IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JUNO THERAPEUTICS, INC., MEMORIAL SLOAN KETTERING CANCER CENTER, and SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH,	)	
Plaintiffs,	)	
v.	)	C.A. No. _____
KITE PHARMA, INC.,	)	
Defendant.	)	

COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT INFRINGEMENT

This litigation represents the second phase of a patent dispute that Defendant Kite Pharma, Inc. ("Kite") itself initiated against Plaintiffs Sloan Kettering Institute for Cancer Research ("Sloan Kettering") and Juno Therapeutics, Inc. ("Juno"). Through its scientific collaborators, Kite copied and is now attempting to commercialize a cancer immunotherapy that utilizes a chimeric T cell receptor ("chimeric TCR") invented, and patented, by prominent scientists at Sloan Kettering. The Sloan Kettering inventors' work issued as U.S. Patent No. 7,446,190 (the "'190 Patent"), which is exclusively licensed to Juno.

Knowing that it infringes the '190 Patent, Kite challenged the validity of all claims of the '190 Patent in an *inter partes* review ("IPR") in the United States Patent and Trademark Office ("PTO" or "Office") before the Patent Trial and Appeal Board ("PTAB" or "Board"). The PTAB instituted the IPR and then upheld all claims of the '190 Patent in a Final Written Decision issued December 16, 2016. The PTAB concluded that Kite did not even show "by a preponderance of the evidence"—the lower standard applicable to validity challenges in an IPR—that any claim of the '190 Patent is unpatentable.

Plaintiffs now bring suit against Kite seeking a declaration that Kite's KTE-C19 product, which was copied from the Sloan Kettering inventors' work and is on the verge of commercialization, infringes the '190 Patent. Plaintiffs accordingly hereby allege for their Complaint against Defendant Kite, on personal knowledge as to their own actions and on information and belief as to the actions of others, as follows:

NATURE OF THE ACTION

1. This action arises under 28 U.S.C. §§ 1331, 1338, 2201, and 2202, and the United States Patent Act, 35 U.S.C. §§ 100 et seq.

2. Plaintiffs brings this action for a declaration that Kite's KTE-C19 chimeric TCR product infringes (whether literally or under the doctrine of equivalents) at least claims 1-3, 5, 7-9, and 11 of the '190 Patent.

THE PARTIES

3. Juno is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 307 Westlake Avenue North, Suite 300, Seattle, Washington, 98109.

4. Sloan Kettering is a research affiliate of Memorial Sloan Kettering Cancer Center ("MSKCC"), which is a corporation organized and existing under the laws of the State of New York with its principal place of business at 1275 York Avenue, New York, New York, 10065.

5. Plaintiffs are informed and believe, and thereon allege, that Kite is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 2225 Colorado Avenue, Santa Monica, California, 90404.

JURISDICTION

6. This action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et seq. This Court also has subject matter jurisdiction according to the Declaratory Judgment Act, 28 U.S.C. § § 2201 and 2202, because an immediate and substantial controversy exists between Plaintiffs and Kite with respect to Kite's infringement of the '190 Patent based on activities relating to its KTE-C19 product. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a) because this is a civil action arising under the Patent Act.

7. This Court has personal jurisdiction over defendant Kite. Kite has purposefully availed itself of the benefits and protections of Delaware state law by incorporating under Delaware law.

VENUE

8. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), and 1400(b), because Kite is a Delaware corporation.

BACKGROUND

9. Juno is a biopharmaceutical company focused on re-engaging the body's own immune system to revolutionize the treatment of cancer. Juno was launched in collaboration with several of the world's leading cancer research institutes, including Memorial Sloan Kettering Cancer Center, the Fred Hutchinson Cancer Research Center, and Seattle Children's Research Institute. Juno is currently developing cell-based cancer immunotherapies based on chimeric antigen receptor technologies to genetically engineer T cells to recognize and kill cancer cells.

10. Memorial Sloan Kettering Cancer Center is one of the world's preeminent cancer treatment and research institutions. Located in New York City, it was founded in 1884. Since its founding, MSKCC has been at the cutting-edge of cancer research and treatment.

11. On November 4, 2008, the United States Patent and Trademark Office duly and legally issued the ’190 Patent, entitled “Nucleic Acids Encoding Chimeric T Cell Receptors.” A copy of the ’190 Patent is attached as Exhibit 1.

