

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA, INC.,
Petitioner,

v.

MOLECULAR LOOP BIOSCIENCES, INC.,
Patent Owner.

Patent No. 11,840,730

IPR2024-01419

DECLARATION OF THOMAS A. BROUGHAN III

I, Thomas A. Broughan III, hereby declare as follows:

1. I am a partner at the law firm Sidley Austin LLP.

2. I provide this declaration in connection with the above-identified *inter partes* review proceeding filed by Illumina Inc. against Molecular Loop Biosciences, Inc. The facts stated in this Declaration are based on my personal knowledge.

3. For each exhibit addressed below, an exhibit label and page numbers have been added, but no other alterations have been made. Where the exhibit is a PDF generated from a webpage displayed in a web browser, the PDF may contain information in the header and footer (*e.g.*, the URL, the title of the page being displayed or similar items), which was generated automatically by the web browser displaying the page.

4. EX1022 is a true and correct copy of the web page available from the Internet Archive at the following URL and opened in an Internet Explorer compatible web browser:

<http://web.archive.org/web/20080912061421/http://www.nyas.org/annals/detail.asp?annalID=934>. When I visited this URL with Chrome, I saw the HTML code that appears in the Declaration of Nathaniel E. Frank-White from the Internet Archive. *See* EX1037, 23-28. I used the IE Tab extension for Chrome, which emulates the old Internet Explorer web browser, to open the URL. When opened using IE Tab,

the web page could render the HTML. I saved this Internet Explorer web page as EX1022.

5. EX1039 is a true and correct copy of the web page available from the Internet Archive at the following URL:

<https://web.archive.org/web/20090213081827/http://www.nature.com/nmeth/journal/v6/n1/abs/nmeth.1276.html>.

6. EX1040 is a true and correct copy of the web page available from the Internet Archive at the following URL:

<https://web.archive.org/web/20090225213837/http://nature.com/nmeth/journal/v6/n1/index.html>.

* * *

I, Thomas A. Broughan III, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code.

Dated: September 30, 2024

/Thomas A. Broughan III/
Thomas A. Broughan III