

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QIAGEN SCIENCES, LLC,
Petitioner, v.

TECAN GENOMICS, INC.,
Patent Owner.

IPR2025-00026
IPR2025-00027

U.S. Patents 11,098,357 and 11,725,241

**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 QIAGEN Sciences, LLC (“QIAGEN”), 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 February 19, 2025.

Exhibit	Objections
Ex. 2001 - Can Alkan et al., <i>Limitations of next-generation genome sequence assembly</i> , 8 NAT. METHODS 61 (2011)	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2001 constitutes inadmissible hearsay. 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. 2002 - Mark J. P. Chaisson et al., <i>Genetic variation and the de novo assembly of human genomes</i> , 16 NAT. REV. 627 (2015).	FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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. FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2002 constitutes inadmissible hearsay. 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. 2003 - U.S. Patent Application Publication No. 2002/0145380	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, This Exhibit constitutes inadmissible hearsay.
Ex. 2004 - Sara Goodwin et al., <i>Coming of Age: Ten Years of Next-Generation Sequencing Technologies</i> , 17 NAT. REV. 333 (2016).	FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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.

	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2004 constitutes inadmissible hearsay. 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. 2005 - Takihiro Kanagawa, <i>Bias and Artifacts in Multitemplate Polymerase Chain Reactions (PCR)</i>, 96 J. BIOSCI. BIOENG. 317 (2003)	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2005 constitutes inadmissible hearsay. 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. 2006 - Lira Mamanova et al., <i>Target-Enrichment Strategies for Next-Generation Sequencing</i>, 7 NAT. METHODS 111 (2010).	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2006 constitutes inadmissible hearsay. 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. 2007 - Kensuke Nakamura et al., <i>Sequence-specific error profile of Illumina sequencers</i>, 39 NUCLEIC ACIDS RES. 90 (2011).	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2007 constitutes inadmissible hearsay. 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. 2008 - Frederick Sanger et al., <i>DNA sequencing with chain-terminating inhibitors</i>, 74 PROC. NAT'L. ACAD. SCI. USA 5463 (1977).	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2008 constitutes inadmissible hearsay. 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. 2009 - Heena Satam et al., <i>Next-Generation Sequencing Technology: Current Trends and Advancements</i>, 12 BIOLOGY 997 (2023)	FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the same time as the published correction, dated April 24, 2024. FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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. FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2009 constitutes inadmissible hearsay. 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 - Nava Whiteford et al., <i>Swift: Primary Data Analysis for the Illumina Solexa Sequencing Platform</i>, 25 BIOINFORMATICS 2194 (2009).	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2010 constitutes inadmissible hearsay. 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. 2014 - Koon Ho Wong et al., <i>Multiplex Illumina Sequencing Using DNA Barcoding</i>, 101 CURR. PROTOC. MOL. BIO. 7.11.1 (2013).	FRE 106: The exhibit is incomplete and ought to be considered, in fairness, at the

	same time as the remainder of Current Protocols in Molecular Biology. FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2014 constitutes inadmissible hearsay. 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. 2015 - Elaine R. Mardis, <i>DNA Sequencing Technologies: 2006-2016</i>, 12 NAT. PROTOC., 213 (2017).	FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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. FRE 802: To the extent it is being offered to prove the truth of the matter asserted,

	Exhibit 2015 constitutes inadmissible hearsay. 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. 2016 - U.S. Patent No. 10,036,012	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, this Exhibit constitutes inadmissible hearsay. FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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.
Ex. 2017 - U.S. Patent No. 9,564,399	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, this Exhibit constitutes inadmissible hearsay.

	FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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.
Ex. 2018 - U.S. Patent Application Publication No. 2012/0220494	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2018 constitutes inadmissible hearsay. FRE 401 and 402: The exhibit is not prior art and therefore is not relevant to any question of patentability. 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.
Ex. 2019 - T.A. Brown, <i>Genomes</i> (2d. ed. 2002), NAT'L CTR. FOR BIOTECHNOLOGY INFO., https://www.ncbi.nlm.nih.gov/books/NBK21129/ (last visited Feb. 19, 2025)	FRE 401 and 402: The exhibit is not cited in petitioner's preliminary response or any other paper and therefore is not relevant. Exhibits and arguments that are not incorporated in papers are waived and incorporation by reference is strictly prohibited. 37 C.F.R. § 42.6(a)(3); 37 C.F.R. § 42.22; <i>see also Parus Holdings, Inc. v. Google LLC</i>, 70 F.4th 1365, 1371 (Fed. Cir. 2023). 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. FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibit 2019 constitutes inadmissible hearsay. QIAGEN reserves the right to raise additional objections if Tecan cites this Exhibit in subsequent papers.

IPR2025-00026 (U.S. Patent No. 11,098,357)

IPR2025-00027 (U.S. Patent No. 11,725,241)

DATED: May 28, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 28, 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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