**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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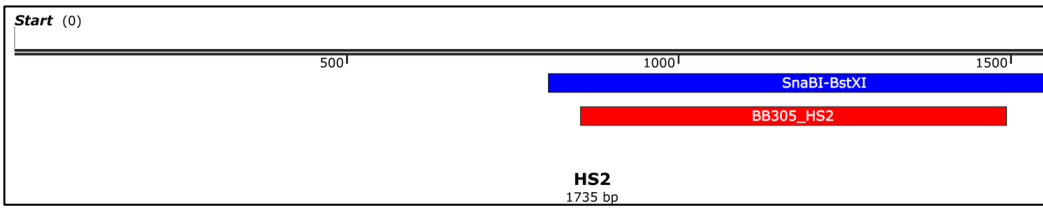
|---|---|---|
| SAN ROCCO THERAPEUTICS, LLC,<br><br>Plaintiff,<br><br>v.<br><br>BLUEBIRD BIO, INC. and THIRD ROCK VENTURES, LLC,<br><br>Defendants. | ) | C.A. No. 21-1478-RGA<br><br>**HIGHLY CONFIDENTIAL** |

**PLAINTIFF'S INITIAL INFRINGEMENT CLAIM CHARTS**

**Appendix A – Initial Infringement Claim Chart For U.S. Patent No. 7,541,179 – HIGHLY CONF**

| U.S. Patent No. 7,541,179 | | BB305 |
|---|---|---|
| | | As the HS2 fragment is located between BstXI and SnaBI, the HS2 fragment is a B spanning nucleotide fragment of said LCR.<br><br>Bluebird's limited production also supports this element. *See* BBI-DEL-000 0000034. For example, bluebird's HS2 sequence identified in versus the SnaBI-I below:<br><br>  <br><br>BB305_HS2 obtained from BBI-DEL-0000023-28 and compared to SnaBI-BstXI |
| 1.5 | [the three fragments being…] [(2)] a BamHI and HindIII HS3-spanning nucleotide fragment of said LCR, and | The BB305 vector comprises the 3.2-kb fragment discussed above (*see* claim 1.2 s kb fragment consists essentially of three contiguous nucleotide fragments obtaina globin locus control region (LCR), wherein the HS3 fragment (*see* claim 1.3 *su* HindIII HS3-spanning nucleotide fragment of said LCR.<br><br>To the extent the HS3 in BB305 is not literally a BamHI and HindIII HS3-spanning of said LCR, it is present under the doctrine of equivalents. For example, th insubstantially different from a BamHI and HindIII HS3-spanning nucleotide frag the HS3 fragment is a HS3 fragment and sufficiently sized to cause expressio payload but not large enough to disrupt functioning of the vector. Alternatively performs substantially the same function, in substantially the same way, to achiev BamHI and HindIII HS3-spanning nucleotide fragment of said LCR. For exampl HS3 in BB305 and the BamHI and HindIII HS3-spanning nucleotide fragment of s expression of the globin gene payload. It performs that function in substantially is through the use of part of a human-derived β-globin locus control region kn naturally controls β-globin expression). The HS3 in BB305 is sufficiently large to but sufficiently small to fit the recombinant vector. This achieves the same |

