

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXION BIOSYSTEMS, INC.,
Petitioner

v.

AGILENT TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2024-01467

U.S. Patent No. 11,906,508

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Axion Biosystems, Inc. submits the following objections to evidence served with Patent Owner's Sur-Reply (Paper 21) on October 16, 2025 in the above-captioned proceeding. This notice is being timely filed within five business days of service of evidence to which the objection is directed.

Exhibits 2024-2037: Petitioner objects to each of Exhibits 2024-2037 on the ground that they were submitted with Patent Owner's Sur-Reply in violation of 37 C.F.R. § 42.23(b). Petitioner also objects to each of Exhibits 2024-2037 under Federal Rule of Evidence (FRE) 403 as lacking relevance and because each document's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the fact finder, undue delay, wasting time, or needlessly presenting cumulative evidence.

Additional objections to individual exhibits are as follows:

EXHIBIT	DOCUMENT	OBJECTIONS
2024	Handbook & Selection Guide for Computer-Based Data Acquisition & Control Systems (Neff) (2007)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2025	Current Biosensor Technologies in Drug Discovery (Cooper) (2006)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.

EXHIBIT	DOCUMENT	OBJECTIONS
2026	Label-Free Biosensors - Electrical impedance technology applied to cell-based assays (McGuinness & Verdonk) (2009)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2027	Cellular Dielectric Spectroscopy - A Label-Free Comprehensive Platform for Functional Evaluation of Endogenous Receptors (Verdonk) (2006)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2028	Enhanced Selectivity Screening of GPCR Ligands Using a LabelFree Cell (McGuinness) (2009)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2030	Cellular Dielectric Spectroscopy, A Powerful New Approach to Label-Free Cellular Analysis (2004) (Ciambrone)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2031	Cellular Dielectric Spectroscopy - A Label-Free Technology for Drug Discovery (Leung) (2005)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2035	Evaluating Cellular Impedance Assays for Detection of GPCR Pleiotropic Signaling and Functional Selectivity (Peters) (2009)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.

EXHIBIT	DOCUMENT	OBJECTIONS
2036	Monitoring fibroblast behavior in tissue culture with an applied electric field (Giaever) (1984)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.
2037	Microplate Dimensions Guide (2007)	<u>FRE 901</u> Petitioner objects to this document as not being properly authenticated.

Respectfully submitted,

Dated: October 23, 2025

/Joshua R. Nightingale/

Joshua R. Nightingale (Reg No. 67,865)
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
(412) 394-7950
jrnightingale@jonesday.com

David M. Maiorana (Reg. No. 41,449)
JONES DAY
North Point, 901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-7499
dmaiorana@jonesday.com

Geoffrey K. Gavin (Reg. No. 47,591)
Laura Kanouse (Reg. No. 79,935)
JONES DAY
1221 Peachtree Street, N.E., Suite 400
Atlanta, GA 30361
(404) 521-3939
ggavin@jonesday.com
lkanouse@jonesday.com

*Attorneys for Petitioner Axion
BioSystems, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1) was served on October 23, 2025 via electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

Brenton Babcock
brent.babcock@sterlingtonlaw.com

Yang Wang
yang.wang@sterlingtonlaw.com

Dan Liu
dliu@loeb.com

Mariana Nielson
mnielson@loeb.com

Counsel for Patent Owner

Dated: October 23, 2025

Respectfully submitted,

By: / Joshua R. Nightingale /
Joshua R. Nightingale
Reg. No. 67,865
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
jrnightingale@jonesday.com