

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MILTENYI BIOMEDICINE GmbH and MILTENYI BIOTEC INC.
Petitioner

v.

FRED HUTCHINSON CANCER CENTER
Patent Owner

Case IPR2023-00760
U.S. Patent No. 9,987,308

**DECLARATION OF SARAH A. GEERS
UNDER 37 C.F.R. § 1.68**

I, Sarah A. Geers, do hereby declare:

1. I am making this declaration on behalf of Fred Hutchinson Cancer Center, Patent Owner, in the matter of *Inter Partes* Review of U.S. Patent No. 9,987,308 (“the ’308 patent”). Unless otherwise stated, the facts stated in this declaration are based on my personal knowledge.

2. I am a Partner at Jones Day. I have personal knowledge of the matters set forth below. This declaration addresses the authenticity and admissibility of certain exhibits submitted in support of Patent Owner’s defense of *Inter Partes* Review in this matter.

3. The document submitted herewith as Exhibit 2001 is a true and correct copy of Harjeet Singh et al., “Reprogramming CD19-Specific T Cells with IL-21 Signaling Can Improve Adoptive Immunotherapy of B-Lineage Malignancies,” *Cancer Res.* 71(10), 3516-27 (2011), accessed from: <http://aacrjournals.org/cancerres/article-pdf/71/10/3516/2650740/3516.pdf> (last accessed April 27, 2023).

4. The document submitted herewith as Exhibit 2002 is a true and correct copy of Christian S. Hinrichs et al., “Adoptively Transferred Effector Cells Derived from Naïve Rather Than Central Memory CD8⁺ T Cells Mediate Superior Antitumor Immunity,” *PNAS* 106(41), 17469-74 (2009), accessed from: www.pnas.org/cgi/doi/10.1073/pnas.0907448106 (last accessed June 28, 2023).

5. The document submitted herewith as Exhibit 2003 is a true and correct copy of H. Singh et al., “Selective Reprogramming of CD19-Specific T Cells with IL-21 and CD28 Signaling for Adoptive Immunotherapy of Acute Lymphoblastic Leukemia,” *Biology of Blood and Marrow Transplantation* 15(2), 61-62, Abstract No. 164 (2009), which is a scan of this document as it appears in USPTO’s official prosecution history file of U.S. Patent Application No. 14/006,641 that was retrieved by a vendor pursuant to my instructions.

6. The document submitted herewith as Exhibit 2004 is a true and correct copy of biographical information for Ronald Mitsuyasu, accessed from: https://people.healthsciences.ucla.edu/institution/personnel?personnel_id=8352 (last accessed June 26, 2023).

7. The document submitted herewith as Exhibit 2005 is a true and correct copy of biographical information for Kristen M. Hege, accessed from: <https://www.ucsfhealth.org/providers/dr-kristen-hege> (last accessed June 27, 2023).

8. The document submitted herewith as Exhibit 2006 is a true and correct copy of biographical information for Michael Claus V Jensen, accessed from: <https://www.seattlechildrens.org/directory/michael-claus-v-jensen/> (last accessed June 27, 2023).

9. The document submitted herewith as Exhibit 2007 is a true and correct copy of biographical information for Stephen J. Forman, accessed from: <https://www.cityofhope.org/stephen-forman> (last accessed June 27, 2023).

10. The document submitted herewith as Exhibit 2008 is a true and correct copy of biographical information for Stanley Riddell, accessed from: <https://www.fredhutch.org/en/faculty-lab-directory/riddell-stanley.html> (last accessed June 26, 2023).

11. The document submitted herewith as Exhibit 2009 is a true and correct copy of biographical information for Michael Hudecek, accessed from: <https://www.vjhemonc.com/speaker/michael-hudecek/> (last accessed June 27, 2023).

12. The document submitted herewith as Exhibit 2012 is a true and correct copy of U.S. Patent Application Publication No. US 2003/0170238 A1 to Gruenberg et al., downloaded from USPTO Patent Public Search Basic (PPUBS Basic), <https://ppubs.uspto.gov/pubwebapp/static/pages/ppubsbasic.html>, on June 27, 2023.

13. The document submitted herewith as Exhibit 2013 is a true and correct copy of Bipulendu Jena et al., “Redirecting T-Cell Specificity by Introducing a Tumor-Specific Chimeric Antigen Receptor,” *Blood* 116(7), 1035-44 (2010), accessed from: <http://ashpublications.org/blood/article-pdf/116/7/1035/1333755/zh803310001035.pdf> (last accessed June 8, 2023).

14. The document submitted herewith as Exhibit 2014 is a true and correct copy of Barbara S. Paugh et al., “Reference Standards for Accurate Validation and Optimization of Assays that Determine Integrated Lentiviral Vector Copy Number in Transduced Cells,” *Scientific Reports* 11:389, 1-9 (2021), accessed from: <https://www.nature.com/articles/s41598-020-79698-w> (last accessed June 28, 2023).

15. The document submitted herewith as Exhibit 2015 is a true and correct copy of Federica Sallusto et al., “Central Memory and Effector Memory T Cell Subsets: Function, Generation, and Maintenance,” *Annu. Rev. Immunol.* 22, 745-63 (2004), which is a scan of this document as it appears in USPTO’s official prosecution history file of U.S. Patent Application No. 14/006,641 that was retrieved by a vendor pursuant to my instructions.

16. The document submitted herewith as Exhibit 2016 is a true and correct copy of an excerpt from the file history of U.S. Patent No. 9,987,308 downloaded from USPTO Patent Center, <https://patentcenter.uspto.gov/>, on June 26, 2023. This exhibit contains the March 10, 2014 Information Disclosure Statement (IDS) that was initialed by the Examiner on May, 2, 2016.

17. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

Dated: June 28, 2023

/Sarah A. Geers/

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