> <p>15 expert witness in those cases?</p> <p>16 <b>A Expert witness, yes.</b></p> <p>17 Q Okay.</p> <p>18 Which -- starting with the first deposition,</p> <p>19 which company were you retained consultant for in that</p> <p>20 case?</p> <p>21 <b>A I don't think they want me divulging that.</b></p> <p>22 Q Is this -- well, let me -- let me start with</p> <p>23 when was this?</p> <p>24 <b>A The first -- this was 2013 to 2014.</b></p> <p>25 Q Okay.</p>	11
10	<p>1 And were any of your opinions made public at</p> <p>2 that time through -- through either, you know, being</p> <p>3 included in a submission to a court or otherwise?</p> <p>4 <b>A Submission to the court.</b></p> <p>5 Q Okay.</p> <p>6 So just focusing on what was made public as a</p> <p>7 submission to the court, what was your -- what was the</p> <p>8 company that you were retained by?</p> <p>9 <b>A Alder Pharmaceuticals.</b></p> <p>10 Q Okay.</p> <p>11 And what was the subject matter of your</p> <p>12 testimony that was made public?</p> <p>13 <b>A They were challenge --</b></p> <p>14 Q Just -- I apologize -- that was made public</p> <p>15 through submission to the court.</p> <p>16 <b>A They were challenging the patent of another</b></p> <p>17 <b>company.</b></p> <p>18 Q Okay.</p> <p>19 And do you recall what company that was?</p> <p>20 <b>A No, I don't. It was a very small company. I</b></p> <p>21 <b>don't remember the name.</b></p> <p>22 Q Okay. Do you remember what jurisdiction it</p> <p>23 was in in the sense of was it in the patent office or in</p> <p>24 a court?</p> <p>25 <b>A It -- it -- I think they settled.</b></p>	12
9	<p>1 Q Okay.</p> <p>2 <b>A So it never went to court.</b></p> <p>3 Q Okay.</p> <p>4 Do you know if the dispute was filed in a</p> <p>5 court?</p> <p>6 <b>A No, I do not.</b></p> <p>7 Q Okay. The third deposition you had taken,</p> <p>8 that was also as a retained expert?</p> <p>9 <b>A Yes.</b></p> <p>10 Q Was any -- were any of your opinions in that</p> <p>11 case made publicly available through submission to a</p> <p>12 court or otherwise.</p> <p>13 <b>A I do not know.</b></p> <p>14 Q Okay.</p> <p>15 When -- when was this?</p> <p>16 <b>A This was soon after that same company.</b></p> <p>17 Q Okay.</p> <p>18 So it's also for Alder Pharmaceuticals?</p> <p>19 <b>A Right.</b></p> <p>20 Q Okay.</p> <p>21 The only time you have had your deposition</p> <p>22 taken, when an employee of Genentech, related to that</p> <p>23 action challenging PDL's patent; is that right?</p> <p>24 <b>A Correct.</b></p> <p>25 Q Okay.</p>	11
10	<p>1 Have you submitted any declarations in any</p> <p>2 proceedings other -- for Genentech other than the inter</p> <p>3 partes review proceedings that we are here for today?</p> <p>4 <b>A Other than the PDL case, I cannot remember</b></p> <p>5 <b>any.</b></p> <p>6 Q Okay. What is your current position?</p> <p>7 <b>A I'm retired. And I do -- but I do do</b></p> <p>8 <b>consulting for various companies.</b></p> <p>9 Q Okay.</p> <p>10 When did you retire?</p> <p>11 <b>A December 2012.</b></p> <p>12 Q Okay.</p> <p>13 In December 2012 when you retired or before</p> <p>14 you retired, what was your position at that point?</p> <p>15 <b>A I was a scientist at Merck &amp; Company in Palo</b></p> <p>16 <b>Alto, California.</b></p> <p>17 Q Okay.</p> <p>18 Dr. Presta, I've handed you copies of two</p> <p>19 documents. For the record, the first document I've</p> <p>20 handed you has been marked as Genentech Exhibit 2016 in</p> <p>21 IPR2017-01488, and the second document that I handed you</p> <p>22 has been marked Genentech Exhibit 2016 in IPR2017-01489.</p> <p>23 Do you recognize these documents?</p> <p>24 <b>A Yes.</b></p> <p>25 Q Are these the declarations that you prepared</p>	12

