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# Transcript of Jefferson Foote, Ph.D.

**Date:** June 14, 2018

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

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Pfizer v. Genentech  
IPR2017-01489  
Genentech Exhibit 2059

Transcript of Jefferson Foote, Ph.D.  
Conducted on June 14, 2018

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 - - - - -x 4 PFIZER, INC., AND : 5 SAMSUNG BIOEPIS CO., : Case IPR2017-01488<sup>1</sup> 6 LTD., : U.S. Patent 6,407,213 7 Petitioners, : 8 v. : Case IPR2017-01489<sup>1</sup> 9 GENENTECH, INC., : U.S. Patent 6,407,213 10 Patent Owner. : 11 - - - - -x 12 <sup>1</sup>Case IPR2017-02139 has been joined with this proceeding. 13 <sup>1</sup>Case IPR2017-02140 has been joined with this proceeding. 14 15 Deposition of JEFFERSON FOOTE, PH.D. 16 New York, New York 17 Thursday, June 14, 2018 18 8:55 a.m. 19 20 Job No.: 194199 21 Pages: 1 - 109 22 Reported By: Nancy Mahoney, CCR/RPR</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF PETITIONER PFIZER: 3 BENJAMIN LASKY, ESQUIRE 4 benjamin.lasky@kirkland.com 5 KIRKLAND &amp; ELLIS LLP 6 601 Lexington Avenue 7 New York New York 10022 8 212.446.4800 9 10 ON BEHALF OF PETITIONER SAMSUNG BIOEPIS: 11 AMIT THAKORE, ESQUIRE 12 athakore@whitecase.com 13 WHITE &amp; CASE LLP 14 1221 Avenue of the Americas 15 New York, New York 10020 16 212.819.2692 17 18 19 20 21 22</p>
<p>1 Deposition of JEFFERSON FOOTE, PH.D., held at 2 the offices of: 3 4 5 KIRKLAND &amp; ELLIS LLP 6 601 Lexington Avenue 7 New York New York 10022 8 212.446.4800 9 10 11 12 13 14 Pursuant to notice, before Nancy Mahoney, 15 Notary Public in and for the state of New York. 16 17 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S C O N T I N U E D : 2 3 ON BEHALF OF PATENT OWNER GENENTECH: 4 ROBERT J. GUNTHER, JR., ESQUIRE 5 robert.gunther@wilmerhale.com 6 WILMER CUTLER PICKERING HALE and DORR LLP 7 7 World Trade Center 8 250 Greenwich Street 9 New York, New York 10007 10 212.230.8830 11 - and - 12 NORA Q.E. PASSAMANECK, ESQUIRE 13 nora.passamaneck@wilmerhale.com 14 1225 17th Street 15 Denver, Colorado 80202 16 720.274.3152 17 18 ALSO PRESENT: 19 Traci Ropp 20 In-House Counsel 21 Genentech 22 Charlie Bowman, Videographer</p>

