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**Cc:** [Trials](#)  
**Subject:** RE: Illumina Inc. v. Molecular Loop Biosciences, Inc. (IPR2024-00964, IPR2024-00965) - Initial Conference Call  
**Date:** Friday, February 28, 2025 2:41:02 PM  
**Attachments:** [image001.png](#)

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Counsel,

Based on the circumstances, the Board has determined that briefs may be helpful to the panel in reaching an equitable decision on this disputed issue. Accordingly, we grant Petitioner's request for leave to file a motion under 37 C.F.R. § 42.52(a) seeking authorization to compel testimony and document production from arXiv.org regarding the public availability of the Gloor reference. The motion shall be limited to 7 pages and is due on or before March 7, 2025. Patent Owner may submit an opposition to the motion, also limited to 7 pages, on or before March 14, 2025. The parties may submit supporting evidence with their briefs. No replies are authorized.

Regards,

Andrew Kellogg,  
Deputy Chief Clerk, Trials  
Patent Trial and Appeal Board  
USPTO  
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**From:** Raich, William <William.Raich@finnegan.com>  
**Sent:** Wednesday, February 26, 2025 3:15 PM  
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**Subject:** Illumina Inc. v. Molecular Loop Biosciences, Inc. (IPR2024-00964, IPR2024-00965) - Initial Conference Call

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IPR2024-00964  
IPR2024-00965

Dear Honorable Board:

Petitioner respectfully requests a conference call to discuss Petitioner's request for leave to file a

motion under 37 C.F.R. § 42.52(a) seeking authorization to compel testimony and document production by arXiv.org, which is operated by Cornell University, regarding the public availability of the Gloor prior-art reference. Patent Owner challenged Gloor's public availability in its Preliminary Response. While arXiv confirmed its publication as of July 29, 2010, arXiv has twice declined to provide an affidavit regarding Gloor's public availability, first in response to Petitioner's request before filing the petitions and again in response to Petitioner's request after the trials were instituted. Petitioner seeks leave to file a motion explaining how the specific and narrow scope of testimony and documents sought from arXiv could not be obtained through other means and would serve the interests of justice.

The parties met and conferred and Patent Owner has stated that it opposes Petitioner's request for authorization to file a motion to compel testimony and document production by arXiv.

The parties are available at the following dates and times for a call with the Board: Tuesday March 4 from 1-2 and 3:30-5; Wednesday March 5 from 9-12 and 1:30-3:30; Thursday March 6 from 9-12; and Friday March 7 from 11-5.

Sincerely,  
William B. Raich  
Lead Counsel for Petitioner

**William B. Raich, Ph.D.**  
Partner

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