

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENE COMPANY PTY LTD,

Petitioner,

v.

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,

Patent Owner.

Case No. IPR2024-00313

U.S. Patent No. RE47,045

Declaration of Shauna L. Wiest

I. Introduction

1. I have prepared this Declaration in connection with the above referenced *Inter Partes* Review regarding U.S. Patent No. RE47,045.

2. I am a senior research analyst with the Research & Information Services team at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP located at 3300 Hillview Avenue, Palo Alto, CA 94304 (“Finnegan”).

3. I am over eighteen years of age, and I am competent to make this Declaration. I make this Declaration based on my own personal knowledge, and my professional knowledge of library science practices.

4. I earned a Master of Science in Library Science degree from the University of North Carolina at Chapel Hill in 1999, and a Bachelor of Arts in Political Science degree from the University of California at San Diego in 1989. I have worked as a law librarian for over eighteen years. I have been employed in the Research & Information Services Department at Finnegan since 2021. Before that, from 2000-2015, I was employed as a Law Librarian at Stoel Rives LLP, and from 2015-2016, I was employed as a Competitive Intelligence Specialist for Nossaman LLP. Additionally, as a graduate student at the University of North Carolina at Chapel Hill, I served as an intern at the Environmental Protection Agency at Research Triangle Park (“EPA-RTP”) where one of my rotations included original

cataloging for EPA technical documents, state agency reports and documents, international organization documents, dissertations, and, on occasion, monographs.

II. EX2019 (*Kim*)

5. **Exhibit 2044** is a true and correct copy of So R. Kim, Jiangtao He, Emiko Yanase, Young P. Jang, Nina Berova, Janet R. Sparrow, and Koji Nakanishi *Characterization of dihydro-A2PE: an Intermediate in the A2E Biosynthetic Pathway*, *Biochemistry* 2007 46 (35), pages 10122-10129, which retrieved from the website <https://pubs.acs.org/doi/10.1021/bi7009635>. I confirmed this on July 18, 2024. On July 18, 2024, I accessed the website, <https://pubs.acs.org/doi/10.1021/bi7009635>, which is attached here as **Exhibit 2040**. From the webpage attached here as **Exhibit 2040**, I selected “Other access options” and next selected “Purchase Access” and was taken to the following webpage: <https://pubs.acs.org/action/addToCart?id=PPVJOURNALSE-ELECTRONIC-USD-10.1021%2FBI7009635-137903>, which is attached here as **Exhibit 2041**. I next entered my email address as shauna.wiest@finnegan.com, selected the button next to “I have read and agree to the Terms and Conditions and Privacy Policy *,” and selected “Continue as Guest”, which resulted in the following webpage: <https://pubs.acs.org/action/addToCart?id=PPVJOURNALSE-ELECTRONIC-USD-10.1021%2FBI7009635-137903>, which is attached here as **Exhibit 2042**. I proceeded to pay the \$48 fee and received a confirmation email,

which is attached here as **Exhibit 2043**. I clicked on the words “Complete My Purchase” on **Exhibit 2043**, which resulted in the *Kim* reference being downloaded and saved as **Exhibit 2044**. I compared **Exhibit 2044** to **Exhibit 2019** and confirmed that they are substantively identical.

III. EX2033 (*Smith*)

6. **Exhibit 2045** is a true and correct copy of the entirety of Michael B. Smith & Jerry March, *March’s Advanced Organic Chemistry: Reactions, Mechanisms, and Structure* 98-105 (6th ed. 2007), which I retrieved from the publicly available website: <https://rushim.ru/books/mechanizms/march6ed.pdf>, on July 18, 2024. On July 18, 2024, I accessed the publicly available website, <https://rushim.ru/books/mechanizms/march6ed.pdf>, which I downloaded and attached here as **Exhibit 2045**.

IV. EX2038 (*Anslyn*)

7. **Exhibit 2047** is a true and correct copy of the front matter and the entirety of Chapter 8 of Eric V. Anslyn & Dennis A. Dougherty, *Modern Physical Organic Chemistry* 421-441 (2006), which was obtained from the University of Wisconsin at Madison general library system. I confirmed this on July 18, 2024. On July 18, 2024, I reviewed an order received from the University of Wisconsin at Madison WTS article delivery service, which contains the front matter and the

entirety of Chapter 8 of the Anslyn reference, which I downloaded and saved as **Exhibit 2047**.

V. EX2015 (*Hussain*)

8. **Exhibit 2015** is a true and correct copy of Hussain, R. M., Ciulla, T. A., Berrocal, A. M., Gregori, N. Z., Flynn, H. W., & Lam, B. L. (2018). *Stargardt macular dystrophy and evolving therapies*. Expert Opinion on Biological Therapy, 18(10), pages 1049–1059, which was retrieved from the publicly available website <https://scholarworks.indianapolis.iu.edu/items/e4bfc377-999d-4940-bf07-ddf429b33b38>. I confirmed this on July 17, 2024. On July 17, 2024, I accessed the publicly available website, <https://scholarworks.indianapolis.iu.edu/items/e4bfc377-999d-4940-bf07-ddf429b33b38>, attached here as **Exhibit 2048**. From the webpage attached here as **Exhibit 2048**, I selected “Hussain_2018_Stargardt.pdf (343.24 KB)” under the heading “Files,” which resulted in the document downloaded and saved as **Exhibit 2049**. I compared **Exhibit 2049** to **Exhibit 2015** and confirmed that they are identical.

VI. Conclusion

9. In signing this Declaration, I understand it will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I understand I may be subject to cross-examination in this

case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

10. I declare that all statements made herein of my knowledge are true, that all statements made on information and belief are believed to be true, and 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.

Executed on July 23, 2024, in Palo Alto, California.

Shauna Wiest

Shauna L. Wiest