12. Michel Sadelain, Renier Brentjens, and John Maher are the inventors of the ’190 Patent. By operation and law and as a result of written assignment agreements, Sloan Kettering obtained the entire right, title and interest to and in the ’190 Patent.

13. The ’190 Patent claims a chimeric T cell receptor (“TCR”) designed to redirect T cells to recognize and attack target cells, such as tumor cells, based on expression of a target antigen. Chimeric TCRs, also called “chimeric antigen receptors” in later publications, combine an extracellular binding domain with at least one intracellular signaling domain of an immune cell membrane-bound protein capable of inducing immune cell activation, in a way that does not exist in nature. Because the signaling domain is combined with a new binding domain, these chimeric TCRs are able to “redirect” T cell activation by initiating cell activation through binding of a target (such as an antigen) that would normally not trigger cell activation. Once the cell is activated, it can attack and kill the cell bearing the target.

14. The claimed nucleic acid polymer encodes a chimeric TCR with an extracellular binding element that specifically interacts with a selected target, a costimulatory signaling region that comprises the amino acid sequence encoded by SEQ ID NO:6 in the patent (derived from CD28), and a human CD3ζ signaling region.

15. The ’190 patent describes work by the named inventors demonstrating, for the first time, chimeric TCR-expressing cells that could undergo multiple rounds of expansion and continue to specifically kill tumor cells, even after withdrawal and re-exposure to the target

antigen. This groundbreaking result paved the way for clinical success of the claimed chimeric TCR in clinical trials, including clinical trials conducted by Kite and Juno.

16. When Juno formed, one of its areas of focus was to develop and commercialize a chimeric TCR therapy incorporating the chimeric TCRs claimed in the ’190 Patent, which had already demonstrated success in clinical trials run by MSKCC. Juno’s product candidate JCAR015 is based on the ’190 Patent.

17. Chimeric TCRs covered by the ’190 Patent claims have exhibited groundbreaking clinical success in multiple studies. For example, an MSKCC trial using such a construct recently demonstrated a remarkable 82% complete response rate among patients suffering from B-cell Acute Lymphoblastic Leukemia.

18. Pursuant to a license agreement Juno entered into with Memorial Sloan Kettering Cancer Center, Juno obtained an exclusive license to the ’190 Patent for all therapeutic and diagnostic uses.

19. On August 13, 2015, Kite filed an IPR petition, seeking cancellation of all claims (claims 1-13) of the ’190 Patent. Under 35 U.S.C. § 311(a), “a person who is not the owner of a patent may file with the Office a petition to institute an inter partes review of the patent.” Kite sought to invalidate all claims of the ’190 patent as obvious under 35 U.S.C. § 103. *See* 35 U.S.C. § 311(b). A copy of Kite’s petition is attached as Exhibit 2. On December 16, 2016, the Board issued a Final Written Decision, concluding that “Kite has not shown by a preponderance of the evidence that claims 1-13 of the ’190 patent are unpatentable under 35 U.S.C. § 103.” Exhibit 3 (Final Written Decision) at 29.

20. Because the IPR resulted in a Final Written Decision finding the claims not unpatentable, Kite is estopped from asserting that the claims are invalid “on any ground that the

petitioner raised or reasonably could have raised during the inter partes review." 35 U.S.C. 315(e).

KITE'S INFRINGEMENT

21. Kite's lead product candidate, axicabtagene ciloleucel ("KTE-C19"), involves a "therapy in which a patient's T cells are engineered to express a chimeric antigen receptor (CAR) to target the antigen CD19, a protein expressed on the cell surface of B-cell lymphomas and leukemias, and redirect the T cells to kill cancer cells." Exhibit 4 (Kite 12/13/2016 Press Release).

22. On information and belief, Kite entered into a Cooperative Research and Development Agreement with a team of scientists headed by Dr. Steven Rosenberg (collectively, Kite's "scientific collaborators") "to develop multiple engineered autologous cell therapy product candidates for the treatment of advanced hematological and solid malignancies." Exhibit 5 (Kite Website).

