

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNAFFIX B.V.,
Petitioner,

v.

HANGZHOU DAC BIOTECH CO., LTD.,
Patent Owner.

Case No. IPR2022-01531
U.S. Patent No. 10,131,682 C1

PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Hangzhou DAC Biotech Co., Ltd. (“Patent Owner”), submits the following objections to Petitioner Synaffix B.V.’s (“Petitioner”) Exhibits 1012, 1015, 1019, 1020–1044, 1045, 1046, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, and 1057. As required by 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“FRE”).

II. OBJECTIONS

A. **Objections to Exhibit 1012 – Declaration of James L. Mullins, Ph.D.**

Grounds for Objection: FRE 401-403, 801-803.

Patent Owner objects to the admissibility of certain portions of Exhibit 1012 under FRE 401-403 and 801-803. Patent Owner objects to Exhibit 1012 to the extent that is not cited by the petition, including but not limited to, paragraphs 3-34 and 68-130. Because the petition does not rely on those portions of Exhibit 1012, they are not relevant to the instituted grounds of review. Further, to the extent the uncited portions of Exhibit 1012 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that they are not cited in the petition. Patent Owner further objects to the admissibility of Exhibit 1012 under FRE 801-803 to the extent it includes hearsay.

B. Objections to Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056

Grounds for Objection: FRE 801-803, 901-902.

Patent Owner objects to the admissibility of Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, and 1056 under FRE 801-803 and 901-902. As to each of Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, and 1056, Petitioner has not established that it is an authentic copy. Patent Owner further objects to each of Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, and 1056 as hearsay. Patent Owner further objects to each of Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, and 1056 as Petitioner has not established that the exhibit is a printed publication, including the date by which it became publicly available. As to each of Exhibits 1048, 1049, 1051, 1052, 1053, 1054, 1055, and 1056, Petitioner has not produced evidence sufficient to support a finding that the item is what Petitioner claims it is.

C. Objections to Exhibits 1015, 1019, 1020–1044, 1046, 1048, 1051, 1052, 1053, 1054, 1055, 1056

Grounds for Objection: FRE 401-403.

Patent Owner objects to the admissibility of Exhibits 1015, 1019, 1020–1044, 1046, 1048, 1051, 1052, 1053, 1054, 1055, and 1056 under FRE 401-403. Patent Owner objects to each of Exhibits 1015, 1019, 1020–1044, 1046, 1048, 1051, 1052, 1053, 1054, 1055, and 1056 as it is not cited by the petition.

As to each of Exhibits 1015, 1019, 1020–1044, 1046, 1048, 1051, 1052, 1053, 1054, 1055, and 1056, because the petition does not rely on the exhibit, it is not relevant to the instituted grounds of review. Further, to the extent any one of Exhibits 1015, 1019, 1020–1044, 1046, 1048, 1051, 1052, 1053, 1054, 1055, and 1056 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition.

D. Objections to Exhibit 1045

Grounds for Objection: FRE 801-803, 901-902.

Patent Owner objects to the admissibility of Exhibit 1045 under FRE 801-803 and 901-902. Patent Owner objects to Exhibit 1045 as hearsay. Patent Owner further objects to Exhibit 1045 as Petitioner has not established that Exhibit 1045 is an authentic copy. Petitioner proffers this exhibit as a “Certified translation of priority French Application No. FR 10/52589, filed 6 April 2010.” Petitioner has not produced evidence sufficient to support a finding that the item is what Petitioner claims it is.

E. Objections to Exhibit 1057

Grounds for Objection: FRE 106, 401-403, 801-803, 901-902.

Patent Owner objects to the admissibility of Exhibit 1057 under FRE 106, 401-403, 801-803, and 901-902. Petitioner proffers this exhibit as

“Screen capture Wayback Machine Bioconjugate Chemistry.” The exhibit submitted appears incomplete and thus is objected to as an incomplete writing under FRE 106. Patent Owner also objects to Exhibit 1057 as it is not cited by the petition. Because the petition does not rely on Exhibit 1057, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1057 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition. In addition, Petitioner has not established that Exhibit 1057 is an authentic copy. Patent Owner further objects to Exhibit 1057 as hearsay. Patent Owner further objects to Exhibit 1057 as Petitioner has not established that it is a printed publication, including the date by which it became publicly available. Petitioner has not produced evidence sufficient to support a finding that the item is what Petitioner claims it is.

Date: September 13, 2024

By: /Catherine T. Mattes/

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))

The undersigned hereby certifies that the foregoing document was served in its entirety on September 13, 2024 upon the following parties via Electronic Mail:

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