

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 IPR2017-01489
Patent 6,407,213

REPLY DECLARATION OF JEFFERSON FOOTE, PH.D.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	QUALIFICATIONS AND BACKGROUND	14
III.	MATERIALS CONSIDERED	14
IV.	LEGAL STANDARDS	15
V.	PERSON OF ORDINARY SKILL IN THE ART	15
VI.	RESPONSE TO THE WILSON DECLARATION	18
A.	Bakground of the Technology	18
1.	State of the art of antibody humanization	19
2.	State of the art of HER2-positive breast cancer and development of anti-HER2 antibodies.....	32
B.	The '213 Patent	36
1.	Dr. Wilson's description of "the invention"	36
2.	The challenged claims.....	43
3.	Dr. Wilson shows no advantages of the '213 patent	46
4.	The '213 patent claims are not supported by the '272 application	51
5.	The Carter and Presta declarations, and related documents, do not show invention of the subject matter of the challenged claims.....	57
C.	Claim Construction.....	61
1.	"Consensus human variable domain"	61
2.	"Lacks immunogenicity compared to a non-human parent"	62
D.	Dr. Wilson's Summary of the Prior Art	62

1.	Queen 1989	62
2.	Queen 1990	64
3.	Kurrle	65
4.	Chothia & Lesk	67
5.	Chothia 1985	67
6.	Furey	68
7.	Hudziak	69
8.	Tramontano	69
9.	Protein data bank (PDB)	71
10.	Kabat 1987	72
E.	Response to Dr. Wilson’s Opinions Regarding The Asserted Prior Art.....	73
1.	IPR2017-01488 Grounds 1–3: Kurrle and Queen 1990 teach non-human CDRs “which bind antigen incorporated into a human antibody variable domain” (claims 66-67, 71-72, 75-76 and 78).....	73
2.	IPR2017-01489 Grounds 1–7: The challenged claims would have been obvious based on the PDB Database combined with either Queen 1989 or Queen 1990 (claims 4, 12, 33, 42, 60, 62, 64-67, 69, and 71-79).....	79
3.	IPR2017-01489 Grounds 1–4: The asserted references disclose or suggest the recited substitutions (claims 65, 75-77, and 79)	85
4.	IPR2017-01488 Grounds 1–3 and -01489 Grounds 1–2: The asserted references disclose or suggest the “lacks immunogenicity” limitation (claim 63)	86
5.	IPR2017-01488 Grounds 2-3 and 8 and IPR2017-01489 Grounds 2, 5 and 7: The asserted references disclose or	

	suggest the “consensus” limitations (claims 4, 33, 62, 64 and 69).....	89
6.	IPR2017-01488 Grounds 3-10: POSITAs would have selected the recited framework substitutions from the prior art candidates as a matter of course (claims 12, 42, 60, 65-67 and 71-79).....	94
7.	IPR2017-01488 Grounds 4-7: Kurrle and/or Queen in combination with additional prior art would lead POSITAs to the recited claim limitations (claims 12, 73, 74, 77, 79 and 65).....	97
8.	IPR2017-01488 Ground 7 and IPR2017-01489 Grounds 1-4: The asserted references disclose or render obvious the “up to 3-fold more” binding affinity limitation (claim 65)	101
9.	IPR2017-01488 Grounds 8-10 and IPR2017-01489 Grounds 6-7: The asserted references disclose or suggest humanized antibodies with the recited framework substitutions that bind p185 ^{HER2} (claims 30-31, 33, 42 and 60).....	102
F.	No Secondary Considerations Support Non-Obviousness Of The Challenged Claims	104
VII.	CONCLUSION.....	110

I, **Jefferson Foote**, declare under penalty of perjury as follows:

I. INTRODUCTION

1. Counsel for Pfizer Inc. (“Pfizer”) retained me to provide my opinions regarding U.S. Patent No. 6,407,213 (“the ’213 patent”) (Ex. 1502), which is assigned to Genentech, Inc., in these *inter partes* review proceedings. I previously prepared and submitted a Declaration in support of the Petition in this proceeding, dated May 23, 2017. (Ex. 1503.) I continue to receive \$800 per hour for my services in connection with these proceedings; no part of my compensation is dependent upon my opinions given or the outcome of this case.

2. Since preparing my first Declaration, I have reviewed the Expert Declaration of Dr. Ian A. Wilson (“Wilson Declaration”), which was submitted by Genentech in response to my initial Declaration. (Ex. 2041.) Dr. Wilson concludes that the challenged claims of the ’213 patent I addressed in my first Declaration would **not** have been invalid as anticipated or obvious in light of the prior art.

3. For the reasons discussed in my first Declaration and further below, I disagree with Dr. Wilson. I have reviewed the evidence that has been submitted in these proceedings since my first Declaration, including but not limited to, the Wilson Declaration, and declarations and testimony from named inventors Dr. Paul Carter, and Dr. Leonard Presta, and it remains my opinion that the challenged claims of the ’213 patent are anticipated by and/or obvious over the prior art. Indeed, the

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