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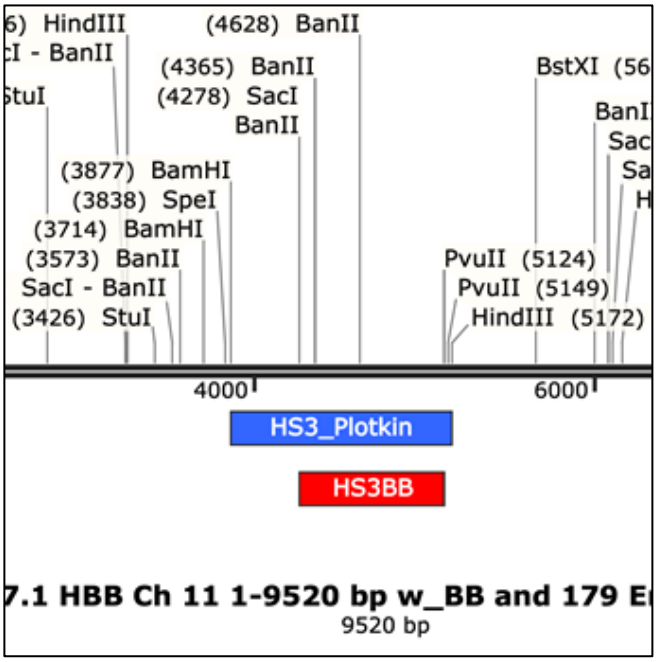
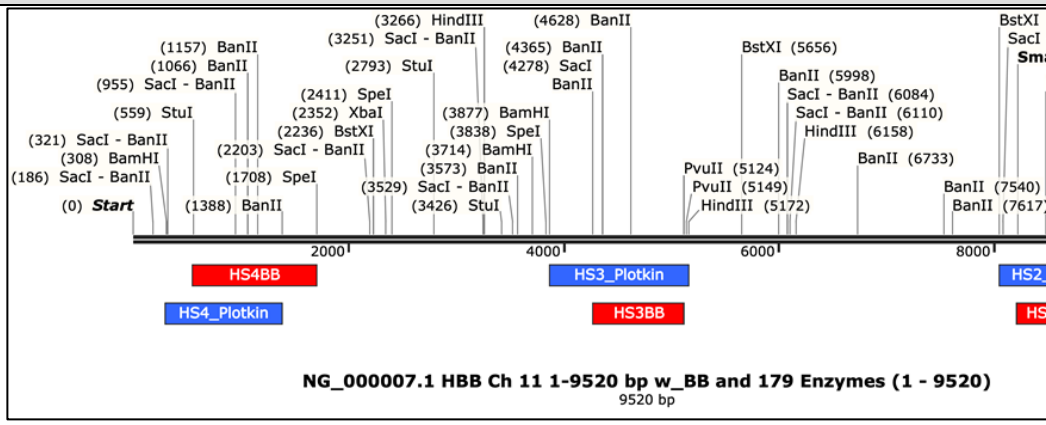
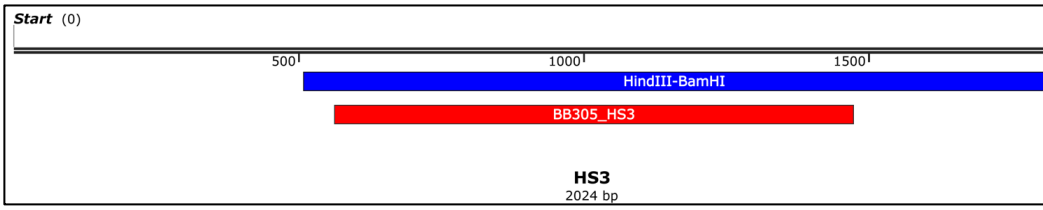
|---|---|---|
| | | controlled expression of a replacement β-globin gene in the target cell. Notably, approximately two-thirds the size of the full BamHI and HindIII region.<br><br>Exemplary Support:<br><br>The HS3 fragment in BB305 (denoted "HS3BB") is a subset of the HS3 human β region (LCR) located between the restriction sites BamHI (3877) and HindIII (51<br><br>  |

**Appendix A – Initial Infringement Claim Chart For U.S. Patent No. 7,541,179 – HIGHLY CONF**

| U.S. Patent No. 7,541,179 | | BB305 |
|---|---|---|
| | |  <br>As the HS3 fragment is located between BamHI and HindIII, the HS3 fragment is HS3-spanning nucleotide fragment of said LCR.<br>Bluebird's limited production also supports this element. *See* BBI-DEL-000 0000034. For example, bluebird's HS3 sequence identified in versus the HindIII-B below:<br>  <br>BB305_HS3 obtained from BBI-DEL-0000023-28 and compared to HindIII-B HS3. |
| 1.6 | [the three fragments being…] [(3)] a BamHI and BanII HS4-spanning | The BB305 vector comprises the 3.2-kb fragment discussed above (*see* claim 1.2 *s* kb fragment consists essentially of three contiguous nucleotide fragments obtaina globin locus control region (LCR), wherein the HS4 fragment (*see* claim 1.3 *su* BanII HS4-spanning nucleotide fragment of said LCR. |

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 10, 2023, a copy of the foregoing document was served, by email, on the counsel listed below:

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