23. Kite's scientific collaborators have publically described the composition of their chimeric TCR, which is substantively identical to the KTE-C19 construct, as consisting of:

> an anti-CD19 scFv that was derived from the FMC63 mouse hybridoma, a portion of the human CD28 molecule, and the intracellular component of the human TCR-ζ molecule. The exact sequence of the CD28 molecule included in the FMC63-28Z CAR corresponds to Genbank identifier NM_006139. The sequence includes all amino acids starting with the amino acid sequence IEVMYPPY and continuing all the way to the carboxy-terminus of the protein . . . To form the MSGV-FMC63-28Z retroviral vector, the XhoI and NotI-digested fragment encoding the FMC63 scFv was ligated into a second XhoI and NotI-digested fragment that encoded the MSGV retroviral backbone as well as part of the extracellular portion of human CD28, the entire transmembrane and cytoplasmic portion of human CD28, and the cytoplasmic portion of the human TCR-ζ molecule.

Exhibit 6 (Kochenderfer 2009) at 690.

24. Importantly, this publication cited to the '190 Patent inventors' own published work ("Maher publication"), describing embodiments of the '190 Patent claims. *Id*. (citing Exhibit 7 (Maher)).

25. On information and belief, on May 14, 2015, one of Kite's scientific collaborators, Dr. Rosenberg, gave a speech at the 2015 American Society of Gene & Cell Therapy Conference. During the speech, Dr. Rosenberg acknowledged the groundbreaking work by Dr. Michel Sadelain, an inventor of the '190 Patent, stating, "Well, it's a great pleasure to be here this morning, and especially to be introduced by Michel Sadelain, whose pioneering work with CD19 formed the basis for virtually all of the CD19 CAR work that is now being performed around the world."

26. On information and belief, Kite's scientific collaborators copied their anti-CD19 receptor construct, including the specific sequence of CD28 described and claimed as SEQ ID NO 6 in the claims of the '190 Patent, from the chimeric T cell receptor construct described by the Maher publication, published by the inventors of the '190 Patent.

27. Kite has publically stated that "KTE-C19 utilizes the same anti-CD19 CAR construct investigated" by its scientific collaborators. Exhibit 8 (ASH Abstract); *see also* Exhibit 9 (Ghobadi) ("KTE-C19 utilizes the same construct as used by" Kite's scientific collaborators). Kite's KTE-C19 therapy therefore utilizes nucleic acid polymers encoding chimeric TCRs within the scope of the '190 Patent claims. A schematic of Kite's KTE-C19 construct from one of Kite's publications appears below:

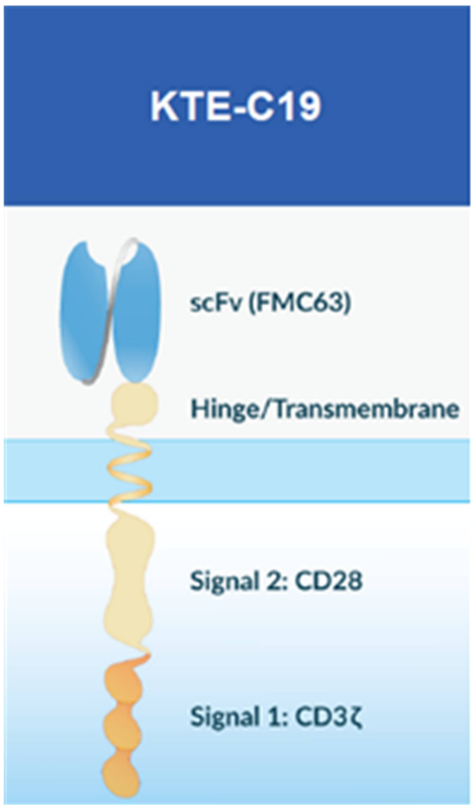

Exhibit 9 (Ghobadi) at 4.

28. On information and belief, through its scientific advisors, Kite copied the chimeric T cell receptor construct utilized in its KTE-C19 therapy from the work of the '190 Patent inventors.

29. During the IPR Kite initiated against the '190 Patent, Patent Owner's expert, Prof. Thomas Brocker, the Director of the Institute for Immunology at the Ludwig-Maximilians University in Munich, Germany, compared the chimeric TCR used by Kite's scientific collaborators to the claims of the '190 Patent, demonstrating that Kite's collaborators' chimeric TCR construct, and thus, Kite's own KTE-C19 product, falls within the scope of at least claims 1-3 and 5 of the '190 Patent. Exhibit 10 (Brocker Declaration) at ¶ 224.

