

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

Case No: IPR2024-00459
U.S. Patent 11,634,781

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
DEMONSTRATIVES**

Patent Owner Exact Sciences Objects to slide 39 of Petitioner's demonstrative to the extent that it introduces an "obvious to try" argument not raised in Petitioner's briefing as required under 35 U.S.C. § 312(a)(3), and which Petitioner has consequently waived. 37 C.F.R. § 42.23(b).

Date: April 30, 2025

/s/ James M. Glass

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on April 30, 2025 the foregoing Objections from Patent Owner were served via email on the following counsel of record for the Petitioner:

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EXHIBIT A

Combining a Fecal DNA Test with a FOBT was Obvious to Try with a Reasonable Expectation of Success

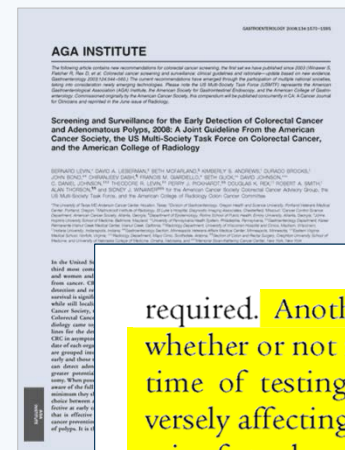


“[W]hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions...it is likely the product not of innovation, but of ordinary skill and common sense.”

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 421 (2007)

Reply, at pp. 19-20;
EX1013 (Levin), at p. 1578

Demonstrative Exhibit - Not Evidence



Levin

required. Another question worthy of consideration is whether or not including a sensitive gFOBT or FIT at the time of testing would improve sensitivity without adversely affecting specificity. In a recent retrospective analysis of stool samples from patients with CRC and donor controls, combined results from a standard gFOBT and a panel of DNA markers (APC, BAT26, and L-DNA) resulted in a combined sensitivity for cancer of 93% and specificity of 89%.⁷⁶