

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 SECOND 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 1059-1062 and 1064-1084. 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 1075 – Declaration of Dr. Shiela Baker

Grounds for Objection: FRE 401-403, 701-702, 801-803; 37 C.F.R. § 42.23.

Patent Owner objects to the admissibility of certain portions of Exhibit 1075 under FRE 401-403. Patent Owner objects to Exhibit 1075 to the extent that is not cited in Petitioner’s Reply, including but not limited to, paragraphs 1-9. Because Petitioner’s Reply does not rely on those portions of Exhibit 1075, they are not relevant to the instituted grounds of review. Further, to the extent the uncited portions of Exhibit 1075 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 Petitioner’s Reply. Patent Owner also objects to the admissibility of Exhibit 1075 under FRE 701-702 to the extent Dr. Baker offers unsupported opinions and/or opinions outside the

scope of her expertise. Patent Owner also objects to the admissibility of Exhibit 1075 under FRE 801-803 to the extent it includes hearsay.

Patent Owner further objects to Exhibit 1075 under 37 C.F.R. § 42.23(b) to the extent it contains impermissible new evidence cited in Petitioner's Reply in support of new arguments that were not made in the Petition, including, but not limited to, paragraphs 10-23, including Exhibit 1074 cited therein.

B. Objections to Exhibit 1076 – Second Declaration of Dr. Ravi Chari

Grounds for Objection: FRE 401-403, 701-702, 801-803; 37 C.F.R. § 42.23.

Patent Owner objects to the admissibility of certain portions of Exhibit 1076 under FRE 401-403. Patent Owner objects to Exhibit 1076 to the extent that is not cited in Petitioner's Reply, including but not limited to, paragraphs 1-3, 12, and 40-43. Because Petitioner's Reply does not rely on those portions of Exhibit 1076, they are not relevant to the instituted grounds of review. Further, to the extent the uncited portions of Exhibit 1076 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 Petitioner's Reply. Patent Owner also objects to the admissibility of Exhibit 1076 under FRE 701-702

to the extent Dr. Chari offers unsupported opinions and/or opinions outside the scope of his expertise. Patent Owner also objects to the admissibility of Exhibit 1076 under FRE 801-803 to the extent it includes hearsay.

Patent Owner further objects to Exhibit 1076 under 37 C.F.R. § 42.23(b) to the extent it contains impermissible new evidence cited in Petitioner's Reply in support of new arguments that were not made in the Petition, including, but not limited to, paragraphs 4, 6-11, 14-25, 27-30, 31-32, 38-39, and 40-43, including Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1077, 1083, and 1084 cited therein.

C. Objections to Exhibits 1059, 1060, 1061, 1062, 1065, 1066, 1067, 1069, 1070, 1073, 1077, 1083, and 1084

Grounds for Objection: FRE 401-403.

Patent Owner objects to the admissibility of Exhibits 1059, 1060, 1061, 1062, 1065, 1066, 1067, 1069, 1070, 1073, 1077, 1083, and 1084 under FRE 401-403. Patent Owner objects to each of Exhibits 1059, 1060, 1061, 1062, 1065, 1066, 1067, 1069, 1070, 1073, 1077, 1083, and 1084 as it is not cited by Petitioner's Reply. As to each of Exhibits 1059, 1060, 1061, 1062, 1065, 1066, 1067, 1069, 1070, 1073, 1077, 1083, and 1084, because Petitioner's Reply does not rely on the exhibit, it is not relevant to the instituted grounds of review. Further, to the extent any one of Exhibits 1059, 1060, 1061, 1062,

1065, 1066, 1067, 1069, 1070, 1073, 1077, 1083, and 1084 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 Petitioner's Reply.

D. Objections to Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084

Grounds for Objection: FRE 801-803, 901-902; 37 C.F.R. § 42.23.

Patent Owner objects to the admissibility of Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084 under FRE 801-803 and 901-902. Patent Owner objects to each of Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084 as hearsay. Further, as to each of Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084, Petitioner has not established that it is an authentic copy. Patent Owner further objects to each of Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084 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 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084, Petitioner has not produced evidence sufficient to support a finding that the item is what Petitioner claims it is.

Patent Owner further objects to each of Exhibits 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1077, 1083, and 1084 under 37 C.F.R. § 42.23(b) to the extent it contains impermissible new evidence cited in Petitioner's Reply in support of new arguments that were not made in the Petition.

E. Objections to Exhibits 1078, 1079, 1080, 1081, and 1082

Grounds for Objection: FRE 106, 401-403, 801-803, 901-902; 37 C.F.R. § 42.23(b).

Patent Owner objects to the admissibility of Exhibits 1078, 1079, 1080, 1081, and 1082 under FRE 106, 401-403, 801-803, and 901-902. Petitioner proffers these exhibits as "Patent Owner's corresponding European patent 2922818" and certain papers from the revocation proceedings on EP Patent 2922818 before the European Patent Office ("EPO"). Paper 36 at 13 n.2. However, the EPO file history of EP Patent 2922818, including the revocation proceedings, contains numerous other documents, including documents that may contradict Petitioner's arguments. The selected documents proffered by Petitioner as exhibits are incomplete representation of the EPO file history of EP Patent 2922818 and are thus objected to under FRE 106. Patent Owner further objects to each of Exhibits 1078, 1079, 1080, 1081, and 1082 as irrelevant to the merits of the proceeding, and because its probative value, if

any, is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Patent Owner further objects to each of Exhibits 1078, 1079, 1080, 1081, and 1082 as hearsay. Further, as to each of Exhibits 1078, 1079, 1080, 1081, and 1082, Petitioner has not established that it is an authentic copy. As to each of Exhibits 1078, 1079, 1080, 1081, and 1082, Petitioner has not produced evidence sufficient to support a finding that the item is what Petitioner claims it is.

Patent Owner further objects to each of Exhibits 1078, 1079, 1080, 1081, and 1082 under 37 C.F.R. § 42.23(b) to the extent it contains impermissible new evidence cited in Petitioner's Reply in support of new arguments that were not made in the Petition.

Date: March 21, 2025

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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 March 21, 2025 upon the following parties via Electronic Mail:

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