<p style="text-align: right;">13</p> <p>1 that have been submitted in the inter partes reviews</p> <p>2 brought by Pfizer relating to U.S. patent</p> <p>3 number 6,407,213?</p> <p>4 <b>A Yes.</b></p> <p>5 Q And if I refer to that patent as the</p> <p>6 '213 patent in this deposition, will you understand what</p> <p>7 I'm saying?</p> <p>8 <b>A Yes.</b></p> <p>9 Q Okay.</p> <p>10 There are also declarations -- well, strike</p> <p>11 that.</p> <p>12 Are you aware of any differences between the</p> <p>13 two declarations that I've handed you?</p> <p>14 <b>A No.</b></p> <p>15 Q Okay.</p> <p>16 Are you aware that declarations in your name</p> <p>17 have also been submitted in proceedings brought by</p> <p>18 Celltrion relating to the '213 patent?</p> <p>19 <b>A Yes.</b></p> <p>20 Q And are those declarations substantively</p> <p>21 identical to the declarations that you provided in the</p> <p>22 Pfizer case?</p> <p>23 <b>A As far as I know, yes.</b></p> <p>24 Q Okay.</p> <p>25 And so if I focus on one of the declarations</p>	<p style="text-align: right;">15</p> <p>1 Now, prior to joining -- well, strike that.</p> <p>2 Your position at Genentech was your first</p> <p>3 position in industry; is that right?</p> <p>4 <b>A Correct.</b></p> <p>5 Q And prior to that, had you had any experience</p> <p>6 working on antibody humanization projects?</p> <p>7 <b>A No.</b></p> <p>8 Q Okay.</p> <p>9 As a postdoctoral -- well, strike that.</p> <p>10 In paragraph 3, you mention that after</p> <p>11 obtaining your Ph.D., you took a postdoctoral position</p> <p>12 in the group of Dr. George Rose at Hershey Medical</p> <p>13 Center, Penn State University.</p> <p>14 Do you see that?</p> <p>15 <b>A Yes.</b></p> <p>16 Q And you worked on molecular modeling in that</p> <p>17 position, right?</p> <p>18 <b>A Correct.</b></p> <p>19 Q What was the purpose of the molecular modeling</p> <p>20 you did while in postdoctoral position at the Hershey</p> <p>21 Medical Center?</p> <p>22 <b>A I came up with a hypothesis governing how</b></p> <p>23 <b>alpha helices, the protein sequence in a protein, starts</b></p> <p>24 <b>and stops alpha helices.</b></p> <p>25 Q And did you consider at the time that that</p>
<p style="text-align: right;">14</p> <p>1 today, will your testimony generally apply to all of the</p> <p>2 declarations in your name that have been submitted in</p> <p>3 this IPR proceeding?</p> <p>4 <b>A Yes.</b></p> <p>5 Q Okay. So let's focus on the Exhibit 2016 in</p> <p>6 IPR2017-01488. Are you aware of any errors in that</p> <p>7 declaration?</p> <p>8 <b>A No.</b></p> <p>9 Q Is there anything in the declaration you would</p> <p>10 change if you had the opportunity today?</p> <p>11 <b>A No.</b></p> <p>12 Q Okay.</p> <p>13 If you can open up to the background section</p> <p>14 of your declaration, which starts in paragraph 1 and it</p> <p>15 goes through to paragraph 8, I want to focus on that</p> <p>16 section first.</p> <p>17 As you mention in paragraph 4, you joined</p> <p>18 Genentech as a molecular modeler in the protein</p> <p>19 engineering department in 1988.</p> <p>20 Do you see that?</p> <p>21 <b>A Yes.</b></p> <p>22 Q Do you recall when in 1988 you joined</p> <p>23 Genentech?</p> <p>24 <b>A September 1st.</b></p> <p>25 Q Okay.</p>	<p style="text-align: right;">16</p> <p>1 work might have any further applications beyond the</p> <p>2 study itself?</p> <p>3 MR. DANFORD: Objection to form.</p> <p>4 Q I'm -- I'm asking for you --</p> <p>5 <b>A Yeah.</b></p> <p>6 Q -- what you were thinking at the time.</p> <p>7 <b>A This was purely scientific.</b></p> <p>8 Q Okay.</p> <p>9 <b>A Protein folding.</b></p> <p>10 Q Uh-huh. Okay.</p> <p>11 And was any of that protein folding</p> <p>12 investigation specific to antibodies?</p> <p>13 <b>A No.</b></p> <p>14 Q Now, during your Ph.D. work at the Texas A&amp;M</p> <p>15 University, you also did work on molecular modeling and</p> <p>16 X-ray crystallography, right?</p> <p>17 <b>A Correct.</b></p> <p>18 Q And what was the focus of that research?</p> <p>19 <b>A A class of proteins called serine proteases.</b></p> <p>20 Q And what was known about the function of</p> <p>21 serine proteases at that time?</p> <p>22 <b>A They are enzymes that clip specific sequences</b></p> <p>23 <b>and other proteins.</b></p> <p>24 Q And what were you modeling the serine</p> <p>25 proteases for?</p>

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