

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

-----x

3 MODERNA THERAPEUTICS, INC.,

4 Petitioner,

v.

5

6 PROTIVA BIOTHERAPEUTICS, INC.,

6

Patent Owner.

7

Case IPR2018-00680 (Patent 9,404,127)

8

Case IPR2018-00739 (Patent 9,364,435)

-----x

9

10

11 Deposition of ANDREW S. JANOFF, PH.D., as
12 reported by Nancy Mahoney, Certified Court Reporter,
13 RPR and Notary Public of the States of New York and
14 New Jersey, at the Westin Princeton at Forrestal
15 Village on Tuesday, December 4, 2018 commencing at
16 9:08 a.m.

17

18

19

20

21

22

23

24

25

1 A P P E A R A N C E S :

2 ON BEHALF OF PETITIONER:

IRELL & MANELLA LLP

3 1800 Avenue of the Stars

Los Angeles, California 90067-4276

4 BY: C. MACLAIN WELLS, ESQUIRE

mwells@irell.com

5 MICHAEL R. FLEMING, ESQUIRE

m Fleming@irell.com

6

ON BEHALF OF PATENT OWNER

7 WILSON SONSINI GOODRICH & ROSATI

701 Fifth Avenue

8 Seattle, Washington 98104-7036

9 BY: MICHAEL T. ROSATO, ESQUIRE

mrosato@wsgr.com

10 SONJA R. GERRARD, ESQUIRE

srosato@wsgr.com

11

12

13

14

15

ALSO PRESENT:

16

Constantine Linnik

17 General Counsel & Compliance Officer

Genevant

18

19

20

21

22

23

24

25

1 I N D E X

2	WITNESS	PAGE
3	ANDREW S. JANOFF, PH.D.	
4	Examination by Mr. Rosato	5
5	Examination by Mr. Wells	199

6 E X H I B I T S

7	DESCRIPTION	PAGE
8		
9	(Exhibit 1007 Declaration of Andrew S.	23
10	Janoff, Ph.D. in Support of Moderna	
11	Therapeutics, Inc.'s Petition for Inter	
12	Partes Review of U.S. Patent No.	
13	9,404,127	
14	(Exhibit 1007 Declaration of Andrew S.	23
15	Janoff, Ph.D. in Support of Moderna	
16	Therapeutics, Inc.'s Petition for Inter	
17	Partes Review of U.S. Patent No.	
18	9,364,435	
19	Exhibit 1001 U.S. Patent No. 9,404,127	50
20	(Exhibit 1018 Curriculum Vitae of Andrew	51
21	S. Janoff, Ph.D.	

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S C O N T I N U E D

DESCRIPTION	PAGE
Exhibit 2007 U.S. Patent No. 7,491,409	130
(Exhibit 2020 Combined Declaration for Patent Application and Power of Attorney	133
Exhibit 1002 U.S. Patent No. 8,058,069	153
Exhibit 1001 U.S. Patent No. 9,364,435	192

08:58:03

1 ANDREW S. JANOFF, PH.D., 08:58:10
2 having been first duly sworn by the Notary Public
3 (Nancy Mahoney), was examined and testified as
4 follows:

5 EXAMINATION BY MR. ROSATO:

6 Q. Good morning, Dr. Janoff. 09:09:13

7 A. Good morning. 09:09:14

8 Q. Would you please state your full name 09:09:15
9 for the record. 09:09:19

10 A. Andrew S. Janoff. 09:09:19

11 Q. And thank you again for being here 09:09:21

12 this morning. I'm sure you're familiar with how 09:09:23

13 things work in depositions, but we'll quickly go 09:09:26

14 through couple procedural aspects. Do you 09:09:29

15 understand that you're providing your testimony 09:09:35

16 under oath today and that you're expected to tell 09:09:36

17 the truth? 09:09:38

18 A. I do. 09:09:39

19 Q. Is there any reason you cannot 09:09:40

20 provide complete and accurate testimony today? 09:09:43

21 A. No. 09:09:45

22 Q. And hopefully my questions are clear. 09:09:46

23 If they're not, please ask me for clarification 09:09:48

24 rather than the gentlemen sitting here. Under the 09:09:52

25 rules of this proceeding, you should ask me and 09:09:55

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.