

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENOME AND COMPANY,  
Petitioner,

v.

THE UNIVERSITY OF CHICAGO,  
Patent Owner.

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Case PGR2019-XX  
U.S. Patent No. 9,855,302 B2

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**DECLARATION OF JONATHAN BRAUN, M.D., Ph.D., IN SUPPORT OF  
PETITION FOR *POST GRANT* REVIEW OF U.S. PATENT NO. 9,855,302**

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I, Jonathan Braun, M.D., Ph.D., being of legal age, hereby declare affirm, and state the following:

## **I. INTRODUCTION**

1. I have been retained on behalf of Genome & Company/Petitioner, to serve as an independent expert and provide expert opinions regarding U.S. Patent No. 9,855,302 (“the ‘302 patent”) (Ex. 1001). I have personal knowledge of the facts and opinions set forth in this declaration, and, if called upon to do so, I would testify competently thereto. All of the opinions and conclusions found in this declaration are my own.

2. I have been informed that Genome & Company is petitioning the Patent Trial and Appeal Board (“PTAB”) to institute a post-grant review of the ‘302 patent and requests that the PTAB cancel all of the claims of the ‘302 patent on the basis that the claims are not enabled and the claims are obvious.

3. I have been asked to consider and provide my opinions regarding the ‘302 patent claims, including the technical subject matter of the ‘302 patent and the application of various references that are prior art to the ‘302 patent. In particular, I have been asked to consider what a person of ordinary skill in the art would have understood from the ‘302 patent, whether the specification teaches a person of ordinary skill in the art how to make and use the claimed invention without undue

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