

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC., CITY OF HOPE, and)
HOFFMANN LA ROCHE INC.,)

Plaintiffs and Counter Defendants,)

v.)

CELLTRION, INC., CELLTRION,)
HEALTHCARE CO., LTD., TEVA)
PHARMACEUTICALS USA, INC., and)
TEVA PHARMACEUTICALS)
INTERNATIONAL GMBH,)

Defendants and Counterclaim Plaintiffs.)

C.A. No. 18-95-CFC
(CONSOLIDATED)

GENENTECH, INC. and CITY OF HOPE,)

Plaintiffs and Counterclaim Defendants,)

v.)

AMGEN INC.,)

Defendant and Counterclaim Plaintiff.)

C.A. No. 18-924-CFC

GENENTECH, INC. and CITY OF HOPE,)

Plaintiffs and Counterclaim Defendants,)

v.)

SAMSUNG BIOEPIS CO., LTD,)

Defendant and Counterclaim Plaintiff.)

C.A. No. 18-1363-CFC

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court’s Scheduling Order in the above-captioned cases, Plaintiffs Genentech, Inc., City of Hope, and Hoffman La Roche Inc. (“Plaintiffs”) and Defendants Celltrion, Inc., Celltrion Healthcare Co. Ltd., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceuticals International GMBH (Defendant Group¹ “Celltrion/Teva”), Amgen Inc. (Defendant Group “Amgen”), and Samsung Bioepis Co., Ltd (Defendant Group “Samsung”) have met and conferred, and present the following Joint Claim Construction Chart for the terms in dispute for each of the patents currently asserted in these cases. The following table lists the asserted patents and the claims of each patent that Plaintiffs presently assert each Defendant Group infringes.

PATENT	CLAIMS/DEFENDANT GROUP
6,627,196	11, 22 (Celltrion/Teva, Amgen, Samsung) 7, 27 (Celltrion/Teva)
7,371,379	11, 21 (Celltrion/Teva, Amgen, Samsung) 7 (Celltrion/Teva)
U.S. App. No. 14/073,659 ²	10 (Amgen, Samsung) 11 (Celltrion/Teva, Amgen, Samsung)

¹ “Defendant Group” shall be defined to include all parties sued by Plaintiffs in a single cause of action.

² At this time, Defendants do not object to Plaintiffs’ inclusion of this patent application in its November 7 list of narrowed patents for claim construction and trial, as a placeholder for the patent that may eventually issue from the App. No. 14/073,659. Plaintiffs assert that they will take appropriate steps to add the patent to the complaints when it issues, and Defendants reserve all rights to object to Plaintiffs’ efforts to do so, including if the patent does not timely issue, or if the current claims are further amended.

PATENT	CLAIMS/DEFENDANT GROUP
7,993,834	2, 5 (Celltrion/Teva, Amgen, Samsung)
8,076,066	2, 6 (Celltrion/Teva, Amgen)
8,574,869	5, 8 (Celltrion/Teva, Amgen, Samsung)
6,407,213	79, 65 (Celltrion/Teva, Amgen, Samsung)
8,512,983	2, 19 (Amgen, Samsung)
9,714,293	72, 73 (Amgen, Samsung)
7,485,704	6, 12 (Celltrion/Teva, Samsung)
7,390,660	3, 6 (Samsung)
6,620,918	5, 7 (Amgen)
9,249,218	1, 2 (Celltrion/Teva)

The charts below identify the parties' proposed constructions for the disputed claim terms and the parties' identification of intrinsic evidence in support of their proposed constructions. Also provided is a list of terms and their proposed constructions on which the parties have agreed. Each party reserves the right to supplement the charts below with additional evidence and to rely upon additional intrinsic evidence and/or extrinsic evidence in its claim construction briefs to respond to or rebut evidence and arguments made by another party, and to rely upon another party's intrinsic evidence.

Appendix A sets forth a list of claim terms and their respective constructions on which the parties have agreed. Appendix B sets forth the disputed claim terms, the constructions proposed by the parties, and the intrinsic evidence each side believes supports its proposed constructions. Copies of the relevant patents and

portions of the intrinsic evidence relied upon by the parties are attached as Appendix C.

Appendix A – Terms Not in Dispute

Claim Term and Claim	Agreed Construction
<p>“A method of identifying and treating a breast cancer patient disposed to respond favorably to a HER2 antibody, huMAb4D5-8”</p> <p>’066 Patent, Claims 2, 6</p>	The preamble is limiting
<p>“A method for the prevention of the reduction of a disulfide bond in an antibody expressed in a recombinant host cell”</p> <p>’869 Patent, Claims 5, 8</p>	The preamble is limiting
<p>“sparging”</p> <p>’869 Patent, Claims 5, 8</p>	bubbling of a gas into a liquid
<p>“harvested culture fluid”</p> <p>’869 Patent, Claims 5, 8</p>	culture fluid that has been harvested
<p>“eluting the mixture at a gradient of about 0-1 M of an elution salt”</p> <p>’918 Patent, Claims 5, 7</p>	eluting the mixture starting at a first concentration between 0 and 1 M of an elution salt and ending at a second higher concentration between 0 and 1 M of the elution salt
<p>“A method for reducing glucose consumption during cultivation”</p> <p>’660 Patent, Claim 3</p>	The preamble is limiting
<p>“A method for reducing lactate production during cultivation”</p> <p>’660 Patent, Claim 6</p>	The preamble is limiting

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