

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEGRATED DNA TECHNOLOGIES, INC.,
Petitioner,

v.

TECAN GENOMICS, INC.,
Patent Owner.

IPR2025-00015
IPR2025-00016

U.S. Patent Nos. 10,036,012 and 10,876,108

**PETITIONER'S OBJECTIONS TO
ADMISSIBILITY OF EVIDENCE SUBMITTED BY PATENT OWNER**

Pursuant to 37 C.F.R. § 42.64(b) and the Federal Rules of Evidence (“FRE”), Petitioner Integrated DNA Technologies, Inc. (“IDT”), hereby objects as follows to the admissibility of evidence filed by Patent Owner Tecan Genomics, Inc. in conjunction with the Patent Owner Preliminary Responses, filed on January 29, 2025.

Exhibit	Objections
Ex. 2001 —Evans MF, <i>The polymerase chain reaction and pathology practice</i> , 15 Diagnostic Histopathology 344 (2009) (“Evans”)	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2001 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2002 — <i>The Cost of Sequencing a Human Genome</i> (“Cost of Sequencing”)	<p>FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of the source from which it originates.</p> <p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2002 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2003 — Goodwin S, McPherson JD & McCombie WR, <i>Coming of age: ten years of next-generation sequencing technologies</i> , 17	FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.

<p>Nature Reviews Genetics 333 (2016) (“Goodwin”)</p>	<p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2003 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2004— Mardis ER, <i>DNA sequencing technologies: 2006–2016</i>, 12 Nature Protocols 213 (2017) (“Mardis”)</p>	<p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2004 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2005—Fuller CW, et al., <i>The challenges of sequencing by synthesis</i>, 27 Nature Biotechnology 1013 (2009) (“Fuller”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2005 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

<p>Ex. 2006—Margulies M, et al., <i>Genome Sequencing in Open Microfabricated High Density Picoliter Reactors</i>, 437 <i>Nature</i> 376 (2005) (“Margulies”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2006 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2007—Luo C, et al., <i>Direct Comparisons of Illumina vs. Roche 454 Sequencing Technologies on the Same Microbial Community DNA Sample</i>, 7 <i>PLoS ONE</i> 1 (2012) (“Luo”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2007 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2008—Hert DG, Fredlake CP & Barron AE, <i>Advantages and limitations of next-generation sequencing technologies: A comparison of electrophoresis and non-electrophoresis methods</i>, 29 <i>Electrophoresis</i> 4618 (2008) (“Hert”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2008 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2009—Bio-IT World Staff, <i>Six Years After Acquisition, Roche Quietly Shuttters 454</i>, <i>Bio-IT World</i>, October 16, 2013 (“Bio-IT”)</p>	<p>FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of the source from which it originates.</p> <p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2009 constitutes inadmissible hearsay.</p>

	FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2010 —Mamanova L, et al., <i>Target-enrichment strategies for next-generation sequencing</i> , 7 Nature Methods 111 (2010) (“Mamanova”)	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2010 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2011 —Treangen TJ & Salzberg SL, <i>Repetitive DNA and next-generation sequencing: computational challenges and solutions</i> , 13 Nature Reviews Genetics 36 (2012) (“Treangen”)	<p>FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the published correction, dated January 17, 2012.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2011 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2012 —Brownie J, et al., <i>The elimination of primer-dimer accumulation in PCR</i> , 25 Nucleic Acids Rsch. 3235 (1997) (“Brownie”)	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2012 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2013 —Tewhey R, et al., <i>Microdroplet-based PCR enrichment for large-scale targeted sequencing</i> , 27 Nature Biotechnology 1025 (2009) (“Tewhey”)	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2013 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Ex. 2014 —United States Patent Application Publication US2012/0309002A1 (2012) (“Link”)	FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of the file history of United States Patent Application Publication US2012/0309002A1.

	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2014 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2015—Franck SM, Bosworth BT & Moon HW, <i>Multiplex PCR for Enterotoxigenic, Attaching and Effacing, and Shiga Toxin-Producing Escherichia coli Strains from Calves</i>, 36 Journal of Clinical Microbiology 1795 (1998) (“Franck”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2015 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2016—Applied Biosystems AmpliTaq Gold® Brochure (2000) (“Applied Biosystems”)</p>	<p>FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of the source from which it originates.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2016 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2017—The Simple Fool’s Guide to PCR, version 2.0, October 29, 2022 (“Fool’s Guide”)</p>	<p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2017 constitutes inadmissible hearsay.</p>

	<p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2018—Ying H, et al., <i>The Whole-Genome Sequence of the Coral Acropora millepora</i>, 11 Genome Biol. Evol. 1374 (2019) (“Ying”)</p>	<p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2018 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2019—U.S. Application No. 13/750,768, Non-Final Office Action, dated July 15, 2015 (“U.S. Application No. 13/750,768 NFOA”)</p>	<p>FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the remainder of the file history of United States Patent Application No. 13/750,768.</p> <p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

<p>Ex. 2020—Singleton AB, <i>Exome sequencing: a transformative technology</i>, 10 The Lancet Neurology 942 (2011) (“Singleton”)</p>	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2020 constitutes inadmissible hearsay.</p> <p>FRE 901: Patent Owner has not produced evidence or certification sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Ex. 2021—Declaration of Carlos D. Bustamante, Ph.D. (“Bustamante Decl.”)</p>	<p>FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability.</p> <p>FRE 402 and 403: The exhibit is not prior art. Therefore, the exhibit’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.</p> <p>FRE 702 and 703: The testimony offered in paragraphs 32–148 is not based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts.</p> <p>Right to Cross-Examine: Petitioner reserves the right to cross-examine the declarant or else seek to exclude the exhibit as hearsay.</p>

IPR2025-00015 (U.S. Patent No. 10,036,012)
IPR2025-00016 (U.S. Patent No. 10,876,108)

Dated: May 8, 2025

Respectfully submitted,

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

The undersigned hereby certifies that on May 8, 2025, I caused a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE SUBMITTED BY PATENT OWNER to be served on counsel for Patent Owner via email at:

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