

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 _____
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 _____
5 BLUEBIRD BIO, INC.

6 Petitioner

7 vs.

8 SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH,

9 Patent Owner

10 _____
11 Patent No. 8,058,061

12 _____
13
14 July 10, 2023

15
16
17 Video-Recorded Deposition of

18 Jörg Bungert, Ph.D.

19
20
21
22 Stenographically Reported By:

23 Mark Richman, RPR, CSR, CCR, CM

24 Job No. J9814137

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JULY 10, 2023

9:41 A.M. EST

Video-Recorded Deposition of
JÖRG BUNGERT, PH.D., at the offices of Paul
Hastings LLP, 200 Park Avenue, New York, New
York, before Mark Richman, Certified
Shorthand Reporter, Certified Court
Reporter, Registered Professional Reporter,
and a Notary Public within and for the State
of New York.



1 A P P E A R A N C E S:

2 PAUL HASTINGS LLP

3 Attorneys for Bluebird Bio

4 200 Park Avenue

5 New York, New York 10166

6

7 BY: MAX YUSEM, ESQ.

8 KRYSTINA HO, ESQ.

9

10 FOX ROTHSCHILD

11 Attorneys for San Rocco Therapeutics as

12 Representative for MSK

13 101 Park Avenue, 17th floor

14 New York, NY 10178

15

16 BY: MICHAEL GLYNN, ESQ.

17 JOE CHEN, ESQ.

18 HOWARD SUH, ESQ.

19

20 ALSO PRESENT:

21 SILVIO FACCHIN, Videographer

22

23

24

25

1 J. BUNGERT - 7.10.23

2 THE VIDEOGRAPHER: This is the
3 media labeled number 1 of the video
4 recorded deposition of Dr. Jörg
5 Bungert in the matter of Bluebird Bio
6 v. Sloan Kettering Institute for
7 Cancer Research.

09:42

8 We are now going on the record.
9 The time is 9:41 a.m.

10 Counsel please state their
11 appearances for the record.

09:42

12 MR. YUSEM: Yes. Max Yusem for
13 Paul Hastings and Bluebird.

14 MS. HO: Krystina Ho for Paul
15 Hastings and Bluebird.

09:42

16 DR. GLYNN: Michael Glynn from
17 Fox Rothschild, joined by my
18 colleagues, Joe Chen and Howard Suh,
19 also from Fox Rothschild representing
20 San Rocco Therapeutics.

09:42

21 THE VIDEOGRAPHER: Will the court
22 reporter please swear in the witness.

23 //

24 //

25 //

1 J. BUNGERT - 7.10.23

2 JÖRG BUNGERT, PH.D., called as a
3 witness, having been first duly sworn
4 by the Notary Public (Mark Richman),
5 was examined and testified as
6 follows:

7 EXAMINATION BY DR. GLYNN:

8 Q. Good morning.

9 A. Good morning.

10 Perhaps before we begin, in 09:43
11 preparation of this meeting, I noticed
12 that there were some minor errors in the
13 declaration and they don't affect my
14 conclusions but I would like to hand
15 them to you. 09:43

16 MR. YUSEM: We've got copies too.

17 MS. HO: Yes, pass them out?

18 DR. GLYNN: Yes, let's distribute
19 copies as well.

20 Q. These are corrected versions of 09:43
21 figures?

22 A. Yes, of the visualizations of the
23 analysis of the restriction fragments.

24 Q. And what is different about these
25 figures with respect to the figures in 09:43

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.