

Transcript of Paul J. Carter, Ph.D.

Date: April 27, 2018 Case: Pfizer, Inc. -v- Genentech, Inc. (PTAB)

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Transcript of Paul Carter, Ph.D. Conducted on April 27, 2018

| 1 UNITED STATES PATENT AND TRADEMARK OFFICE 1 A P P E A R AN C E S 2 | | Conducted on | Apri | il 27, 2018 | |
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| 4 | 2 | | 2 | ON BEHALF OF PETITIONER PFIZER, INC.: | |
| 5 PFIZER, INC. And SAMSUNG BIOEPIS CO., LTD., 5 KIRKLAND & ELLIS, LLP 6 Petitioner, 7 V. 7 8 GENENTECH, INC., 8 (212) 446-6415 9 Patent Owner. 9 00 BEHALF OF PETITIONER CELLTRION: 10 | 3 | BEFORE THE PATENT TRIAL AND APPEAL BOARD | 3 | BENJAMIN LASKY, ESQUIRE | |
| 6 Petitioner, 6 601 Lexington Avenue, 7 v. 7 New York, NewYor | 4 | | 4 | SHARICK NAQI, ESQUIRE | |
| 7 v. 7 New York, New | 5 | PFIZER, INC. And SAMSUNG BIOEPIS CO., LTD., | 5 | KIRKLAND & ELLIS, LLP | |
| 8 GENENTECH, INC., 8 (212) 446-8415 9 Patent Owner. 9 ON BEHALF OF PETITIONER CELLTRION: 11 Case Nos. IPR2017-01488, IPR2017-01489 11 (Via videoconference) 12 CELLTRION, INC., 13 620 Eighth Avenue, 13 CELLTRION, INC., 14 New York, New York 10019 15 v. 15 (212) 813-8800 16 GENENTECH, INC., 16 ON BEHALF OF PATENT OWNER GENENTECH, INC.: 17 Patent Owner. 17 ANDREW J. DANFORD, ESQUIRE 18 Case Nos. IPR2017-01373, IPR2017-01374 19 WILMER CUTLER PICKERING HALE AND DORR, LLP 20 20 3 San Francisco, California 23 ALS OPRESENT: 22 VIDEOTAPED DEPOSITION OF PAUL J. CARTER, Ph.D. 24 Joseph A. Mourgos, Videographer 25 9:09 a.m. 23 ALS OPRESENT: 2 1 Job No: 186256 1 I N D E X PAGE 2 Pages: 1 - 177 24 Joseph A. Mourgos, Videographer 25 3 <td< td=""><td>6</td><td>Petitioner,</td><td>6</td><td>601 Lexington Avenue,</td><td></td></td<> | 6 | Petitioner, | 6 | 601 Lexington Avenue, | |
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Transcript of Paul Carter, Ph.D.

| | Conducted on | Apr | il 27, 2018 |
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| | Page 5 | | Page 7 |
| 1 | Exhibit 2017 Declaration of Dr. Paul J. Carter 8 | 1 | THE VIDEOGRAPHER: Thank you. |
| 2 | in Case IPR2017-01489 | 2 | On the video conference we have: |
| 3 | Exhibit 2020 Article, "Humanization of an 15 | 3 | MS. CIPRIANO: Linnea Cipriano of Goodwin |
| 4 | anti-p185HER2 antibody for human | 4 | Procter representing Celltrion. |
| 5 | cancer therapy" | 5 | THE VIDEOGRAPHER: The court reporter today is |
| 6 | | 6 | Charlotte Lacey representing Planet Depos. |
| 7 | | 7 | Would the reporter please administer the oath. |
| 8 | | 8 | PAUL J. CARTER, Ph.D., |
| 9 | | 9 | the witness herein, having been first duly sworn, was |
| 10 | | | examined and testified as follows: |
| 11 | | 11 | EXAMINATION |
| 12 | | | BY MR. LASKY: |
| 13 | | 13 | Q Good morning, Dr. Carter. |
| 14 | | 14 | A Good morning. |
| 15 | | 15 | Q Do you understand today that you're being |
| 16 | | | deposed in proceedings before the Patent Office |
| 17 | | | challenging your patent, the '213 patent? |
| 18 | | 17 | |
| 19 | | | A Yes, I do I understand that. |
| | | 19 | , |
| 20 | | 20 | And you've submitted several declarations in |
| 21 | | | the proceedings relating to that patent, correct? |
| 22 | | 22 | A There's at least one declaration that I'm |
| 23 | | | aware of. |
| 24 | | 24 | Q Right. Okay. |
| 25 | | 25 | And that same declaration, are you aware that |
| | Page 6 | | Page 8 |
| 1 | PROCEEDINGS | 1 | it has been submitted different times in different |
| 2 | THE VIDEOCRAPHER: Hara baging video number 1 | | |
| 0 | THE VIDEOGRAPHER: Here begins video number 1 | 2 | proceedings? |
| | in the videotaped deposition of Paul J. Carter, Ph.D., | | proceedings? A I am aware of that. |
| | - | 2 | proceedings? A I am aware of that. Q Okay. |
| 4 | in the videotaped deposition of Paul J. Carter, Ph.D., | 2 3 4 5 | proceedings? A I am aware of that. Q Okay. Dr. Carter, I've handed you what has been |
| 4 5 | in the videotaped deposition of Paul J. Carter, Ph.D., in the matter of Pfizer Incorporated, et al. versus | 2 3 4 5 | proceedings? A I am aware of that. Q Okay. |
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Transcript of Paul Carter, Ph.D. Conducted on April 27, 2018

