

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIO-RAD LABORATORIES, INC.,
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner

Case No. IPR2024-01451

U.S. Patent No. 11,827,921 B2

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
EVIDENCE AND ARGUMENTS SUBMITTED WITH ITS REPLY**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Pursuant to 37 C.F.R. §42.64(b)(1), 37 C.F.R. §42.23(b), and the Federal Rules of Evidence, Patent Owner California Institute of Technology (“PO”) submits the following objections to evidence filed by Petitioner with its Reply to PO’s Response. These objections are timely filed pursuant to 37 C.F.R. §42.64(b)(1) within five business days of Petitioner’s submission of the evidence. The Federal Rules of Evidence apply to these proceedings according to 37 C.F.R. §42.62(a), and these rules form the basis of certain objections contained herein.

Exhibit Number	Objections
EX1043	PO objects to all portions of the Batt Reply Declaration, including evidence and arguments, and the evidence cited therein, that are not responsive to arguments raised in, or are outside the scope of issues raised by and evidence cited in, the Petition, the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or Patent Owner Response.¹ 37 C.F.R. §42.23(b). This includes but is not limited to, for example: • All discussions of, references to, and citations to Dr. Struhl’s testimony at EX1044 at 136:1–6, 147:24–148:20, 149:18–150:10, 150:19–151:2, 154:6–155:1, 155:17–156:18, 159:20–160:10 regarding FIG. 11a of Larson (EX1017) and associated text. <i>See</i> EX1043 at ¶¶22, 31, 32, 33, 35, 36, 37.

¹ PO also objects to all other portions of the Batt Reply Declaration that incorporate these portions of the Declaration through internal cross-references.

Exhibit Number	Objections
	• All discussions of, references to, and citations to FIG. 11a and ¶131 of Larson (EX1017). <i>See</i> EX1043 at ¶¶21–22, 30, 31, 32, 33, 35, 36, 37. • All discussions of, references to, and citations to ¶¶17–18 and 168–73 of Larson (EX1017) regarding polymerase error. <i>See</i> EX1043 at ¶25. • All discussions of, references to, and citations to the '013 Provisional (EX1007) 5:19–6:3, 9:14–15, 10:18–11:13, 15:12–17:3, FIG. 4. <i>See</i> EX1043 at ¶¶26–30.
EX1044	PO objects to Petitioner's use, in Petitioner's Reply and the Batt Reply Declaration, of at least the below portions of Dr. Struhl's cross examination testimony under at least FRE 611(b) because the questioning and responsive testimony are outside the scope of direct examination and are not responsive to arguments raised in, or are outside the scope of issues raised by and evidence cited in, the Petition, the Patent Owner Preliminary Response, preliminary replies, the Institution Decision, and/or the Patent Owner Response: • 100:14–23, 101:8–21, 102:6–10, 102:24–103:8, 115:5–6, 118:13–118:23, 119:1–7, 119:15–21, 120:17–25, 123:8–16, 124:19–126:3, 127:3–12, 127:20–128:3, 128:10–21, 136:1–6, 147:24–148:20, 149:18–150:10, 150:19–151:2, 154:6–155:1, 155:17–156:18, 159:20–160:10.
EX1017	PO objects to all portions of Larson (EX1017) not cited and/or discussed in the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or or Patent Owner Response on the grounds that they do or are used to improperly raise new arguments and/or evidence not responsive to arguments raised in, or outside the scope of issues raised by and evidence cited in, the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution

Exhibit Number	Objections
	Decision, and/or or Patent Owner Response, including but not limited to at least FIG. 11a and associated text, and ¶¶15–18, 108–112, 131, 168–73. 37 C.F.R. §42.23(b).
EX1033	PO objects to all portions of EX1033 not cited or discussed in the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution Decision, or Patent Owner Response on the grounds that they do or are used to improperly raise new arguments and/or evidence not responsive to arguments raised in, or outside the scope of issues raised by and evidence cited in, the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or or Patent Owner Response, including but not limited to at least ¶25. 37 C.F.R. §42.23(b).
EX1004	PO objects to the following portions of Saxonov (EX1004) and Petitioner's discussions of, references to, and citations to these portions because Petitioner uses them to improperly raise new arguments and/or evidence not responsive to arguments raised in, or outside the scope of issues raised by and evidence cited in, the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or or Patent Owner Response. 37 C.F.R. §42.23(b): ¶¶20, 41, FIG. 4.
EX1007	PO objects to the following portions of the '013 Provisional (EX1007) and Petitioner's discussions of, references to, and citations to these portions because Petitioner uses them to improperly raise new arguments and/or evidence not responsive to arguments raised in, or outside the scope of issues raised by and evidence cited in, the Petition, supporting Batt Declaration (EX1002), the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or or Patent Owner Response. 37 C.F.R. §42.23(b): 5:19–6:3, 9:14–15, 10:18–11:13, 15:12–17:3, FIG. 4.

Exhibit Number	Objections
PAPER 20	PO objects to all portions of the Reply, including evidence and arguments, to the extent they rely on any of the above objected to evidence and/or that are not responsive to arguments raised in, or are outside the scope of issues raised by and evidence cited in, the Petition, the Patent Owner Preliminary Response, preliminary replies, Institution Decision, and/or Patent Owner Response.² 37 C.F.R. §42.23(b). This includes but is not limited to, for example: • All discussions of, references to, and citations to Dr. Struhl's testimony at EX1044 at 100:14–23, 101:8–21, 102:6–10, 102:24–103:8 regarding claim 2 of the '921 Patent. <i>See</i> Paper 20 at pp. 1, 5, 6. • All discussions of, references to, and citations to Dr. Struhl's testimony at EX1044 at 115:5–6 regarding PO's infringement contentions. <i>See</i> Paper 20 at pp. 5–6. • All discussions of, references to, and citations to Dr. Struhl's testimony at EX1044 at 136:1–6, 147:24–148:20, 149:18–150:10, 150:19–151:2, 154:6–155:1, 155:17–156:18, 159:20–160:10 regarding Larson (EX1017) FIG. 11a and associated text, including ¶131. <i>See</i> Paper 20 at pp. 1–2, 15–16, 22. • All discussions of, references to, and citations to Dr. Struhl's testimony at EX1044 at 118:13–118:23, 119:1–7, 119:15–21, 120:17–25, 123:8–16, 124:19–126:3, 127:3–12, 127:20–128:3, 128:10–21 regarding polymerase error. <i>See</i> Paper 20 at p. 18.

² PO also objects to all other portions of the Reply that incorporate these portions of the Reply through internal cross-references.

Exhibit Number	Objections
	• All discussions of, references to, and citations to Larson (EX1017) ¶¶15–18, 168–73 regarding polymerase error. <i>See</i> Paper 20 at pp. 17–18. • All discussions of, references to, and citations to Larson (EX1017) ¶¶108–112. <i>See</i> Paper 20 at p. 16. • All discussions of, references to, and citations to EX1033 at ¶25. <i>See</i> Paper 20 at pp. 17, 18. • All discussions of, references to, and citations to Saxonov (EX1004) ¶¶20, 41, FIG. 4. <i>See</i> Paper 20 at pp. 18–22. • All discussions of, references to, and citations to the '013 Provisional (EX1007) 5:19–6:3, 9:15, 10:18–11:13, 15:12–17:3, FIG. 4. <i>See</i> Paper 20 at pp. 18–22.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on September 19, 2025, a copy of the foregoing document was served via E-Mail on the Petitioner at the following correspondence address provided by counsel of record for the Petitioner pursuant to 37 C.F.R. § 42.8(b)(4):

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