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

Second 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 General Electric Healthcare ("GE Healthcare Ltd.") against Johns 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. EX1065 is a true and correct copy of a publication by Ganguly et al., titled "A high-affinity [18F]-labeled phosphoramidate peptidomimetic PSMA-targeted inhibitor for PET imaging of prostate cancer" ("Ganguly"). This paper was published as an article in the "Journal of Nuclear Medicine and Biology," Vol. 42, on pages 780-787. A true and correct copy of this paper was obtained from the following URL:

https://www.sciencedirect.com/science/article/abs/pii/S0969805115000955?via%3Dihub. As the Ganguly paper itself does not include supporting information, I have appended supporting information to the end of EX1065, as pages S1-S17. Pages S1-S17 are a true and correct copy of the PDF file available for download from the following URL: https://www.sciencedirect.com/science/article/abs/pii/S0969805115000955?via%3Dihub.

5. EX1066 is a true and correct copy of a publication by Dannoon et al., titled "Structure-Activity Relationship of ^{18}F-Labeled Phosphoramidate Peptidomimetic Prostate-Specific Membrane Antigen (PSMA)-Targeted Inhibitor Analogues for PET Imaging of Prostate Cancer" ("Dannoon"). This paper was published as an article in the "Journal of Medicinal Chemistry," Vol. 59, on pages 5684-5694. A true and correct copy of this paper was obtained from the following URL: https://pubs.acs.org/jmcmar/article-abstract/59/12/5684/1516741/Structure-Activity-Relationship-of-18F-Labeled?redirectedFrom=fulltext. As the Dannoon paper itself does not include supporting information, I have appended supporting information to the end of EX1066, as pages S1-S7. Pages S1-S7 are a true and correct copy of the PDF file available for download from the following URL: https://pubs.acs.org/jmcmar/article-abstract/59/12/5684/1516741/Structure-Activity-Relationship-of-18F-Labeled?redirectedFrom=fulltext.

6. EX1071 contains a compilation of Patent Owner's data that was produced pursuant to the Board's order (Paper 19 at 9), which Patent Owner marked as PROTECTIVE ORDER MATERIAL, alongside Petitioner's analysis of the relevant data. This compilation of data is a true and correct copy of data collected and analyzed from Patent Owner's Production at the Bates numbers below:

a) JHU_000011, JHU_000014-16, JHU_000036-37, JHU_000044, JHU_000070, JHU_000098-99, JHU_000110, JHU_000114-15, JHU_000126-28, JHU_000130-31, JHU_000138-40, JHU_000147-48, JHU_000181, JHU_000187, JHU_000211, JHU_000237.

7. EX1075 is a true and correct copy of a compilation of antibody drug approval status from the United States Food and Drug Administration (FDA) and the European Medicines Agency (EMA). The sources constituting this compilation, and URL from which they were obtained, are provided below:

a) FDA Access Data for satumomab pendetide (trade name: OncoScint); https://www.accessdata.fda.gov/scripts/opdlisting/oopd/detailedIndex.cfm?cfgridkey=36789

b) FDA Access Data for arcitumomab (trade name: CEA-Scan); https://www.accessdata.fda.gov/scripts/opdlisting/oopd/detailedIndex.cfm?cfgridkey=96596

c) FDA Access Data for noferumomab (trade name: Verluma); https://www.accessdata.fda.gov/drugsatfda_docs/appletter/1996/nofedrk082096L.htm

d) FDA Access Data for capromab pendetide (trade name: ProstaScint), https://www.accessdata.fda.gov/drugsatfda_docs/appletter/1996/capcyt102896L.htm

e) FDA Drug Label for ibritumomab tiuxetan (trade name: Zevalin), https://www.accessdata.fda.gov/drugsatfda_docs/label/2018/125019s227lbl.pdf

f) FDA Drug Resource Information on Withdrawn Cancer Accelerated Approvals, https://www.fda.gov/drugs/resources-information-approved-drugs/withdrawn-cancer-accelerated-approvals

g) EMA Medicine Authorization Status for arcitumomab (trade name: CEA-Scan), https://www.ema.europa.eu/en/medicines/human/EPAR/cea-scan

h) EMA Medicine Authorization Status for igovomab (trade name: Indimacis 125),

https://www.ema.europa.eu/en/medicines/human/EPAR/indimacis-125

i) EMA Medicine Authorization Status for sulesomab (trade name: LeukoScan), https://www.ema.europa.eu/en/medicines/human/EPAR/leukoscan

j) EMA Medicine Authorization Status for votumumab (trade name: HumaSPECT), https://www.ema.europa.eu/en/medicines/human/EPAR/humaspect

8. EX1076 is a true and correct copy of a publication by Walsh et al., titled "Biopharmaceutical benchmarks 2022" ("Walsh"). This paper was published as an article in "Nature Biotechnology," Vol. 40, on pages 1722-1760. A true and correct copy of this paper was obtained from the following URL: https://www.nature.com/articles/s41587-022-01582-x. As the Walsh paper itself does not include supporting information, I have appended the supporting information to the end of Exhibit 1076, as pages S1-S6. Pages S1-S6 are a true and correct copy of the PDF file available for download from the following URL: https://www.nature.com/articles/s41587-022-01582-x#Sec13.

9. EX1077 is a true and correct copy of a publication by Huang et al., titled "The Synthesis and Structural Requirements for Measuring Glucocorticoid Receptor Expression In Vivo with ±-^{11}C YJH08 PET" ("Huang"). This paper was

published as an article in the "Journal of Nuclear Medicine," Vol. 62, on pages 723-731. A true and correct copy of this paper was obtained from the following URL: https://jnm.snmjournals.org/content/early/2020/09/04/jnumed.120.249755. As the Huang paper itself does not include supporting information, I have appended supporting information to the end of EX1077, as pages S1-S30. Pages S1-S30 are a true and correct copy of the PDF file available for download from the following URL: https://jnm.snmjournals.org/content/62/5/723

10. EX1080 is a true and correct PDF copy of the BPS Bioscience webpage titled "FAP, His-Tag Recombinant." A true and correct copy of this webpage was obtained from the following URL: https://bpsbioscience.com/fap-his-tag-recombinant-80100.

11. EX1081 is a true and correct PDF copy of Biotechne, Recombinant Human FAP Protein, CF Catalogue # 3715-SE Product Datasheet. A true and correct copy of this product datasheet can be obtained from the following URL: https://www.bio-techne.com/p/proteins-enzymes/recombinant-human-fap-protein-cf_3715-se#product-documents.

12. EX1083 is a true and correct PDF copy of the Protein Atlas webpage titled "PREP, Tissue." A true and correct copy of this webpage was obtained from the following URL: https://www.proteinatlas.org/ENSG00000085377-PREP/tissue.

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: August 20, 2026

Respectfully Submitted,

/Jeffrey P. Kushan

Jeffrey P. Kushan

Reg. No. 43,401
Sidley Austin LLP
1501 K Street, N.W.
Washington D.C. 20005