30. Kite has made systematic attempts to meet U.S. regulatory requirements for marketing approval of its KTE-C19 product. On December 4, 2016, Kite issued a press release

announcing its initiation of a rolling submission of a Biologics License Application ("BLA") to the United States Food and Drug Administration ("FDA") for KTE-C19. Kite stated that "[t]he company expects to complete its BLA submission by the end of the first quarter of 2017." Exhibit 11 (Kite 12/4/2016 Press Release). This is in line with other public statements made by Kite about the timing of its BLA. For example, in its Form 8-K, submitted to the United States Securities and Exchange Commission ("SEC") on November 9, 2016, Kite stated that "it has met with the U.S. Food and Drug Administration (FDA) to discuss the company's plans to submit the Biologics License Application for KTE-C19. Kite currently intends to file for the broader label of aggressive non-Hodgkin lymphoma, which includes chemorefractory diffuse large B-cell lymphoma (DLBCL), transformed follicular lymphoma (TFL), and primary mediastinal B-cell lymphoma (PMBCL). The BLA submission will be based on the primary analysis of the ZUMA-1 pivotal trial. Kite plans to initiate the rolling submission of the BLA for accelerated approval of KTE-C19 by the end of December 2016 with a targeted completion by the end of the first quarter 2017 and a potential approval and commercial launch of KTE-C19 in 2017." Exhibit 12 (Kite's Form 8-K); *see also* Exhibit 13 (Kite 10/19/2016 Press Release) ("[W]e prepare to manufacture and commercialize KTE-C19 upon approval [of the FDA]").

31. Kite has publically stated in an SEC filing that "[a]fter a 60-day filing review period, if accepted for FDA review, the FDA's priority review goal of six months for reviewing and responding to the BLA would begin . . . If approved, we plan to commercially launch KTE-C19 in 2017." Exhibit 14 (Kite's Form 10-Q) at 26.

32. Kite has taken significant, concrete steps in the meaningful preparation of commercializing the KTE-C19 product. For example, on December 13, 2016, Kite announced that it had entered into a "strategic partnership" with Vitruvian Networks, Inc., a cell and gene

therapy software and analytics platform company, to "create a software solution to support commercial availability of T-cell therapies. Together, the parties will design and develop a platform for patients, physicians and treatment centers that enables commercial-scale ordering, logistics, monitoring and delivery of autologous cell therapies if they are FDA-approved, including axicabtagene ciloeucel (formerly known as KTE-C19), Kite's lead investigational engineered T-cell therapy for aggressive non-Hodgkin lymphoma." Exhibit 4 (Kite 12/13/2016 Press Release).

33. As another example, on December 1, 2016, Kite announced that it had appointed Jian Irish, Ph.D. as the company's Senior Vice President of Supply Chain. Exhibit 15 (Kite 12/1/2016 Press Release). Kite stated that "Dr. Irish will work closely with both the commercial and technical operations organization to create operational strategies for supply chain design, product life cycle management, launch and commercialization as the company prepares for the potential approval of Kite's lead product candidate, KTE-C19, by the U.S. Food and Drug Administration." *Id*.

34. Kite also discussed its "KTE-C19 Launch Preparedness" at its "Investor Day" on October 18, 2016. Specifically, Kite "reviewed its proven clinical cell manufacturing capability, preparations to produce and deliver KTE-C19 at commercial scale following U.S. regulatory approval, and ongoing activities to automate next generation manufacturing," including an "[e]fficient and consistent manufacturing process" and "[e]stimated capacity for 4,000+ patient treatments per year and ability to expand quickly." Exhibit 13 (Kite 10/19/2016 Press Release). During its Investor Day, Kite also "discussed its ongoing activities to build scientific awareness and to commercialize KTE-C19 following U.S. regulatory approval." *Id*. These "ongoing activities" include a "Medical Science Liaison team" that is "ready for deployment in the fourth

quarter of 2016," a "[p]roactive Market Access strategy and engagement with payers," and a "[c]ontrolled launch approach [that] lays groundwork for expansion, understanding of therapy, patient management, and reimbursement." *Id*.

35. On October 13, 2016, Kite announced that it had appointed Chris Nowers as its Head of Europe to "oversee European commercial operations to build awareness in the region of Kite's growing pipeline portfolio of chimeric antigen receptor (CAR) and T-cell receptor (TCR) therapy product candidates and prepare for the potential launch of the company's lead product candidate, KTE-C19." Exhibit 16 (Kite 10/13/2016 Press Release).