| 1 | Conducted on | Арг | il 27, 2018 |
|--|--|---|--|
| | Page 9 | | Page 11 |
| | Q Okay. | 1 | Q Okay. |
| 2 | 5 | 2 | And from the time you began in Sir Gregory |
| | regarding the '213 patent, do you remember preparing | | Winter's lab, were you working on antibody chemistry a |
| 4 | more than one declaration with the with differences? | 4 | that time? |
| 5 | That's a bad question. Let me strike that. | 5 | A Most of the time, I was working on a my |
| 6 | Are you aware of any differences between the | 6 | thesis project, which was, Site-directed mutagenesis of |
| 7 | declarations that I've put before you that were | 7 | tyrosyl tRNA synthetase from from Bacillus |
| | submitted in the Pfizer proceedings and the declarations | | Bacillus stearothermophilus. |
| | that were submitted in other proceedings involving | 9 | Q Okay. |
| | Celltrion? | 10 | That work did not involve work with |
| 11 | A To the best of my knowledge, there are no | 11 | antibodies; is that right? |
| | differences. | 12 | A This particular project did not. |
| | | | |
| 13 | Q Okay. | 13 | Q Okay. |
| 14 | Did you review your declarations in | 14 | When strike that. |
| | preparation for the deposition today? | 15 | Did you do any antibody-related work while you |
| 16 | A Yes, I did review the declaration. | 16 | were in the Winter lab? |
| 17 | Q Okay. | 17 | A I did a very small amount of antibody work. |
| 18 | In re-reviewing the declaration, have you | 18 | Q Okay. |
| 19 | found anything that was inaccurate? | 19 | And when would that have started? |
| 20 | A To the best of my knowledge, there I'm | 20 | A To the best of my recollection, that was |
| 21 | unaware of anything that's inaccurate. | 21 | towards the end of my Ph.D., actually after I had |
| 22 | Q Okay. | | submitted my thesis. |
| 23 | And in reviewing re-reviewing your | 23 | Q Okay. |
| - | declarations, did you find anything that you would now | 24 | And would that be, then, around about 1985 |
| | change? | | onwards? |
| 20 | change: | 20 | onwards: |
| | Page 10 | | Page 12 |
| 1 | A There's nothing that I would change after | 1 | A That period would have been from late 1985 |
| 2 | re-reviewing. | 2 | through early 1986. |
| 3 | Q Okay. | 3 | Q Okay. |
| 4 | I'd like to ask you some questions about the | 4 | And at that point, is that when you joined |
| 5 | background section of your declaration. And we can | 5 | Genentech as a postdoctoral fellow? |
| 6 | focus on the 01488 declaration. You can put the other | 6 | A That is correct. |
| 7 | one aside. If there's any differences you work out, you | 7 | |
| | | | Q Okay. |
| | can let me know. | 8 | |
| 8 | can let me know. So you obtained your BA in Natural Sciences | 8 9 | The work that you did in late 1985 through |
| 8 9 | So you obtained your BA in Natural Sciences | 9 | The work that you did in late 1985 through early 1986, what was the project? |
| 8 9 10 | So you obtained your BA in Natural Sciences from Cambridge in 1982; is that correct? | 9 10 | The work that you did in late 1985 through early 1986, what was the project? A It was a project that I initiated trying to |
| 8 9 10 11 | So you obtained your BA in Natural Sciences from Cambridge in 1982; is that correct? A Yes, that is correct. | 9 10 11 | The work that you did in late 1985 through early 1986, what was the project? A It was a project that I initiated trying to explore a new technology that had just been published |
| 8 9 10 11 12 | So you obtained your BA in Natural Sciences from Cambridge in 1982; is that correct? A Yes, that is correct. Q And the Ph.D. in Molecular Biology in 1986 was | 9 10 11 12 | The work that you did in late 1985 through early 1986, what was the project? A It was a project that I initiated trying to explore a new technology that had just been published using polymerase chain reaction. |
| 8 9 10 11 12 13 | So you obtained your BA in Natural Sciences from Cambridge in 1982; is that correct? A Yes, that is correct. Q And the Ph.D. in Molecular Biology in 1986 was obtained at the Medical Research Counsel Laboratory; is | 9 10 11 12 13 | The work that you did in late 1985 through early 1986, what was the project? A It was a project that I initiated trying to explore a new technology that had just been published using polymerase chain reaction. Q And how was and polymerase chain reaction |
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Transcript of Paul Carter, Ph.D. Conducted on April 27, 2018

