

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALAMAR BIOSCIENCES, INC.,
Petitioner

v.

OLINK PROTEOMICS AB,
Patent Owner

Case IPR2024-01353
U.S. Patent No. 7,883,848

PATENT OWNER'S OBJECTIONS TO EVIDENCE

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

Patent Owner Olink Proteomics AB (“Patent Owner”), objects under the Federal Rules of Evidence (FRE) and 37 C.F.R. § 42.64(b)(1) to the admissibility of Exhibits 1008, 1016–1022, 1024, 1026, 1030, 1031, and 1035 (the “Challenged Evidence”), filed by Petitioner Alamar Biosciences, Inc. (“Petitioner”), on August 23, 2024, with its Petition for *inter partes* review. Patent Owner’s objections are timely filed under 37 C.F.R. § 42.64(b)(1), within 10 business days of the Board’s March 7, 2025, Decision on Institution. Patent Owner files these objections to provide notice to Petitioner that Patent Owner may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

I. IDENTIFICATION OF GROUNDS FOR OBJECTIONS

A. Exhibit 1008

Exhibit 1008 purports to be “Olink infringement chart.” Patent Owner objects to EX1008 under FRE 408. Exhibit 1008 was “sent by counsel for Olink to counsel for Alamar on January 18, 2024.” EX1041, ¶5; Pet., 13. Exhibit 1008 explicitly states that it is a “confidential communication” and is “subject to FRE 408.” *See* EX1008, header. Accordingly, Patent Owner objects to the entirety of EX1008 under FRE 408.

B. Exhibit 1016

Exhibit 1016 purports to be “Hage, Immunoassays, *Analytical Chemistry* 71:294–304 (1999).” Patent Owner objects to Exhibit 1016 under FRE 401–403. Petitioner does not cite EX1016 in its Petition, rendering EX1016 irrelevant under

FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1016 under FRE 403 because EX1016 it has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

C. Exhibit 1017

Exhibit 1017 purports to be a copy of Chapter 47 from *Methods in Molecular Biology*, 32:461–66 (1994). Patent Owner objects to Exhibit 1017 under FRE 401–403. Petitioner does not cite EX1017 in its Petition, rendering EX1017 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1017 under FRE 403 because EX1017 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

Patent Owner also objects to EX1017 under FRE 1002-1003 as it is not an original or duplicate of original. EX1017 purports to be an excerpt and is therefore an incomplete document. Further, EX1017 contains no cover page, table of contents, or other identifying information.

D. Exhibit 1018

Exhibit 1018 purports to be “Sano et al., ‘Immuno-PCR: Very Sensitive Antigen Detection by Means of Specific Antibody- DNA Conjugates,’ *Science* 258:120–122 (1992).” Patent Owner objects to Exhibit 1018 under FRE 401–403. Petitioner does not cite EX1018 in its Petition, rendering EX1018 irrelevant under

FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1018 under FRE 403 because EX1018 it has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

E. Exhibit 1019

Exhibit 1019 purports to be "Gullberg et al., 'Cytokine detection by antibody-based proximity ligation,' *PNAS* 101:8420–24 (2004)." Patent Owner objects to Exhibit 1019 under FRE 401–403. Petitioner does not cite EX1019 in its Petition, rendering EX1019 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1019 under FRE 403 because EX1019 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

F. Exhibit 1020

Exhibit 1020 purports to be "Fredriksson et al., 'Protein detection using proximity-dependent DNA ligation assays,' *Nature Biotechnology* 20:473–77 (2002)." Patent Owner objects to Exhibit 1020 under FRE 401–403. Petitioner does not cite EX1020 in its Petition, rendering EX1020 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1020 under FRE 403 because EX1020 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

G. Exhibit 1021

Exhibit 1021 purports to be "Brenner & Lerner, 'Encoded combinatorial

chemistry,’ *PNAS* 89:5381–83 (1992).” Patent Owner objects to Exhibit 1021 under FRE 401–403. Petitioner does not cite EX1021 in its Petition, rendering EX1021 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1021 under FRE 403 because EX1021 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board’s time.

H. Exhibit 1022

Exhibit 1022 purports to be “Needels et al., ‘Generation and screening of an oligonucleotide-encoded synthetic peptide library,’ *PNAS* 90:10700–04 (1993).” Patent Owner objects to Exhibit 1022 under FRE 401–403. Petitioner does not cite EX1022 in its Petition, rendering EX1022 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1022 under FRE 403 because EX1022 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board’s time.

I. Exhibit 1024

Exhibit 1024 purports to be “Li & Liu, ‘DNA-Templated Organic Synthesis: Nature’s Strategy for Controlling Chemical Reactivity Applied to Synthetic Molecules,’ *Angewandte Chemie International Edition* 43:4848–70 (2004).” Patent Owner objects to Exhibit 1024 under FRE 401–403. Petitioner does not cite EX1024 in its Petition, rendering EX1024 irrelevant under FRE 401 and

inadmissible under FRE 402. Patent Owner also objects to EX1024 under FRE 403 because EX1024 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

J. Exhibit 1026

Exhibit 1026 purports to be "U.S. Patent No. 6,692,918." Patent Owner objects to Exhibit 1026 under FRE 401–403. Petitioner does not cite EX1026 in its Petition, rendering EX1026 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1026 under FRE 403 because EX1026 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

K. Exhibit 1030

Exhibit 1030 purports to be "Heather & Chain, 'The sequence of sequencers: The history of sequencing DNA,' *Genomics* 107:1–19 (2016)." Patent Owner objects to Exhibit 1030 under FRE 401–403. Petitioner does not cite EX1030 in its Petition, rendering EX1030 irrelevant under FRE 401 and inadmissible under FRE 402. Exhibit 1030 also purports to be a publication from 2016, rendering EX1030 further irrelevant under FRE 401 and inadmissible under FRE 402 because it is not prior art to the '848 patent. Patent Owner also objects to EX1030 under FRE 403 because EX1030 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board's time.

L. Exhibit 1031

Exhibit 1031 purports to be “Evans, ‘Sanger sequencing: past successes and current applications,’ *CYTIVA*, <https://www.cytivalifesciences.com/en/us/news-center/sangersequencing-past-and-present-10001>.” Patent Owner objects to Exhibit 1031 under FRE 401–403. Petitioner does not cite EX1031 in its Petition, rendering EX1031 irrelevant under FRE 401 and inadmissible under FRE 402. Exhibit 1031 also purports to be a publication from 2019, rendering EX1031 further irrelevant under FRE 401 and inadmissible under FRE 402 because it is not prior art to the ’848 patent. Patent Owner also objects to EX1031 under FRE 403 because EX1031 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board’s time.

M. Exhibit 1035

Exhibit 1035 purports to be “PCT Publication No. WO2005/026387.” Patent Owner objects to Exhibit 1035 under FRE 401–403. Petitioner does not cite EX1035 in its Petition, rendering EX1035 irrelevant under FRE 401 and inadmissible under FRE 402. Patent Owner also objects to EX1035 under FRE 403 because EX1035 has no probative value, creates unfair prejudice to Patent Owner, and will only confuse issues and waste the Board’s time.

II. CONCLUSION

Patent Owner's objections to the Challenged Evidence are timely. Patent Owner therefore reserves the right to move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

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/David H. Holman/

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Date: March 21, 2025

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER'S OBJECTIONS TO EVIDENCE** was served in its entirety on March 21, 2025 upon the following parties via electronic mail:

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