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<p>1 C O N T E N T S</p> <p>2 EXAMINATION OF JEFFERSON FOOTE, PH.D. PAGE</p> <p>3 By Mr. Gunther 9</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 PREVIOUSLY MARKED</p> <p>7 (Attached to transcript)</p> <p>8</p> <p>9 JEFFERSON FOOTE, PH.D. PAGE</p> <p>10</p> <p>11 Exhibit 1202 Reply Declaration of 9</p> <p>12 Jefferson Foote, Ph.D.</p> <p>13 Exhibit 1702 Reply Declaration of 10</p> <p>14 Jefferson Foote, Ph.D.</p> <p>15 Exhibit 1069 Article of Lutz Riechmann 21</p> <p>16 in Nature</p> <p>17 Exhibit 1001 U.S. Patent No. 6,407,213 23</p> <p>18 Exhibit 1034 Queen 1989 paper 35</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 E X H I B I T S C O N T I N U E D</p> <p>2 PREVIOUSLY MARKED</p> <p>3 (Attached to transcript)</p> <p>4</p> <p>5 JEFFERSON FOOTE, PH.D. PAGE</p> <p>6</p> <p>7 Exhibit 1062 Chothia and Lesk paper on 84</p> <p>8 Canonical Structures for the</p> <p>9 Hypervariable Regions of</p> <p>10 Immunoglobulins</p> <p>11 Exhibit 1051 Tramontano paper in 86</p> <p>12 Journal of Molecular Biology</p> <p>13 Exhibit 1125 Furey paper in Journal of 97</p> <p>14 Molecular Biology</p> <p>15 Exhibit 1021 Hudziak paper in 98</p> <p>16 Molecular and Cellular Biology</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
6	8
<p>1 E X H I B I T S C O N T I N U E D</p> <p>2 PREVIOUSLY MARKED</p> <p>3 (Attached to transcript)</p> <p>4</p> <p>5 JEFFERSON FOOTE, PH.D. PAGE</p> <p>6</p> <p>7 Exhibit 1050 Paper, Chimeric 39</p> <p>8 Immunoglobulins Specific for p55 Tac</p> <p>9 Protein of the IL-2 Receptor</p> <p>10 Exhibit 1003 Declaration of Jefferson 48</p> <p>11 Foote, Ph.D.</p> <p>12 Exhibit 1071 European Patent 55</p> <p>13 Application No. 0 403 156</p> <p>14 Exhibit 1052 Kabat paper on Sequences 79</p> <p>15 of Proteins of Immunological Interest</p> <p>16 Exhibit 1063 Chothia paper on Domain 83</p> <p>17 Association in Immunoglobulin</p> <p>18 Molecules</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 P R O C E E D I N G S</p> <p>2 THE VIDEOGRAPHER: Here begins disk number</p> <p>3 one of the videotaped deposition of Jefferson</p> <p>4 Foote in the matter of Pfizer, Incorporated and</p> <p>5 Samsung Bioepis Company, Ltd. v. Genentech</p> <p>6 Incorporated, for the United States Patent and</p> <p>7 Trademark Office before the Patent Trial and</p> <p>8 Appeal Board, Case No. IPR2017-01488 and</p> <p>9 IPR2017-01489.</p> <p>10 Today's date is June 14th, 2018; the time</p> <p>11 is approximately 8:55 a.m. The videographer today</p> <p>12 is Charlie Bowman representing Planet Depos. This</p> <p>13 video deposition is taking place in New York, New</p> <p>14 York.</p> <p>15 Would counsel please voice-identify</p> <p>16 yourselves for the record.</p> <p>17 MR. LASKY: Benjamin Lasky from Kirkland &amp;</p> <p>18 Ellis for Petitioner Pfizer and for the witness.</p> <p>19 MR. THAKORE: Amit Thakore from White &amp;</p> <p>20 Case for Petitioner Samsung Bioepis.</p> <p>21 MR. GUNTHER: Bob Gunther and Nora</p> <p>22 Passamaneck from WilmerHale for Patent Owner, and</p>

