UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORESIGHT DIAGNOSTICS INC.,
Petitioner,

v.

PERSONALIS, INC.,
Patent Owner.

Case No. IPR2023-00224
U.S. Patent No. 11,384,394

PETITIONER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)

Mail Stop: PATENT BOARD
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U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Foresight Diagnostics Inc. ("Foresight") objects to the following exhibits filed by Patent Owner Personalis, Inc. ("Personalis") with its Patent Owner Response (Paper No. 40). These objections are timely under 37 C.F.R. § 42.64(b)(1) because they are being filed within five (5) business days of service of Patent Owner Sur-Reply evidence on February 13, 2024.

To the extent any exhibit or portion of an exhibit is objectionable, Foresight also objects to all other exhibits and papers that rely on the objectionable portion. Foresight reserves the right to present further objections to these or additional Exhibits submitted by Patent Owner, as allowed by the applicable rules or other authority, including without limitation upon conclusion of any depositions taken of Patent Owner's witnesses.

Patent Owner objects to each of Exhibits 2178, 2181, and 2183 as untimely and exceeding the scope of proper sur-reply evidence.

I. Exhibits 2178

Foresight objects to this exhibit as hearsay under FRE 801 to the extent that Patent Owner is attempting to use them as evidence to prove the truth of the matters asserted therein.

Foresight further objects to this exhibit because Patent Owner has not established the relevance of these exhibits under FRE 401 to any material

issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.

Foresight further objects to this exhibit because it does not fall within the categories of documents considered self-authenticating under FRE 902 and Patent Owner has not produced evidence sufficient to support a finding that it is what Patent Owner says it is.

II. Exhibit 2181

Foresight further objects to this exhibit because Patent Owner has not established the relevance of these exhibits under FRE 401 to any material issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.

III. Exhibit 2183

Foresight objects to this exhibit as hearsay under FRE 801 to the extent that Patent Owner is attempting to use them as evidence to prove the truth of the matters asserted therein.

Foresight further objects to this exhibit because Patent Owner has not established the relevance of these exhibits under FRE 401 to any material issues in this proceeding and any probative value would be substantially

outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.

Dated: February 21, 2024

Respectfully submitted,

/*Andrew E. Krause*/
Andrew E. Krause, Reg. No. 76,276
IRELL & MANELLA LLP
1800 Avenue of the Stars, Ste. 900
Los Angeles, CA 90067
(310) 203-7668
akrause@irell.com

Amir Naini, Reg. No.
NAINI P.C.
2632 Wilshire Blvd., Suite 268
Santa Monica, CA 90403
(310) 592-3030
amir@nainipc.com

Attorneys for Petitioner
Foresight Diagnostics Inc.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on February 21, 2024, a complete copy of the foregoing document **PETITIONER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)** was served upon the following, by ELECTRONIC MAIL:

Derek C. Walter, Reg. 74,656
Derek.Walter@weil.com

Adrian Percer, Reg. 46,986
Adrian.Percer@weil.com

Personalis.Foresight@weil.com

Nathanel Luman, Reg. 63,160
2nrl@knobbe.com
BoxPersonalis394@knobbe.com

/Susan M. Langworthy/
Susan M. Langworthy