

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

David L. Cavanaugh (Reg. No. 36,476)  
Lauren V. Blakely (Reg. No. 70,247)  
Robert J. Gunther, Jr. (*Pro Hac Vice*)  
Lisa J. Pirozzolo (*Pro Hac Vice*)  
Kevin S. Prussia (*Pro Hac Vice*)  
Andrew J. Danford (*Pro Hac Vice*)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Ave., NW  
Washington, DC 20006

Adam R. Brausa (Reg No. 60,287)  
Daralyn J. Durie (*Pro Hac Vice*)  
DURIE TANGRI LLP  
217 Leidesdorff Street  
San Francisco, CA 94111

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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PFIZER, INC. AND  
SAMSUNG BIOEPIS CO., LTD.;  
Petitioners,

v.

GENENTECH, INC.,  
Patent Owner.

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Case IPR2017-01489<sup>1</sup>  
U.S. Patent No. 6,407,213

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**PATENT OWNER'S OBJECTIONS TO DEMONSTRATIVES**

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<sup>1</sup> Case IPR2017-02140 has been joined with this proceeding.

Pursuant to the Order Granting Request for Oral Argument (Paper 66), 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 58); Patent Owner's Motion to Exclude (Paper 60).

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.

IPR2017-01489  
Patent Owner's Objections to Demonstratives

Respectfully submitted,

Date: July 13, 2018

By: /David L. Cavanaugh/  
David L. Cavanaugh  
Reg. No. 36,476  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
202-663-6025

**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:

Amanda Hollis  
KIRKLAND & ELLIS LLP  
[amanda.hollis@kirkland.com](mailto:amanda.hollis@kirkland.com)  
300 North LaSalle, Chicago, IL 60654

Stefan M. Miller, Ph.D.  
[stefan.miller@kirkland.com](mailto:stefan.miller@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Benjamin A. Lasky  
[benjamin.lasky@kirkland.com](mailto:benjamin.lasky@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Sarah K. Tsou  
[sarah.tsou@kirkland.com](mailto:sarah.tsou@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Mark C. McLennan  
[mark.mclennan@kirkland.com](mailto:mark.mclennan@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Christopher J. Citro  
[christopher.citro@kirkland.com](mailto:christopher.citro@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Micah Rappazzo  
[micah.rappazzo@kirkland.com](mailto:micah.rappazzo@kirkland.com)  
601 Lexington Avenue, New York, NY 10022

Sharick Naqi  
[sharick.naqi@kirkland.com](mailto:sharick.naqi@kirkland.com)  
300 North LaSalle, Chicago, IL 60654

[Pfizer\\_Genentech\\_IPRs@kirkland.com](mailto:Pfizer_Genentech_IPRs@kirkland.com)

Dimitrios T. Drivas  
White & Case LLP  
[ddrivas@whitecase.com](mailto:ddrivas@whitecase.com)  
1221 Avenues of the Americas, New York, NY 10020

Scott T. Weingaertner  
White & Case LLP  
[scott.weingaertner@whitecase.com](mailto:scott.weingaertner@whitecase.com)  
1221 Avenues of the Americas, New York, NY 10020

Amit H. Thakore  
White & Case LLP  
[athakore@whitecase.com](mailto:athakore@whitecase.com)  
1221 Avenue of the Americas, New York, NY 10020

Eric Majchrzak  
White & Case LLP  
[eric.majchrzak@whitecase.com](mailto:eric.majchrzak@whitecase.com)  
1221 Avenue of the Americas, New York, NY 10020

/Lauren V. Blakely/  
Lauren V. Blakely  
Reg. No. 70,247  
Wilmer Cutler Pickering Hale and Dorr LLP  
950 Page Mill Road  
Palo Alto, CA 94304  
(650) 600-5039