<p style="text-align: right;">9</p> <p>1 I think -- Traci, could you just --</p> <p>2 MS. ROPP: Traci Ropp from Genentech.</p> <p>3 THE VIDEOGRAPHER: The court reporter is</p> <p>4 Nancy Mahoney representing Planet Depos. Would</p> <p>5 the court reporter please swear in the witness.</p> <p>6 JEFFERSON FOOTE, PH.D.,</p> <p>7 after having been first duly sworn or affirmed to</p> <p>8 testify to the truth, was examined and</p> <p>9 testified as follows:</p> <p>10 EXAMINATION BY COUNSEL FOR THE</p> <p>11 PATENT OWNER GENENTECH BY ROBERT GUNTHER:</p> <p>12 Q Dr. Foote, good to see you again.</p> <p>13 <b>A Good to see you.</b></p> <p>14 Q So what -- I think what we'll start -- I'm</p> <p>15 going to hand you copies of your two reply</p> <p>16 declarations.</p> <p>17 <b>A All right.</b></p> <p>18 Q So the first one I'm going to give you is</p> <p>19 from the 01488 IPR which is your reply declaration</p> <p>20 which is Exhibit 1202.</p> <p>21 <b>A Okay.</b></p> <p>22 (Exhibit 1202 Reply Declaration of</p>	<p style="text-align: right;">11</p> <p>1 Exhibit 1202?</p> <p>2 <b>A I couldn't think of any.</b></p> <p>3 Q Is there anything in Exhibit 1202 that you</p> <p>4 believe should be corrected or changed?</p> <p>5 <b>A No.</b></p> <p>6 Q Okay. I'm going to ask you pretty much</p> <p>7 the same questions with respect to the</p> <p>8 Exhibit 1702, your reply declaration in the 01489</p> <p>9 IPR. If you turn to page 114, can you confirm</p> <p>10 that that is your signature?</p> <p>11 <b>A Yes, that is.</b></p> <p>12 Q And, sir, are you aware of any errors or</p> <p>13 inaccuracies in that document?</p> <p>14 <b>A No.</b></p> <p>15 Q Is there anything in there that you</p> <p>16 believe needs to be corrected or changed?</p> <p>17 <b>A Nothing special --</b></p> <p>18 Q Okay.</p> <p>19 <b>A -- nothing that's incorrect.</b></p> <p>20 Q Nothing, I'm sorry, that's --</p> <p>21 <b>A Nothing incorrect.</b></p> <p>22 Q Okay. If -- so let me ask you this. With</p>
<p style="text-align: right;">10</p> <p>1 Jefferson Foote, Ph.D. previously marked, is</p> <p>2 attached to the transcript.)</p> <p>3 Q And why don't I just while I'm at it --</p> <p>4 MR. LASKY: May I --</p> <p>5 MR. GUNTHER: Oh, yeah, of course.</p> <p>6 Q And I'll also give you your reply</p> <p>7 declaration from the 01489 IPR which is Exhibit --</p> <p>8 Pfizer Exhibit 1702?</p> <p>9 (Exhibit 1702 Reply Declaration of</p> <p>10 Jefferson Foote, Ph.D. previously marked, is</p> <p>11 attached to the transcript.)</p> <p>12 Q And starting with the Exhibit 1202, if I</p> <p>13 can, if you turn to the last page of the</p> <p>14 declaration, which I think is page 114, can you</p> <p>15 confirm that's your signature?</p> <p>16 <b>A That is.</b></p> <p>17 Q And then you signed the declaration, the</p> <p>18 reply declaration, on May 25th, 2018. Is that</p> <p>19 correct?</p> <p>20 <b>A That's right.</b></p> <p>21 Q Are you -- as you sit here, Dr. Foote, are</p> <p>22 you aware of any errors or inaccuracies in</p>	<p style="text-align: right;">12</p> <p>1 respect to those two reply declarations that we</p> <p>2 have in front of you, approximately how many hours</p> <p>3 did you spend preparing those declarations?</p> <p>4 <b>A Gosh, tough to estimate.</b></p> <p>5 Q Let me -- if this helps --</p> <p>6 <b>A 50 hours.</b></p> <p>7 Q I was going to say, you had previously</p> <p>8 testified with respect to your initial</p> <p>9 declarations you had spent about 50 hours on</p> <p>10 those.</p> <p>11 <b>A I think --</b></p> <p>12 Q So go ahead.</p> <p>13 <b>A I think I may have spent more on the</b></p> <p>14 <b>initial declaration, but around 50 --</b></p> <p>15 Q Okay. All right.</p> <p>16 <b>A -- maybe 60, but in that range.</b></p> <p>17 Q Thank you.</p> <p>18 <b>A Not a hundred.</b></p> <p>19 Q Right. And when did you start working on</p> <p>20 those declarations?</p> <p>21 <b>A In May.</b></p> <p>22 Q May of this year?</p>

