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CONFIDENTIAL - UNDER PROTECTIVE ORDER

Transcript of John Barney Ridgway Brady

Date: April 27, 2018

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

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<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 JOHN BARNEY RIDGWAY BRADY 23 San Francisco, California 24 Friday, April 27, 2018 25 5:00 p.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 & 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 11 (Via 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. Mourgous, Videographer 25 Traci Ropp, Genentech</p>
<p>1 Job No.: 186256 2 Pages: 1 - 35 3 Reported By: Charlotte Lacey, RPR, CSR No. 14224 4 5 VIDEOTAPED DEPOSITION OF JOHN BARNEY RIDGWAY BRADY, 6 held at the offices of DURIE TANGRI, 217 Leidesdorff 7 Street, San Francisco, California 8 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 JOHN BARNEY RIDGWAY BRADY 4 Examination by Mr. Lasky 6 5 6 7 I N D E X O F E X H I B I T S 8 EXHIBITS DESCRIPTION PAGE 9 (None offered.) 10 11 P R E V I O U S L Y M A R K E D E X H I B I T S 12 EXHIBIT DESCRIPTION PAGE 13 Exhibit 2005 Copy of laboratory notebook 14 14 number 10840 15 Exhibit 2006 Copy of laboratory notebook 14 16 number 11162 17 Exhibit 2018 Declaration of John Ridgway Brady 6 18 in Case IPR2017-01488 19 Exhibit 2018 Declaration of John Ridgway Brady 6 20 in Case IPR2017-01489 21 Exhibit 2020 Article "Humanization of an 11 22 anti-pl85HER2 antibody for human 23 cancer therapy" 24 25</p>