36. As another example, on September 29, 2016, Kite announced the addition of Christine Cassiano as its Senior Vice President of Corporate Communications and Investor Relations. Exhibit 17 (Kite 9/29/2016 Press Release). Kite's Chairman, President, and Chief Executive Officer, Dr. Arie Belldegrun, stated that "Christine arrives at a key inflection point for Kite as we advance our CAR-T and TCR pipeline toward key company milestones, including our BLA submission for KTE-C19 with the FDA, and evolve Kite into a commercial organization." *Id*.

37. On June 20, 2016, Kite opened a new commercial facility in El Segundo, California, for the manufacturing of KTE-C19. Exhibit 18 (Kite 6/20/2016 Press Release). Kite announced that the manufacturing facility "has been designed to produce chimeric antigen receptor (CAR) and T-cell receptor (TCR) product candidates for clinical trials, as well as for the potential launch and commercialization of Kite's lead CAR T-cell product candidate, KTE-C19, which is in a clinical study for the treatment of chemorefractory diffuse large B-cell lymphoma (DLBCL) and other B-cell malignancies. Kite anticipates commercial launch of KTE-C19 in 2017." *Id*. Kite also stated that "[t]he facility is estimated to have the capacity to produce up to

5,000 patient therapies per year. The plant's location, adjacent to Los Angeles International Airport, is intended to expedite receipt and shipment of engineered T-cells from and to patients across the United States and Europe." *Id*.

38. Kite has also stated that it plans "to initiate a clinical program for KTE-C19 in Europe in the first quarter of 2017 and ultimately seek regulatory approval for our product candidates outside of the United States." Exhibit 14 (Kite's Form 10-Q) at 42.

39. Kite's systematic attempts to meet the FDA's regulatory requirements, coupled with the acts of hiring key managerial personnel and the construction of a manufacturing facility for the KTE-C19 product, demonstrate that Kite has meaningfully prepared to engage in infringing activity. As a result, an immediate and substantial controversy exists between Plaintiffs and Kite.

40. Kite has acknowledged that an actual controversy exists between Juno and Kite. In an SEC filing, Kite stated that, "[w]e are aware of a U.S. patent held by one of our competitors relating to certain CAR compositions of matter . . . If and when KTE-C19 or another of our CAR-based product candidates is approved by the FDA, that competitor may then seek to enforce its patent by filing a patent infringement lawsuit against us. On August 13, 2015, we filed a petition with the USPTO to institute an IPR proceeding of this competitor's patent, requesting a determination that the claims in the patent are unpatentable." *Id*. at 58. As noted above, Kite's IPR was unsuccessful, with the PTAB concluding that Kite failed to meet its burden to prove any claim of the '190 Patent unpatentable.

CLAIM FOR RELIEF
(Declaratory Judgment of Infringement of U.S. Patent No. 7,446,190)

41. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1-40 above.

42. Plaintiffs seek a judicial declaration that Kite's KTE-C19 product does or will infringe (whether literally or under the doctrine of equivalents) the '190 Patent, which declaration is necessary and appropriate.

43. On information and belief, Kite does or will infringe at least claims 1-3, 5, 7-9, and 11 of the '190 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, chimeric antigen receptor products that comprise the claimed nucleic acid polymers, including, but not limited to, the KTE-C19 product.

44. Attached as Exhibit 19 to this complaint is a chart that provides examples of Kite's infringement with respect to exemplary claims of the '190 Patent. This chart is not a complete identification of all of Kite's infringing products and does not list each claim of the '190 Patent infringed by Kite. Exhibit 19 is hereby incorporated by reference in its entirety. Plaintiffs will provide their list of asserted claims and infringement contentions in accordance with the Court's schedule.

45. Kite's KTE-C19 product meets every limitation of several claims of the '190 Patent, including without limitation claim 1. For example, Kite's KTE-C19 product incorporates a nucleic acid polymer encoding a chimeric TCR with an anti-CD19 binding domain, a costimulatory region derived from CD28, which comprises the amino acid sequence encoded by SEQ ID NO:6, and an intracellular human CD3ζ signaling region.