Conducted on June 14, 2018

<p style="text-align: right;">13</p> <p><b>1 A Yeah.</b></p> <p>2 Q Okay. And did you speak with anyone other</p> <p>3 than counsel for Pfizer about the preparation of</p> <p>4 those declarations?</p> <p><b>5 A No.</b></p> <p>6 Q Did you speak with anyone other than</p> <p>7 counsel for Pfizer about any of the opinions that</p> <p>8 are set forth in your two reply declarations that</p> <p>9 are in front of you?</p> <p><b>10 A No.</b></p> <p>11 Q Can you describe generally what you did in</p> <p>12 terms of preparing the reply declarations? You're</p> <p>13 obviously responding to Dr. Wilson's declaration,</p> <p>14 correct?</p> <p><b>15 A That's right.</b></p> <p>16 Q Prior to reading his declaration, had you</p> <p>17 heard of him?</p> <p><b>18 A Oh, I've known Dr. Wilson for more than 40</b></p> <p><b>19 years.</b></p> <p>20 Q Okay. And I take it you formed a -- an</p> <p>21 opinion with respect to his reputation as a</p> <p>22 scientist in this area?</p>	<p style="text-align: right;">15</p> <p>1 of the exhibits that he cited in his declarations?</p> <p><b>2 A Yes.</b></p> <p>3 Q Okay. Is that correct, you at least</p> <p>4 looked at all of those?</p> <p><b>5 A I looked at them. I can't recall right</b></p> <p><b>6 now exactly which ones I looked at, but I looked</b></p> <p><b>7 at them or was aware of them from a previous</b></p> <p><b>8 study.</b></p> <p>9 Q Fair enough. Other than that -- I guess</p> <p>10 what I was trying to get at by an independent</p> <p>11 research -- and maybe it wasn't the best phrased</p> <p>12 question -- but what I'm trying to get at is,</p> <p>13 beyond looking at -- in terms of your preparing</p> <p>14 your reply declarations, beyond looking at</p> <p>15 Dr. Wilson's declaration and the -- declarations</p> <p>16 and the exhibits that he cites to, did you go</p> <p>17 outside that and look at any literature that was</p> <p>18 not cited in his declarations?</p> <p><b>19 A I don't -- I don't recall doing that.</b></p> <p>20 Q Were you provided with any materials for</p> <p>21 preparation of your reply declarations, other than</p> <p>22 Dr. Wilson's declarations and his -- and the</p>
<p style="text-align: right;">14</p> <p><b>1 A Yes.</b></p> <p>2 MR. LASKY: Objection to the form.</p> <p><b>3 A Yes.</b></p> <p>4 Q And what is your opinion?</p> <p><b>5 A He's -- he's an excellent scientist. Very</b></p> <p><b>6 well known in the antibody field.</b></p> <p>7 Q Okay. And would you agree that he is at</p> <p>8 least a person of ordinary skill in the art in the</p> <p>9 area with respect to the '213 patent?</p> <p><b>10 A At least, yes.</b></p> <p>11 Q Okay. And is it fair to say that while</p> <p>12 you respect Dr. Wilson, you disagree with him on</p> <p>13 certain things, but it's an honest disagreement</p> <p>14 among good scientists?</p> <p><b>15 A That's right.</b></p> <p>16 Q Now, in preparing your reply declarations,</p> <p>17 did you do any independent research?</p> <p><b>18 A Independent research? How you do mean?</b></p> <p>19 Q So, I mean, you obviously read</p> <p>20 Dr. Wilson's declarations, correct?</p> <p><b>21 A That's correct.</b></p> <p>22 Q And you read some of the -- probably all</p>	<p style="text-align: right;">16</p> <p>1 exhibits cited in those declarations?</p> <p><b>2 A Well, I was provided with Dr. Wilson's</b></p> <p><b>3 declarations -- declaration, and I was also</b></p> <p><b>4 provided with transcripts of testimony by</b></p> <p><b>5 Genentech's witnesses.</b></p> <p>6 Q Okay.</p> <p><b>7 A And there was a paper by Kolbinger. I'm</b></p> <p><b>8 not sure if that came up in the case earlier, but</b></p> <p><b>9 my attention was drawn to that.</b></p> <p>10 Q And the paper by Kolbinger. Is that</p> <p>11 correct?</p> <p><b>12 A That's right.</b></p> <p>13 Q C-o-b-i-n-g-e-r?</p> <p><b>14 A K-o-l.</b></p> <p>15 Q Not even close. K-o-l...</p> <p><b>16 A b-i-n-g-e-r.</b></p> <p>17 Q Okay. Thank you.</p> <p>18 And is Kolbinger discussed in your reply</p> <p>19 declarations?</p> <p><b>20 A I have to check. I think it may have</b></p> <p><b>21 been.</b></p> <p>22 Q Yeah. Why don't we do this -- and we may</p>

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