

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PARSE BIOSCIENCES, INC.,
Petitioner,

v.

10X GENOMICS, INC.,
Patent Owner.

IPR2023-00876
Patent 10,155,981 B2

Before MICHAEL J. FITZPATRICK, SHERIDAN K. SNEDDEN, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

A conference call was held Tuesday, June 18, 2024, with the parties. Derek Walter appeared on behalf of Petitioner. Megan Raymond appeared on behalf of Patent Owner.

Among other things, the parties discussed an expert report of Dr. Quackenbush served and/or filed by Patent Owner in *10x Genomics v. Parse Biosciences, Inc.*, 22-cv-01117 (D. Del.).¹ Counsel for Petitioner argued that, in it, Dr. Quackenbush takes a position regarding the meaning of the term “sequencing the tagged polynucleotides” that is inconsistent with a position he has taken in the instant *inter partes* review. We authorized Petitioner to file the expert report (or a portion thereof if both parties agree). We also authorized each party to file a one-page brief discussing the purportedly inconsistent statement contained therein, with Petitioner proceeding first.

Accordingly, it is

ORDERED that Petitioner may file the expert report (or a portion thereof if both parties agree) and a one-page brief no later than June 25, 2024;

FURTHER ORDERED that the expert report (or portion thereof) may be redacted consistent with the parties’ obligations under a protective order entered in the above-identified district court litigation; and

¹ Also discussed was Petitioner’s stipulation set forth in the Petition in the instant *inter partes* review as well as the petitions requesting in IPR2023-00955 and IPR2023-00958, namely: “If instituted, Petitioner will stipulate to not pursuing, in the district court litigation, invalidity arguments based on any instituted IPR ground.” *See, e.g.*, Paper 1, 75. The Board took no action in regard to that discussion.

IPR2023-00876
Patent 10,155,981 B2

FURTHER ORDERED that Patent Owner may file a one-page brief
in response no later than July 2, 2024.

FOR PETITIONER:

Derek C. Walter
Adrian C. Percer
William Sutton Ansley
WEIL, GOTSHAL & MANGES LLP
derek.walter@weil.com
adrian.percer@weil.com
sutton.ansley@weil.com

FOR PATENT OWNER:

Jon Baughman
Megan Raymond
GROOMBRIDGE, WU, BAUGHMAN & STONE LLP
steve.baughman@groombridgewu.com
megan.raymond@groombridgewu.com