

Case IPR2024-00965
U.S. Patent No. 11,768,200

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA INC.,
Petitioner

v.

MOLECULAR LOOP BIOSCIENCES, INC.,
Patent Owner

Case IPR2024-00965
U.S. Patent No. 11,768,200

**PATENT OWNER'S
OBJECTIONS TO PETITIONER'S REPLY EVIDENCE**

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Alexandria, VA 22313-1450

Pursuant to the Federal Rules of Evidence and 37 C.F.R. § 42.64, Patent Owner Molecular Loop Innovations LLC (“Patent Owner”) objects to evidence submitted by Petitioner Illumina Inc. (“Petitioner”) with their Reply (Paper 25). Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

Exhibits 1046-1053

Patent Owner objects to Exhibits 1046-1053, and any reference to or reliance thereon, as being inadmissible because they were filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.123(b) and 35 U.S.C. § 312. Patent Owner objects to Exhibits 1046-1053 as impermissible new evidence provided in Petitioner’s Reply. Petitioner could have, and should have, presented Exhibits 1046-1053 with its Petition to make out an alleged prima facie case of unpatentability to the extent that these exhibits allegedly evidence public availability and motivation to combine the asserted references. Patent Owner additionally objects to Exhibit 1046 as hearsay under Fed. R. Evid. 801-802, for which there is no applicable exception. Patent Owner also objects to Exhibits 1046-1053 under Fed. R. Evid. 401 and 403 because Petitioner’s undue delay in filing Exhibits 1046-1053 causes unfair prejudice to Patent Owner, is a waste of the Board’s time, and needlessly presents cumulative evidence.

Exhibits 1056, 1058, 1059, 1062, 1064, 1068

Patent Owner objects to Exhibits 1056, 1058, 1059, 1062, 1064, and 1068, and any reference to or reliance thereon, as being inadmissible because they were filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.123(b) and 35 U.S.C. § 312. Patent Owner objects to Exhibits 1056, 1058, 1059, 1062, 1064, and 1068 as impermissible new evidence provided in Petitioner's Reply. Petitioner could have, and should have, presented Exhibits 1056, 1058, 1059, 1062, 1064, and 1068 with its Petition to make out an alleged prima facie case of unpatentability to the extent that these exhibits allegedly evidence motivation to combine the asserted references. Patent Owner objects to Exhibits 1056, 1058, 1059, 1062, 1064, and 1068 under Fed. R. Evid. 401 and 403 because Petitioner's undue delay in filing Exhibits 1056, 1058, 1059, 1062, 1064, and 1068 causes unfair prejudice to Patent Owner, is a waste of the Board's time, and needlessly presents cumulative evidence.

Exhibits 1057, 1060, 1061, 1063, 1065, 1066, 1067

Patent Owner objects to Exhibits 1057, 1060, 1061, 1063, 1065, 1066, and 1067, and any reference to or reliance thereon, as being inadmissible because they were filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.123(b) and 35 U.S.C. § 312. Patent Owner objects to Exhibits 1057, 1060, 1061, 1063, 1065, 1066, and 1067 as impermissible new evidence provided in Petitioner's

Reply. Petitioner could have, and should have, presented Exhibits 1057, 1060, 1061, 1063, 1065, 1066, and 1067 with its Petition to make out an alleged prima facie case of unpatentability to the extent that these exhibits allegedly evidence motivation to combine the asserted references. Patent Owner objects to Exhibits 1057, 1060, 1061, 1063, 1065, 1066, and 1067 under Fed. R. Evid. 401 and 403 because Petitioner's undue delay in filing Exhibits 1057, 1060, 1061, 1063, 1065, 1066, and 1067 causes unfair prejudice to Patent Owner, is a waste of the Board's time, and needlessly presents cumulative evidence.

Exhibit 1054 – Reply Declaration of Paul T. Spellman, Ph.D.

Patent Owner objects to Exhibit 1054, and any reference to or reliance thereon, as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.123(b) and 35 U.S.C. § 312. Patent Owner objects to Exhibit 1054 as impermissible new evidence provided in Petitioner's Reply. Petitioner could have, and should have, presented Exhibit 1054 with its Petition to make out an alleged prima facie case of unpatentability. Patent Owner objects to Exhibit 1054 under Fed. R. Evid. 401 and 403 because Petitioner's undue delay in presenting the arguments in Exhibit 1054 causes unfair prejudice to Patent Owner, is a waste of the Board's time, and needlessly presents cumulative evidence. Patent Owner objects in particular to ¶¶40, 45-60, 69, f.n. 1, 72-73, 75-76, 89, 92, 93, 96-100, 107-108, 111, 114-115, 139 under 37 C.F.R. §§ 42.61 and

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42.123(b), 35 U.S.C. § 312, and Fed. R. Evid. 401 and 403 because Petitioner's undue delay in presenting the arguments in these portions of Dr. Spellman's declaration causes unfair prejudice to Patent Owner, is a waste of the Board's time, and needlessly presents cumulative evidence.

Dated: July 11, 2025

Respectfully submitted,

/Brian D. Matty/
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on July 11, 2025, a complete copy of the foregoing was served on counsel of record for Petitioner by filing this document through P-TACTS and by sending this document via electronic mail to the following addresses:

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