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<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Here begins video number 1</p> <p>3 in the videotaped deposition of John R. Brady in the</p> <p>4 matter of Pfizer Incorporated, et al., versus Genentech</p> <p>5 Incorporated, IPR numbers 2017-01488 and 01489 and</p> <p>6 Celltrion versus Genentech -- I got that -- yeah -- IPR</p> <p>7 numbers 2017-01373 and 01374 in the United States Patent</p> <p>8 and Trademark Office before the Patent Trial and Appeal</p> <p>9 Board.</p> <p>10 Today's date is April 27th, 2018. The time on</p> <p>11 the video monitor is 5:01 p.m. The videographer today</p> <p>12 is Joseph Mourgos representing Planet Depos. This video</p> <p>13 deposition is taking place at 217 Leidesdorff Street,</p> <p>14 San Francisco, California.</p> <p>15 Would counsel please voice identify yourselves</p> <p>16 and state whom you represent.</p> <p>17 MR. LASKY: My name is Ben Lasky. I'm from</p> <p>18 Kirkland & Ellis representing Pfizer in this proceeding.</p> <p>19 With me today is my colleague, also from Kirkland &</p> <p>20 Ellis, Sharick Naqi.</p> <p>21 MR. DANFORD: Andrew Danford of WilmerHale.</p> <p>22 I'm representing Genentech and the witness, and I'm</p> <p>23 joined today by Nora Passamaneck of WilmerHale and Traci</p> <p>24 Ropp of Genentech.</p> <p>25 THE VIDEOGRAPHER: And on the telephone, we</p>	<p>5</p> <p>1 A I see that they are declarations. I don't</p> <p>2 know what the difference between the two of them are.</p> <p>3 Q Okay. Well, that was going to be my next</p> <p>4 question.</p> <p>5 A Okay.</p> <p>6 Q How many declarations have you prepared for</p> <p>7 proceedings regarding the '213 patent?</p> <p>8 And when I say different declarations I'm</p> <p>9 not -- I'm not referring to, kind of, differences in the</p> <p>10 proceeding number. I'm talking about difference in</p> <p>11 substance.</p> <p>12 A One.</p> <p>13 Q Okay.</p> <p>14 And so to the extent that declarations were</p> <p>15 submitted from you in multiple proceedings involving</p> <p>16 Pfizer and Celltrion, they would be copies of the same</p> <p>17 declaration?</p> <p>18 A They -- they should be.</p> <p>19 Q Okay.</p> <p>20 And the declarations that -- sorry. Strike</p> <p>21 that.</p> <p>22 The declaration that you prepared is intended</p> <p>23 to describe your role in the project of humanizing 4D5</p> <p>24 antibody that was initiated by Dr. Leonard Presta and</p> <p>25 Dr. Paul Carter; is that right?</p>
<p>1 have:</p> <p>2 MS. CIPRIANO: Linnea Cipriano, Goodwin</p> <p>3 Procter, representing Celltrion.</p> <p>4 THE VIDEOGRAPHER: Thank you. The court</p> <p>5 reporter is Charlotte Lacey representing Planet Depos.</p> <p>6 Would the reporter please administer the oath.</p> <p>7 JOHN BARNEY RIDGWAY BRADY,</p> <p>8 the witness herein, having been first duly sworn, was</p> <p>9 examined and testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MR. LASKY:</p> <p>12 Q Good afternoon, Mr. Brady.</p> <p>13 A Good afternoon.</p> <p>14 Q Could you please state your full name for the</p> <p>15 record.</p> <p>16 A John Barney Ridgway Brady.</p> <p>17 Q And what is your current title at Genentech?</p> <p>18 A Senior scientific researcher.</p> <p>19 Q And in 1990, what was your title at Genentech?</p> <p>20 A It may have been senior research associate.</p> <p>21 Q I'm going to hand you two documents. The</p> <p>22 first document has been marked as Exhibit 2018 in</p> <p>23 IPR2017-01488, and the other one has been marked as</p> <p>24 Exhibit 2018 in IPR2017-01489.</p> <p>25 Have you seen these documents before?</p>	<p>6</p> <p>1 A That's correct.</p> <p>2 Q Now, did you review your declaration again in</p> <p>3 preparation for this deposition?</p> <p>4 A Yeah.</p> <p>5 Q Was there anything in there that you saw was</p> <p>6 incorrect?</p> <p>7 A No.</p> <p>8 Q Is there anything in there that you saw that</p> <p>9 you would change if you could write it again today?</p> <p>10 A No.</p> <p>11 Q Now, the first -- well, strike that.</p> <p>12 In paragraphs 13 through 24 of your</p> <p>13 declaration --</p> <p>14 A Uh-huh.</p> <p>15 Q -- you have a section titled, "My work on</p> <p>16 humanized 4D5 antibodies."</p> <p>17 Do you see that?</p> <p>18 A Right. Right.</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

<p>9</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>11</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 Q Let's see. In paragraph 5 of your</p> <p>4 declaration, you refer to a research paper,</p> <p>5 "Humanization of the anti-p185 antibody for human cancer</p> <p>6 therapy," published in the Proceedings of the National</p> <p>7 Academy of Sciences --</p> <p>8 A Uh-huh.</p> <p>9 Q -- in May 1992.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q I've handed you a copy of what is marked as</p> <p>13 Genentech Exhibit 2020. It's -- is this a copy of the</p> <p>14 paper that's referred to in paragraph 5 of your</p> <p>15 declaration?</p> <p>16 A Yes.</p> <p>17 Q And you are listed as a coauthor.</p> <p>18 A Right.</p> <p>19 Q Is that right?</p> <p>20 A Right.</p> <p>21 Q What was your contribution to this paper?</p> <p>22 A Expression and purification of the -- some of</p> <p>23 the variants.</p> <p>24 Q So did you contribute to writing any of the</p> <p>25 paper?</p>
<p>10</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>12</p> <p>1 A No. No. They may have asked me. I don't</p> <p>2 remember the details. They may have asked me for a</p> <p>3 brief summary of a protocol for purification, but I</p> <p>4 don't really, actually remember whether I -- whether</p> <p>5 they did or not. But that would have been the extent of</p> <p>6 it.</p> <p>7 Q Okay.</p> <p>8 And so in terms of expression and</p> <p>9 purification, that's again, referring to your having</p> <p>10 expressed and purified protein from the vectors that</p> <p>11 Dr. Carter had gave you; is that right?</p> <p>12 A Correct.</p> <p>13 Q Now, you state in paragraph 6 that, "The</p> <p>14 purpose of this work was to develop a humanized 4D5</p> <p>15 antibody for use as a human therapeutic to treat cancers</p> <p>16 overexpressing p185HER2."</p> <p>17 Do you see that?</p> <p>18 A Uh-huh, yeah.</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

