

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENOME & COMPANY,
Petitioner

v.

THE UNIVERSITY OF CHICAGO,
Patent Owner

Case No. PGR2019-00002
U.S. Patent 9,855,302 B2

**REPLY DECLARATION OF JONATHAN BRAUN, M.D., Ph.D., IN *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. As I testified in my declaration signed October 2, 2018 (“Opening Declaration”), which I understand has been labeled as Exhibit 1002 in this proceeding, 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).

2. Relevant aspects of my educational background, career history, and other qualifications were provided in my Opening Declaration and will not be repeated here. (See Ex. 1002 at ¶¶ 6-14.)

3. I provided testimony in my Opening Declaration regarding 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 was 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 experimentation, and whether the prior art discussed herein rendered the claimed invention obvious to a person of ordinary skill in the art.

4. In this Reply Declaration, I have been asked to consider Patent Owner's Response ("POR") and the Declaration of Dr. Mani (Ex. 2007) vis a vis my opinions regarding the enablement and validity of the claims of the '302 patent.

5. My testimony in this declaration, like my Opening Declaration, is through the eyes of a person of ordinary skill in the art as defined in §§ 38-40 of my Opening Declaration.

6. I have also relied on the knowledge and experience I acquired from more than 33 years of practicing, researching, and teaching oncology, pathology, microbiology and immunology.

7. 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.

8. I am being compensated at a rate of \$550.00 per hour for my services. This compensation is in no way based on the content of my opinions or the outcome of this matter.

II. APPLICABLE LEGAL PRINCIPLES

9. My understanding of certain legal standards were previously stated in §§ 15-37 of my Opening Declaration and will not be repeated here.

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