

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTAS PHARMACEUTICALS LTD,
Petitioner

v.

ATOSSA THERAPEUTICS, INC.,
Patent Owner

Case IPR2025-00799
Patent 11,261,151

**PATENT OWNER ATOSSA'S
OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. §42.64**

Pursuant to 37 C.F.R. §42.64(b)(1), Atossa Therapeutics, Inc. (“Atossa”) objects to the admissibility of the following exhibit filed on January 14, 2026, by Petitioner. EX1038. Patent Owner’s objections are timely under 37 C.F.R. §42.64(b)(1). Patent Owner serves Petitioner with these objections to provide notice that Patent Owner may move to exclude the exhibits identified below as inadmissible.

I. Declaration of William Mayo, Ph.D. (EX1038)

Patent Owner objects to the Declaration of William Mayo, Ph.D. (EX1038) for at least the following reasons:

Under **FRE 702** (expert testimony), Dr. Mayo’s opinions are inadmissible because they are conclusory, do not sufficiently disclose underlying facts or data in support, and are unreliable. *See, e.g.*, ¶¶ 23-25, 29-38. Additionally, under **FRE 401** (test for relevance), **FRE 402** (relevance), and **FRE 403** (probative value outweighed by prejudice, confusing of issues, wasting of time), his opinions are irrelevant, confusing, and of minimal probative value.

Under **FRE 703** (bases of an expert) Dr. Mayo’s opinions are inadmissible because they depend on facts or data that experts in the particular field would not reasonably rely upon. Experts in this field would not reasonably rely upon experimental results without being able to review the experimental and analytical conditions that produced those results, yet Dr. Mayo relies upon Dr. Miller’s

declaration although Dr. Mayo was not present for Dr. Miller's tests and although Dr. Miller did not include the experimental and analytical conditions he used for the experiments in his declaration.

In addition, Dr. Mayo's declaration relies on EX1011, EX1015, EX1031, EX1033 for its analysis, and thus, his declaration is also inadmissible to the extent it relies on those exhibits for the reasons discussed above.

Further, Paragraphs 1–2, 8–16, 19–21, 26, 39 of the original equivalent declaration (the Miller Declaration EX1034, which EX1038 replaces) are not cited in the Petition, and thus they are not relevant for this additional reason under **FRE 401**.

Respectfully submitted,

Dated: January 22, 2026

By: /s/Megan Raymond

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Patent Owner Atossa's Objections to Evidence Under 37 C.F.R. §42.64 have been served in their entirety on January 22, 2026, by causing the aforementioned documents to be electronically mailed to the following attorneys of record for the Petitioner listed below.

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Dated: January 22, 2026

Respectfully submitted,

By: /Sayem Osman/
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