

Filed On Behalf Of:
Atea Pharmaceuticals, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATEA PHARMACEUTICALS, INC.

Petitioner,

v.

GILEAD SCIENCES, INC.

Patent Owner

PGR No.: To Be Assigned

U.S. Patent No. 11,642,361

DECLARATION OF THORSTEN BAUSCH, Ph.D.

UNDER 37 C.F.R. §1.68

I, Thorsten Bausch, Ph.D., do hereby declare:

1. I am making this declaration on behalf of Atea Pharmaceuticals, Inc. (“Petitioner”) in the matter of the Post Grant Review of U.S. Patent No. 11,642,361 (“the Patent Proceeding”). Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge and experience.

2. I am a European and German Patent Attorney, and Partner at Hoffmann Eitle. I have over 30 years experience in European patent law, specializing in the fields of chemistry, pharmacy and biotechnology. I was the professional representative before the EPO for the patentee in EP 2 955 190 B1, defending against an opposition filed by Gilead Sciences, Inc. against NuCana plc.

3. I certify that the following exhibits are true and correct copies:

1029	EP 2955190B1, titled “Chemical Compounds,” and issued to NuCana plc on March 28, 2018
1030	Opposition Division of The European Patent Office, Revocation (Opposition) Proceedings of EP2955190B1, Gilead Sciences, Inc.’s Request to Institute Revocation (Opposition) Proceedings of EP2955190B1 (filed December 17, 2018)
1031	<i>Gilead Sciences, Inc. and Gilead Sciences Limited v. NuCana plc</i> , Claim No: 2021-00007, High Court of Justice, Business and Property

	Courts of England and Wales (UK), Intellectual Property List, Patent Courts, Particulars of Claim to Invalidate European Patent (UK) No. 2955190B1 (filed February 15, 2021, on behalf of the Claimants Gilead Sciences, Inc. and Gilead Sciences Limited)
1032	<i>Gilead Sciences, Inc. and Gilead Sciences Limited v. NuCana plc</i> , Claim No: 2021-00007, High Court of Justice, Business and Property Courts of England and Wales (UK), Intellectual Property List, Patent Courts, Expert Report of Jason Micklefield, Ph.D., 02 November 2022, Filed on Behalf of the Claimants (Gilead Sciences, Inc. and Gilead Sciences Limited)
1036	<i>Idenix Pharmaceuticals, Inc. v. Gilead Sciences, Inc., Gilead Sciences Limited, Center National De La Recherche Scientifique, Universita Degli Studi Di Cagliari, and L'Universite Motpellier II; Gilead Sciences, Inc. and Gilead Sciences Limited (Part 20 Claimants) v. Idenix Pharmaceuticals, Inc., Centre National De La Recherche Scientifique, Universita Degli Studi Di Cagliari, L'Universite Montpellier II</i> , Claim No. HP 14D 010169, In The High Court of Justice, Chancery Division, Patents Court, Expert Report of Geert-Jan Boons, 31 July 2014, Filed on Behalf of First and Second Defendants

	and Part 20 Claimants (Gilead Sciences, Inc. and Gilead Sciences Limited)
1037	Opposition Division of The European Patent Office, Revocation (Opposition) Proceedings of EP2955190B1, Second Declaration of Geert-Jan Boons, Filed on Behalf of (Opponent) Gilead Sciences, Inc. (filed December 8, 2020)
1038	Board of Appeal of The European Patent Office, Case No. T 0795/21, Statement of Grounds of Appeal on Behalf of Gilead Sciences, Inc. (filed August 17, 2021)
1039	<i>Gilead Sciences, Inc. and Gilead Sciences Limited v. NuCana plc</i> , Claim No: 2021-00007, High Court of Justice, Business and Property Courts of England and Wales (UK), Intellectual Property List, Patent Courts, Second Expert Report of Jason Micklefield, Ph.D., 09 December 2022, Filed on Behalf of the Claimants (Gilead Sciences, Inc. and Gilead Sciences Limited)
1040	<i>Gilead Sciences, Inc. and Gilead Sciences Limited v. NuCana plc</i> , Claim No: 2021-00007, High Court of Justice, Business and Property Courts of England and Wales (UK), Intellectual Property List, Patent Courts, Expert Report of Professor Mathias Götte, Ph.D., 1 November

	2022, Filed on Behalf of the Claimants (Gilead Sciences, Inc. and Gilead Sciences Limited)
1041	<i>Gilead Sciences, Inc. and Gilead Sciences Limited v. NuCana plc</i> , Claim No: 2021-00007, High Court of Justice, Business and Property Courts of England and Wales (UK), Intellectual Property List, Patent Courts, Second Expert Report of Professor Mathias Götte, Ph.D., 6 December 2022, Filed on Behalf of the Claimants (Gilead Sciences, Inc. and Gilead Sciences Limited)

Declaration

4. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief that 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.

/Thorsten Bausch/

Thorsten Bausch

Date: August 7, 2023