

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

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-02032
U.S. Patent 6,407,213

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Patent Owner Genentech, Inc. presents the following objections to evidence served with Petitioner Boehringer Ingelheim Pharmaceuticals, Inc.'s Petition.

Patent Owner objects to Exhibit 1003, Declaration of Dr. Geoffrey Hale, Ph.D. Patent Owner specifically objects to ¶¶ 26-34, 42-43, 45-46, 48-49, 55-56, 69, 74-75, 77-83, 85-106, 110, 114-116, 119, 123-124, 126-127, 129, 132-133, 135-136, 145-150, 152-153, 155-160, 162-166, 168, 171-178, 180, 182-183, 185-186, 188-191, 193-203, 205, 207-209, 211-213, 215-223, 225-227, 229-236, 238-244, 246-247, 249-277, 279-289, 291-302, 304-308, 310-314, 316-324, 326-337, 339-355 and all paragraphs that rely on those paragraphs as lacking a disclosed basis of sufficient facts or data (FRE 705; 37 C.F.R. § 42.65), not being based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts (FRE 702, 703), and being misleading and/or confusing (FRE 403). Patent Owner also specifically objects to ¶¶ 27-32, 34, 106-122, 133-141, 144-227, 252-318, 347-352, and all paragraphs that rely on those paragraphs as irrelevant (FRE 402) in view of the denial of institution for certain grounds in the Institution Decision (Paper 17 at 14).

Patent Owner objects to Exhibit 1003C in its entirety as lacking a disclosed basis of sufficient facts or data (FRE 705; 37 C.F.R. § 42.65), not being based on sufficient facts or data, the product of reliable principles and methods, and/or a

reliable application of the principles and methods to the facts (FRE 702, 703), and being misleading and/or confusing (FRE 403).

Patent Owner objects to Exhibit 1024, Marks, L., *The Story of Cesar Milstein and Monoclonal Antibodies: A Healthcare Revolution in the Making* at <http://www.whatisbiotechnology.org/exhibitions/milstein>, as lacking proper authentication (FRE 901).

Patent Owner objects to Exhibit 1030, "Protein Data Bank – Chronology," at https://www.nsf.gov/news_summ_jsp?cntn_id=100689, as lacking proper authentication (FRE 901).

Patent Owner objects to Exhibit 1039, *SEER Fact Sheets: Breast Cancer*, at <http://seer.cancer.gov/statfacts/html/breast.html>, as lacking proper authentication (FRE 901).

Patent Owner objects to Exhibit 1074, Accelrys Inc., at <http://accelrys.com/micro/insight/insight.html>, as lacking proper authentication (FRE 901).

Patent Owner objects to Exhibit 1129 Excel Trick, History of Microsoft Excel 1978-2013, <http://www.exceltrick.com/others/history-of-excel/>, as lacking proper authentication (FRE 901).

Respectfully submitted,

Date: April 12, 2018

/David L. Cavanaugh/
David L. Cavanaugh
Reg. No. 36,476
Counsel for Patent Owner

WILMER CUTLER PICKERING HALE AND DORR LLP
1875 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20006
TEL: 650-858-6000
FAX: 650-858-6363
EMAIL: david.cavanaugh@wilmerhale.com

CERTIFICATE OF SERVICE

I hereby certify that, on April 12, 2018, I caused a true and correct copy of the following materials:

- Patent Owner's Objections to Evidence

to be served via electronic mail on the following attorneys of record:

Ira J. Levy
GOODWIN PROCTER LLP
620 Eighth Avenue, New York, NY 10018
ILevy@goodwinlaw.com

Brian A. Fairchild
GOODWIN PROCTER LLP
100 Northern Avenue Boston, MA 02210
bfairchild@goodwinlaw.com

DG-BI213@goodwinlaw.com

/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