

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

U.S. Patent 11,634,781

SECOND DECLARATION OF BRENDAN T. JONES

1. I am an attorney at Foley Hoag LLP, and counsel of record for Geneoscopy, Inc. in the above-captioned matter. I am registered to practice before the United States Patent and Trademark Office.

2. Attached as EX1081 is a true and correct copy of the Cologuard Physician Brochure available at https://www.accessdata.fda.gov/cdrh_docs/pdf13/P130017C.pdf.

3. Attached as EX1082 is a true and correct copy of the Cologuard sDNA-based Colorectal Cancer Screening Test Instructions for Use available at https://www.accessdata.fda.gov/cdrh_docs/pdf13/P130017C.pdf.

4. Attached as EX1083 is a true and correct copy of Exact Sciences Corporation's "Patents and Trademarks" webpage at <https://www.exactsciences.com/patents-and-trademarks/> as visited on August 9, 2024.

5. Attached as EX1084 is a true and correct copy of Exact Sciences Corporation's "Patents and Trademarks" webpage, dated December 6, 2014, downloaded from Wayback Machine at <https://web.archive.org/web/201406015245/http://www.exactsciences.com/patents-and-trademarks/> on August 9, 2024.

6. Attached as EX1085 is a true and correct copy of U.S. Patent No. 9,163,278.

7. Attached as EX1086 is a true and correct copy of the Response to USPTO Nonfinal Office Action filed on July 31, 2015.

8. Attached as EX1087 is a true and correct copy of Feiger, Chase, “How This CEO Consumerized Cancer Into a \$13B Enterprise” Forbes, April 8, 2024 as obtained from <https://forbes.com/sites/chasefeiger/2024/08/how-this-ceo-consumerized-cancer-diagnostics-into-a-13b-enterprise/>.

9. Attached as EX1088 is a true and correct copy of Exact Science’s webpage regarding the Cologuard test as obtained from <https://www.exactsciences.com/our-tests/cologuard> on August 15, 2024.

10. Attached as EX1090 is a true and correct copy of the transcript of the deposition of Vadim Backman taken January 15, 2025.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and accurate.

Dated: January 27, 2025

/Brendan T. Jones/
Brendan T. Jones
Reg. No. 65,077