

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

Case No.: IPR2024-01330
U.S. Patent 11,970,746

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64, Petitioner Geneoscopy, Inc.

(“Geneoscopy”) submits the following objections to the exhibits filed by Exact Sciences Corporation (“Exact”).

1. Geneoscopy objects to **EX2044**, “Declaration of Vadim Backman, Ph.D.,” dated May 30, 2025, under Federal Rules of Evidence (“FRE”) 801, 802, and 803 as containing inadmissible hearsay not falling within any exception for which Exact relies upon for the truth of the matters asserted, and for failing to comply with the requirements of 37 C.F.R. § 42.65(a) and (b).

2. Geneoscopy objects to **EX2046**, “June Munford C.V.,” under FRE 801, 802, and 803 as containing inadmissible hearsay not falling within any exception for which Exact relies upon for the truth of the matters asserted.

3. Geneoscopy objects to **EX2047**, Hidenori Nakama et al., *Colonoscopic Evaluation of Immunochemical Fecal Occult Blood Test for Detection of Colorectal Neoplasia*, 46 HEPATO-GASTROENTEROLOGY 228, 228-231 (1999), under FRE 901 as insufficiently authenticated and not self-authenticating under FRE 902. Geneoscopy also objects to **EX2047** under FRE 401, 402, and 403 as irrelevant to the merits of the proceeding and because **EX2047**’s probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting

cumulative evidence. Geneoscopy also objects to **EX2047** under FRE 801, 802, and 803 as containing inadmissible hearsay not falling within any exception for which Exact relies upon for the truth of the matters asserted.

4. Geneoscopy objects to **EX2048**, “RNAlater® for RNA and Protein Stabilization,” under FRE 901 as insufficiently authenticated and not self-authenticating under FRE 902. Geneoscopy also objects to **EX2048** under FRE 401, 402, and 403 as irrelevant to the merits of the proceeding and because **EX2048**’s probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Geneoscopy also objects to **EX2048** under FRE 801, 802, and 803 as containing inadmissible hearsay not falling within any exception for which Exact relies upon for the truth of the matters asserted.

5. Geneoscopy objects to **EX2049**, “Declaration of John Andrews,” under FRE 401, 402, and 403 as irrelevant to the merits of the proceeding and because **EX2049**’s probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Geneoscopy also objects to **EX2049** under FRE 801, 802,

and 803 as containing inadmissible hearsay not falling within any exception for which Exact relies upon for the truth of the matters asserted.

6. Geneoscopy objects to **EX2051**, the Deposition Transcript of Duncan Whitney, Ph.D. in *Exact Sciences Corp. v. Geneoscopy, Inc.*, No. 23-1319 (D. Del.), dated January 9, 2025, under FRE 401 and 402 as containing testimony irrelevant to the proceeding.

7. Geneoscopy objects to **EX2052**, the Declaration of Duncan Whitney, Ph.D. in *Exact Sciences Corp. v. Geneoscopy, Inc.*, No. 23-1319 (D. Del.), dated September 26, 2024, under FRE 401 and 402 as containing testimony irrelevant to the proceeding. Geneoscopy objects to **EX2052** as it is not cited by Patent Owner's Response.

8. Geneoscopy objects to **EX2053**, the Deposition Transcript of Duncan Whitney, Ph.D. in IPR2024-01330, dated May 16, 2025, under FRE 401 and 402 as containing testimony irrelevant to the proceeding. Geneoscopy objects to **EX2053** as it is not cited by Patent Owner's Response.

Dated: June 6, 2025

Respectfully submitted,

/Brendan T. Jones/

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

Foley Hoag LLP

155 Seaport Boulevard

Boston, MA 02210

Tel: (617) 832-1000

Email: bjones@foleyhoag.com

Counsel for Petitioner

Geneoscopy, Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(c), the undersigned hereby certifies that on June 6, 2025 I caused a true and correct copy to be served on the following attorneys of record:

James M. Glass
Registration No. 46,729
Quinn Emanuel Urquhart &
Sullivan LLP
51 Madison Ave, 22nd Floor
New York, New York 10010
jimglass@quinnemanuel.com

Sandra Haberny
Registration No. 64,150
Quinn Emanuel Urquhart & Sullivan,
LLP
865 South Figueroa St., 10th Floor
Los Angeles, California 90017
sandrahaberny@quinnemanuel.com

Jihong Lou
Registration No. 64,074
Quinn Emanuel Urquhart &
Sullivan, LLP
1300 I Street NW, Suite 900
Washington, D.C. 20005
jihonglou@quinnemanuel.com

Anastasia M. Fernands
(admitted *pro hac vice*)
Quinn Emanuel Urquhart & Sullivan,
LLP
51 Madison Ave, 22nd Floor
New York, New York 10010
anastasiafernands@quinnemanuel.com

Dated: June 6, 2025

/Brendan T. Jones/
Brendan T. Jones, Reg. No. 65,077
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
Tel: (617) 832-1000
Email: bjones@foleyhoag.com

*Counsel for Petitioner
Geneoscopy, Inc.*