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|----|---|----|--|--|--|
| | Page 13 | | Page 15 | | |
| 1 | Winter laboratory. | 1 | A I was aware of at least some of that work, | | |
| 2 | Q Okay. | 2 | including work that had begun prior to my joining | | |
| 3 | You don't recall which particular project? | 3 | Genentech. | | |
| 4 | A I believe that it was the antibody genes in | 4 | Q Okay. One of the projects that was undertaken | | |
| 5 | the in the Jones, et al., publication, to the best of | 5 | in the Winter lab in the late 1980s was attempts to | | |
| | my knowledge, something which is more than 30 years | | humanize an anti-lysozyme protein antibody. Is that | | |
| | later. | | well, strike that. | | |
| 8 | Q Yes. Understandable. | 8 | Are you aware of a project that was undertaken | | |
| 9 | The who at the Winter lab was working with | 9 | in the Winter labs in the 1980s to humanize an | | |
| 10 | you on this project at the time? | | anti-lysozyme antibody? | | |
| 11 | A It was really nobody else. It was just | 11 | MR. DANFORD: Objection; outside the scope. | | |
| | myself. | 12 | A Yes. I am aware of that antibody humanization | | |
| 13 | Q Okay. | | project. | | |
| 14 | Were you seeking advice from anyone in the | 14 | Q Were you aware of that project while you were | | |
| | laboratory at that time on this project? | | at Genentech between 1986 and 1989? | | |
| 16 | MR. DANFORD: Objection to form. | 16 | A I was aware of that work, in part because it | | |
| 17 | A I was I don't remember clearly this | | | | |
| | this these number of years later. Sorry. | | was published. | | |
| 10 | Q Okay. | 18 | Q Okay. Do you happen do you recall where it was published? | | |
| 20 | - | | | | |
| | Did you ever overlap in time at the Winter lab with Lutz Riechmann? | 20 | A If you can provide me with my PNAS paper, we | | |
| | | | can we can look at the exact reference. | | |
| 22 | A To the best of my recollection, Lutz Riechmann | 22 | Q Okay. Dr. Carter, I've handed you a copy of | | |
| | joined the Sir Gregory Winter's laboratory after I | | what's been marked as Genentech Exhibit 2020 in both the | | |
| | joined at Genentech. | | 1488 and 1499 89 proceedings. And it's a copy of an | | |
| 25 | Q Okay. | 25 | article titled "Humanization of an anti-p185HER2 | | |
| | Page 14 | | Page 16 | | |
| 1 | And did you overlap in the Winter lab at any | | antibody for human cancer therapy," from the Proceedings | | |
| 2 | time with Jeffrey Foote? | 2 | of the National Academy of Sciences, U.S.A., in May 2 of | | |
| 3 | A To the best of my recollection, Jeff Foote | 3 | 1982. Is this the PNA reference that you were referring | | |
| 4 | joined Sir Gregory Winter's lab after I left | 4 | to? | | |
| 5 | actually, my recollection is that Jeff inherited my | 5 | A It's May 1992. | | |
| 6 | bench. | 6 | Q Sorry. | | |
| 7 | Q Okay. | 7 | A It is the right it is the right reference, | | |
| 8 | At the time that you joined Genentech in 1986 | 8 | yes. | | |
| 9 | through to the spring of 1989, when you started your | 9 | Q Apologize. I misspoke. Yes. May 1992. | | |
| 10 | own laboratory, did you have any contact with the Winter | 10 | And you were referring to a paper that | | |
| 11 | lab anymore? | 11 | published the anti-lysozyme work. Is that one of the | | |
| 12 | A I had intermittent contact. | 12 | cited references? | | |
| 13 | Q And did any of that contact involve Jeff | 13 | A Yes. It is one of cited references. | | |
| 14 | Foote? | 14 | Q And which one is this? | | |
| 15 | MR. DANFORD: Objection to form. | 15 | A To the best best of my recollection, it's | | |
| 16 | A I don't honestly remember this far it was a | | the reference on ATN, that's the Verhoeyen, et al., | | |
| | long time ago. | | Science, Volume 239, pages 1534 to 1536. | | |
| 18 | Q Okay. | 18 | Q And for the record, Verhoeyen, | | |
| 19 | And is the same true with respect to Lutz | | V-e-r-h-o-e-y-e-n? | | |
| | Riechmann? | 20 | A Correct. | | |
| 20 | A I don't remember. It's a very long time ago. | 20 | Q Okay. Other than through the published | | |
| 21 | Q Okay. At the time that you were in at | | literature or the Verhoeyen reference, were you aware of | | |
| | | | | | |
| | Genentech in the 1986 to 1989 time frame, were you aware | | the work being done to humanize the anti-lysozyme | | |
| | of the work that was being done at Winter lab in | | antibody at the Winter lab? | | |
| 25 | humanization of antibodies? | 25 | A I have no clear recollection beyond this | | |
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