

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GE Healthcare Ltd.,
Petitioner,

v.

Johns Hopkins University,
Patent Owner.

Case No. PGR2025-00059
U.S. Patent No. 12,115,233

Declaration of Jeffrey P. Kushan

I, Jeffrey P. Kushan, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Sidley Austin LLP.
2. I provide this declaration in connection with the above-identified post grant review proceeding before the United States Patent and Trademark Office and initiated by GE Healthcare Limited against John Hopkins University under 35 U.S.C. § 321. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.
3. For each of the exhibits addressed below, an exhibit label and page numbers have been added, but no other alterations have been made. Where the exhibit is a PDF generated from a webpage displayed in a web browser, the PDF may contain information in the header and footer (*e.g.*, the URL, the title of the page being displayed, or similar items), which was generated automatically by the web browser displaying the page.
4. EX1006 is a true and correct copy of a publication by Jansen, et al., titled “Extended Structure—Activity Relationship and Pharmacokinetic Investigation of (4-Quinolinoyl)glycyl-2-cyanopyrrolidine Inhibitors of Fibroblast Activation Protein (FAP)” (“Jansen”). This paper was published as an article in the “Journal of Medicinal Chemistry,” Vol. 57, on pages 3053 -3074. A true and correct copy of this paper was obtained from the following URL:

<https://pubs.acs.org/doi/pdf/10.1021/jm500031w>. As the Jansen paper itself does not include the supporting supplemental text, figures, and tables, I have appended the supplemental information at the end of Exhibit 1006, as pages 3075-3098.

Pages 3075-3098 of EX1006 are a true and correct copy of the PDF file available for download from the following URL:

<https://pubs.acs.org/doi/pdf/10.1021/jm500031w>.

5. EX1007 is a true and correct copy of a publication by Jansen, et al., titled “Selective Inhibitors of Fibroblast Activation Protein (FAP) with a (4-Quinolinoyl)glycyl-2-cyanopyrrolidine Inhibitors of Fibroblast Activation Protein (FAP)” (“Jansen 2013”). This paper was published as an article in “ACS Medicinal Chemistry Letters,” Vol. 4, on pages 491-496. A true and correct copy of this paper was obtained from the following URL:

<https://pubs.acs.org/doi/10.1021/ml300410d>. As the Jansen 2013 itself does not include the supplementary text and figures, I have appended the supplementary information at the end of Exhibit 1007, as pages 497-519. Pages 497-519 of EX1007 are a true and correct copy of the PDF file available for download from the following URL: <https://pubs.acs.org/doi/10.1021/ml300410d>.

6. EX1030 is a true and correct copy of a publication by Eder, et al., titled “⁶⁸Ga-Complex Lipophilicity and the Targeting Property of a Urea-Based PSMA Inhibitor for PET Imaging” (“Eder”). This paper was published as an article

in “Bioconjugate Chemistry,” Vol. 23, Issue 4 on pages 688-697. A true and correct copy of this paper was obtained from the following URL:

<https://pubs.acs.org/doi/abs/10.1021/bc200279b>. As the Eder publication itself does not include the supporting text, figures, and tables, I have appended the supporting information at the end of Exhibit 1030, as pages 698-700. Pages 698-700 of EX1030 are a true and correct copy of the PDF file available for download from the following URL:

https://pubs.acs.org/doi/suppl/10.1021/bc200279b/suppl_file/bc200279b_si_001.pdf.

7. EX1040 is a true and correct copy of a publication by Meyer, et al., titled “Exploring Structural Parameters for Pretargeting Radioligand Optimization” (“Meyer”). This paper was published as an article in “Journal of Medicinal Chemistry,” Vol. 60, Issue 19 on pages 8201-8217. A true and correct copy of this paper was obtained from the following URL:

<https://pubs.acs.org/doi/abs/10.1021/acs.jmedchem.7b01108>. As the Meyer publication itself does not include the supporting text, figures, and tables, I have appended the supporting information at the end of Exhibit 1040, as pages 8218-8258. Pages 8218-8258 of EX1040 are a true and correct copy of the PDF file available for download from the following URLs:

