

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENOME & COMPANY,
Petitioner,

v.

THE UNIVERSITY OF CHICAGO,
Patent Owner.

Case PGR2019-00002

U.S. Patent No. 9,855,302 B2

DECLARATION OF REEVES GILLIS

I, Reeves Gillis, state and declare as follows:

1. I have prepared this Declaration in response to Patent Owner's Objections To Evidence Under 37 C.F.R. § 42.64(b)(1) filed in the above-referenced post grant review of U.S. Patent No. 9,855,302, which I understand will be served on Patent Owner.

2. I am currently a Senior Research Analyst in the Research Services Department at Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. ("Mintz Levin"), One Financial Center, Boston, Massachusetts 02111.

3. I am over 18 years of age and am competent to make this Declaration. I make this Declaration based on my own personal knowledge.

4. I have been employed in the Research Services Department at Mintz Levin since 2018.

Attachments

Exhibit 1004 (Singh)

5. Attached as Exhibit A is a true and correct copy of "*Bifidobacterium longum*, a lactic acid-producing intestinal bacterium inhibits colon cancer and modulates the intermediate biomarkers of colon carcinogenesis," authored by Jagveer Singh, et al., and published by Oxford Press University in *Carcinogenesis*, Vol. 18, Issue 4, April 1997, pp. 833-841 ("Singh"). This document has been designated as Ex. 1004 in this post grant review proceeding.

6. Attached as Exhibit B is a true and correct copy of a printout from Oxford Press University's webpage (<https://academic.oup.com/carcin/article/18/4/833/2365110>) describing Singh and stating that it was published on April 1, 1997.

Exhibit 1005 (Dong)

7. Attached as Exhibit C is a true and correct copy of "The role of intestinal Bifidobacteria on immune system development in young rats," authored by Ping Dong, et al., and published by ScienceDirect (operated by publisher Elsevier) in Early Human Development, Vol. 86, Issue 1, January 2010, pp. 51-58 ("Dong"). This document has been designated as Ex. 1005 in this post grant review proceeding.

8. Attached as Exhibit D is a true and correct copy of a printout from ScienceDirect's webpage (<https://www.sciencedirect.com/science/article/abs/pii/S0378378210000046?via%3Dihub>) describing Dong and stating that it was available online on January 27, 2010.

Exhibit 1008 (Mohania)

9. Attached as Exhibit E is a true and correct copy of "Modulation of expression of Programmed Death-1 by administration of probiotic Dahi in DMH-induced colorectal carcinogenesis in rats," authored by Dheeraj Mohania, et al. and

published by Mattioli 1885 in Acta Bio Medica, Vol. 84, Issue 2, September 2013, pp. 102-09 (“Mohania”). This document has been designated as Ex. 1008 in this post grant review proceeding.

10. Attached as Exhibit F is a true and correct copy of a printout from Mattioli 1885’s webpage (<http://www.mattioli1885journals.com/index.php/actabiomedica/article/view/2659>) describing Mohania and stating that it was published on September 1, 2013.

Exhibit 1010 (van der Waaij)

11. Attached as Exhibit G is a true and correct copy of “The Influence of antibiotics on gut colonization,” authored by D. van der Waaij, et al., and published by Oxford University Press in the Journal of Antimicrobial Chemotherapy, Vol. 18, Issue Supplement C, October 1986, pp. 155-58 (“van der Waaij”). This document has been designated as Ex. 1010 in this post grant review proceeding.

12. Attached as Exhibit H is a true and correct copy of a printout from the Oxford University Press’s webpage (https://academic.oup.com/jac/article-abstract/18/Supplement_C/155/698914?redirectedFrom=fulltext) describing van der Waaij and stating that it was published on October 1, 1986.

Exhibit 1016 (Sharon)

13. Attached as Exhibit I is a true and correct copy of “Immune checkpoints in cancer clinical trials,” authored by Elad Sharon, et al., and published by the Cancer Communications (formerly known as Chinese Journal of Cancer¹), Vol. 33, Issue 9, September 2014, pp. 434-44 (“Sharon”). This document has been designated as Ex. 1016 in this post grant review proceeding.

14. Attached as Exhibit K is a true and correct copy of a printout from the Cancer Communications’ webpage (<http://www.cjcsysu.com/TOC-en.asp?y=2014&m=9>) describing Sharon and stating that it was published on September 5, 2014.

Exhibit 1021 (Kandoth)

15. Attached as Exhibit L is a true and correct copy of “Mutational landscape and significance across 12 major cancer types,” authored by Cyriac Kandoth, et al., and published by Macmillan Publishers in Nature International Journal of Science, Vol. 502, October 2013, pp. 333-39 (“Kandoth”). This document has been designated as Ex. 1021 in this post grant review proceeding.

¹ I understand that the Chinese Journal of Cancer changed its name to Cancer Communications on March 1, 2018. *See* Exhibit J (a true and correct copy of a printout from the Cancer Communications’ webpage (<http://www.cjcsysu.com/>)).

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.