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<p>13</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 Q Now, you indicate that your work -- and this</p> <p>25 is in paragraphs 8 through 12 of your declaration. You</p>	<p>15</p> <p>1 Can you confirm that?</p> <p>2 A Okay.</p> <p>3 Q And then --</p> <p>4 A Okay. Got it. Yes.</p> <p>5 Q And then Exhibit 2006 is 11162.</p> <p>6 A Good. Okay.</p> <p>7 Q Do you want to just check the number --</p> <p>8 A Yeah.</p> <p>9 Q -- the second one?</p> <p>10 A Yeah. So I like them in sequential order.</p> <p>11 There we go. I got it.</p> <p>12 Q Okay.</p> <p>13 A Yeah. That looks good.</p> <p>14 Q Okay.</p> <p>15 And so these two notebooks detail the</p> <p>16 experiments you performed as part of the 4D5</p> <p>17 humanization project?</p> <p>18 A Yes.</p> <p>19 Q Are there any other notebooks that you have</p> <p>20 containing that any experiments relating to that</p> <p>21 project?</p> <p>22 A No.</p> <p>23 MR. DANFORD: Objection to form.</p> <p>24 Q Do you still have these notebooks in your</p> <p>25 possession at Genentech?</p>
<p>14</p> <p>1 indicate that your work on the humanized 4D5 antibodies</p> <p>2 was documented in laboratory notebooks you maintained.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q And then you refer to two notebooks,</p> <p>6 notebook 10840 and notebook 11162.</p> <p>7 Do you see that?</p> <p>8 A Yes. Okay.</p> <p>9 Q Handing you copies of --</p> <p>10 A Okay.</p> <p>11 Q -- two documents.</p> <p>12 A Sure.</p> <p>13 Q One is marked as Exhibit 2005 in IPR 1488, and</p> <p>14 it is a copy of notebook 10840. And the other is</p> <p>15 Genentech Exhibit 2006 in IPR2017-01488, and it is</p> <p>16 notebook number 11162.</p> <p>17 A Okay. So -- so this 11162 is number 5 or 6?</p> <p>18 Q Okay. As -- as indicated in your</p> <p>19 declaration --</p> <p>20 A Okay.</p> <p>21 Q -- you can check it --</p> <p>22 A Okay.</p> <p>23 Q -- Exhibit 2005 --</p> <p>24 A Okay.</p> <p>25 Q -- is 10840.</p>	<p>16</p> <p>1 A Yes.</p> <p>2 Q Okay.</p> <p>3 And so at some point, someone came and copied</p> <p>4 them for purposes of this proceeding; is that right?</p> <p>5 MR. DANFORD: Objection to form.</p> <p>6 A They were scanned a long time ago.</p> <p>7 Q When you say, "scanned a long time ago," when</p> <p>8 was that?</p> <p>9 A I -- it's -- it's been many years.</p> <p>10 Q Okay.</p> <p>11 A I don't know exactly when, but...</p> <p>12 Q Do you know if they were copied again recently</p> <p>13 for these proceedings?</p> <p>14 A I don't -- no. I don't know.</p> <p>15 Q Is that possible --</p> <p>16 A But it may be the case that they were scanned</p> <p>17 March 1991, but I -- I can't be certain of that.</p> <p>18 Oh, there's a date here. '91. 12/23/1991,</p> <p>19 they were scanned.</p> <p>20 Q Okay.</p> <p>21 But do you know that the version that was</p> <p>22 produced here in these proceedings is the version that</p> <p>23 was scanned in 1991 or a copy of the -- hard copy</p> <p>24 version that you have in your --</p> <p>25 A They should be one and the same. I have not</p>

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