

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

10X GENOMICS, INC., and THE BOARD OF
TRUSTEES OF LELAND STANFORD
JUNIOR UNIVERSITY,

Plaintiffs,

v.

PARSE BIOSCIENCES, INC.,

Defendant,

C.A. No. 22-cv-1117-JHS

JURY TRIAL DEMANDED

PARSE BIOSCIENCES, INC.'S FIRST AMENDED INVALIDITY CONTENTIONS

Dated: September 19, 2023

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reference in the alternative to avoid needless repetition. For the claim charts, Parse identifies disclosures in the prior art concerning the preamble without regard to whether the preamble is a claim limitation. Terms in the preamble may not be claim limitations.

Specific combinations of prior art, by way of example, are provided below. The use of a prior art reference in an obviousness combination, however, does not preclude the use of the reference as an anticipatory reference. In addition, Parse incorporates by reference each and every prior art reference of record in the prosecution of the Patents-in-Suit and related applications, including the statements made therein by the applicant, as well as the prior art discussed in the specification.

A. Inter Partes Review

In IPR2023-00876, Parse argues that Linnarsson in view of McCloskey and knowledge of a POSA rendered obvious the Asserted Claims of the '981 Patent. In IPR2023-00955 and IPR2023-00958, Parse argues that (1) Linnarsson in view of McCloskey and knowledge of a POSA; and (2) Linnarsson in view of McCloskey II and knowledge of a POSA rendered obvious the Asserted Claims of the '197 and '013 Patents. In IPR2023-00878, Parse argues that Grunenwald anticipates certain Asserted Claims of '995 Patent. Parse also argues that (1) Grunenwald in view of O'Geen; (2) Grunenwald in view of Okino; (3) Grunenwald in view of Adey rendered obvious the Asserted Claims of the '995 Patent. In IPR2023-01030, Parse argues that (1) Grunenwald and Song in view of the knowledge of a POSA; (2) O'Geen in view of Grunenwald and Song and knowledge of a POSA; (3) Grunenwald and Song in view of Adey and knowledge of a POSA rendered obvious the Asserted Claims of the '207 Patent. In IPR2023-01033, Parse argues (1) Grunenwald and Okino; (2) Grunenwald, Okino and Saleh; and (3) Grunenwald, Okino and Adey rendered obvious the Asserted Claims of the '357 Patent.

Parse incorporates in full all invalidity arguments made in IPR2023-00876, IPR2023-00955, IPR2023-00958, IPR2023-00878, IPR2023-01030 and IPR2023-01033. The same prior art and combinations thereof before the Patent Trial and Appeal Board renders the Asserted Claims of the Patents-in-Suit invalid here.

B. Anticipation

Under 35 U.S.C. § 102(a) an applicant is not entitled to a patent, “if the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention.” A patent claim is anticipated by “a prior art reference which expressly or inherently contains each and every limitation of the claimed subject matter.” *Schering Corp. v. Geneva Pharms., Inc.*, 339 F.3d 1373, 1379 (Fed. Cir. 2003). The party asserting invalidity bears the burden of proving it by clear and convincing evidence. That burden remains constant, even if the prior art relied on was previously considered by the Patent Office. *Sciele Pharma, Inc. v. Lupin Ltd.*, 684 F.3d 1253, 1260 (Fed. Cir. 2012). A prior art reference may anticipate without disclosing a feature of the claimed invention if that missing characteristic is inherent in the single anticipating reference. *Abbott Labs. v. Baxter Pharm. Prods., Inc.*, 471 F.3d 1363, 1368 (Fed. Cir. 2006) (quoting *Schering Corp. v. Geneva Pharm., Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003)); see *SmithKline Beecham Corp. v. Apotex Corp.*, 403 F.3d 1331, 1343 (Fed. Cir. 2005). A prior art reference must be enabling to constitute an anticipation. *In re Elsner*, 381 F.3d 1125, 1128 (Fed. Cir. 2004). “When an accused infringer asserts that a prior art patent anticipates specific patent claims, the infringer enjoys a presumption that the anticipating disclosure also enables the claimed invention.” *Impax Labs., Inc. v. Aventis Pharms. Inc.*, 545 F.3d 1312, 1316 (Fed. Cir. 2008).

To the extent the Asserted Claims are not deemed invalid under 35 U.S.C. § 112 for lack of enablement, written description, or indefiniteness, Parse contends that certain Asserted Claims

Invalidity Contentions to address any additional invalidity arguments that become apparent in view of any relevant facts and information revealed during discovery.

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EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
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JUNIOR UNIVERSITY,

Plaintiffs,

v.

PARSE BIOSCIENCES, INC.,

Defendant,

C.A. No. 22-cv-1117-JHS

JURY TRIAL DEMANDED

PARSE BIOSCIENCES, INC.'S SECOND AMENDED INVALIDITY CONTENTIONS

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