46. Kite has had knowledge of the '190 Patent at least as early as August 13, 2015, when it filed a petition for *inter partes* review against the '190 Patent in the United States Patent and Trademark Office, before the Patent Trial and Appeal Board. A copy of Kite's petition is

attached as Exhibit 2. In addition, Kite has had knowledge of and notice of the '190 Patent and its infringement since at least, and through, the filing and service of the Complaint.

47. On information and belief, Kite will infringe the '190 Patent in violation of 35 U.S.C. § 271(b) by actively inducing potential infringement of the '190 Patent, literally and/or under the doctrine of equivalents, with knowledge of the '190 Patent and knowledge that it will induce infringement of the '190 Patent, by, among other things, actively and knowingly aiding and abetting, assisting and encouraging others, including without limitation, partner institutions, other collaborators and end users of Kite's products, to directly infringe the '190 Patent with respect to the making, using, offering for sale, and/or importing within this judicial District and elsewhere in the United States, without license or authority, chimeric antigen receptor products that comprise the claimed nucleic acid polymers, including, but not limited to, the KTE-C19 product.

48. On information and belief, Kite will infringe the '190 Patent in violation of 35 U.S.C. § 271(c) by contributing to potential infringement of the '190 Patent, literally and/or under the doctrine of equivalents, by, among other things, offering to sell and/or importing within this judicial district and elsewhere in the United States, without license and authority, chimeric antigen receptor products that comprise the claimed nucleic acid polymers, including, but not limited to, the KTE-C19 product, with knowledge of the '190 Patent and knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '190 Patent, are a material part of the invention, and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

49. On information and belief, Kite will infringe the '190 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(f)(1), by, among other things,

supplying or causing to be supplied in or from the United States, without license or authority, products or components of products that are combined and/or used outside the United States in a manner that falls within the scope of one or more claims of the ’190 Patent. For example, Kite will supply or cause to be supplied in or from the United States all or a substantial portion of the components of its KTE-C19 product, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the ’190 Patent. Such products or components include without limitation chimeric antigen receptor products that comprise the claimed nucleic acid polymers including, but not limited to, the KTE-C19 product. Plaintiffs are informed and believe, and thereon allege, that Kite will export such products or components of products to destinations where Kite expects to commercialize its KTE-C19 product, including without limitation, Europe.

50. On information and belief, Kite will infringe the ’190 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(f)(2), by, among other things, supplying or causing to be supplied in or from the United States, without license or authority, products or components of products that are combined and/or used outside the United States in a manner that falls within the scope of one or more claims of the ’190 Patent. For example, Kite will supply or cause to be supplied in or from the United States components of its KTE-C19 product that are made or especially adapted for infringing the ’190 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use, where such components are uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component be combined outside of the United States in a manner that would infringe the ’190 Patent. Such products or components include without

limitation chimeric antigen receptor products that comprise the claimed nucleic acid polymers including, but not limited to, the KTE-C19 product. Plaintiffs are informed and believe, and thereon allege, that Kite will export such products or components of products to destinations where Kite expects to commercialize its KTE-C19 product, including without limitation, Europe.

51. Kite's significant, concrete activities directed toward infringement of the '190 Patent, described above, demonstrate the existence of an actual and justiciable controversy, and, if allowed to continue, will inevitably constitute infringement of the '190 Patent. Kite's infringement will damage Plaintiffs, will cause Plaintiffs irreparable harm for which it has no adequate remedy at law, and will continue unless enjoined by this Court.

52. Kite's infringement of the '190 Patent will injure Juno in its business and property rights.

53. Kite's infringement of the '190 Patent will cause and continue to cause irreparable harm to Juno and unless and until Kite's infringing activities are enjoined by this Court.

54. On information and belief, Kite's infringement of the '190 Patent will be deliberate and willful. Kite has actual knowledge of the '190 Patent, based on its filing of a petition for an *inter partes* review. Despite this actual knowledge, Kite continues to infringe the '190 Patent despite an objectively high likelihood that its actions constitute infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

A. Judgment in their favor on all claims for relief;

B. A declaration that Kite's KTE-C19 product does or will directly infringe (whether literally or under the doctrine of equivalents) claims of the '190 Patent;

C. A declaration that Kite's infringement has been willful and deliberate;

D. An order permanently enjoining Kite from further infringement of the '190 Patent;

G. An award to Plaintiffs of their costs and reasonable expenses to the fullest extent permitted by law;

H. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285, and an award of attorneys' fees and costs; and

I. An award of such other and further relief as the Court may deem just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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