- a. Pages 8218-8257 of Exhibit 1040 (“Exploring Structural Parameters for Pretargeting Radioligand Optimization”) are a true and correct copy of the web page available from the following URL:
https://pubs.acs.org/doi/suppl/10.1021/acs.jmedchem.7b01108/suppl_file/jm7b01108_si_001.pdf,
 - b. Page 8258 of Exhibit 1040 (“Molecular Formula Strings”) is a true and correct copy of the csv file available from the following URL:
https://pubs.acs.org/doi/suppl/10.1021/acs.jmedchem.7b01108/suppl_file/jm7b01108_si_002.csv.
8. EX1045 is a true and correct copy of a publication by Ji, et al., titled “Tumor Fibroblast Specific Activation of a Hybrid Ferritin Nanocage-Based Optical Probe for Tumor Microenvironment Imaging” (“Ji”). This paper was published as an article in “Small,” Vol. 9, Issue 14 on pages 2427-2431. A true and correct copy of this paper was obtained from the following URL:
<https://onlinelibrary.wiley.com/doi/abs/10.1002/sml.201300600>. As the Ji publication itself does not include the supporting text and figures, I have appended the supporting information at the end of Exhibit 1045, as pages 2432-2437. Pages 2432-2437 of EX1045 are a true and correct copy of the PDF file available for download from the following URL:

https://onlinelibrary.wiley.com/action/downloadSupplement?doi=10.1002%2Fsmll.201300600&file=smll_201300600_sm_suppl.pdf.

9. EX1047 is a true and correct copy of a publication by Tsai, et al., titled “Substituted 4-Carboxymethylpyroglutamic Acid Diamides as Potent and Selective Inhibitors of Fibroblast Activation Protein” (“Tsai”). This paper was published as an article in “Journal of Medicinal Chemistry,” Vol. 53, Issue 18 on pages 6572-6583. A true and correct copy of this paper was obtained from the following URL: <https://pubs.acs.org/doi/abs/10.1021/jm1002556>. As the Tsai publication itself does not include the supporting text and figures, I have appended the supporting information at the end of Exhibit 1047, as pages 6584-6590. Pages 6584-6590 of EX1047 are a true and correct copy of the PDF file available for download from the following URL:

https://pubs.acs.org/doi/suppl/10.1021/jm1002556/suppl_file/jm1002556_si_001.pdf.

10. EX1050 is a true and correct copy of a publication by Billaud, et al., titled “Development and Preliminary Evaluation of TFIB, a New Bimodal Prosthetic Group for Bioactive Molecule Labeling” (“Billaud”). This paper was published as an article in “Medicinal Chemistry Letters,” Vol. 6, Issue 2 on pages 168-172. A true and correct copy of this paper was obtained from the following URL: <https://pubs.acs.org/doi/10.1021/ml500423v>. As the Billaud publication

itself does not include the supporting text, figures, and tables, I have appended the supporting information at the end of Exhibit 1050, as pages 173-199. Pages 173-199 of EX1050 are a true and correct copy of the PDF file available for download from the following URL:

https://pubs.acs.org/doi/suppl/10.1021/ml500423v/suppl_file/ml500423v_si_001.pdf.

11. EX1054 is a true and correct copy of a publication by Kim, et al., titled “Synthesis and the structure of mixed carboxylatoplatinum(IV) complexes involving one trifluoroacetate ligand” (“Kim”). This paper was published as an article in “Inorganica Chimica Acta,” Vol. 358, Issue 2 on pages 415-418. A true and correct copy of this paper was obtained from the following URL:

<https://www.sciencedirect.com/science/article/abs/pii/S0020169304004177>. As the Kim publication itself does not include the supporting crystallographic data, I have appended a text file of the supporting information at the end of Exhibit 1054, as pages 419-424. Pages 419-424 of EX1050 are a true and correct copy of the CIF file converted to a PDF available for download from the following URL:

<https://www.ccdc.cam.ac.uk/structures/search?id=doi:10.5517/cc8zpsp&sid=DataCite>.

12. EX1055 is a true and correct copy of a publication by Pruszyński, et al., titled “Improved Tumor Targeting of Anti-HER2 Nanobody Through *N*-

Succinimidyl 4-Guanidinomethyl-3-Iodobenzoate Radiolabeling” (“Pruszynski”).

This paper was published as an article in “Journal of Nuclear Medicine,” Vol. 55, Issue 4 on pages 650-656. A true and correct copy of this paper was obtained from the following URL: <https://jnm.snmjournals.org/content/55/4/650>. As the Pruszynski publication itself does not include the supporting text, figures, and tables, I have appended the supporting information at the end of Exhibit 1055, as pages 657-663. Pages 657-663 of EX1055 are a true and correct copy of the PDF file available for download from the following URL:

https://jnm.snmjournals.org/content/jnumed/suppl/2014/03/31/jnumed.113.127100.DC1/127100_Supplemental_Data.pdf.

I, Jeffrey P. Kushan, do hereby declare and state, that all statements made herein of 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, under Section 1001 of Title 18 of the United States Code.

Dated: July 14, 2025

Respectfully Submitted,

/Jeffrey P. Kushan

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