

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURIUM US LLC,
Petitioner

v.

UNIVERSITÄT HEIDELBERG AND THE EUROPEAN ATOMIC ENERGY
COMMUNITY (EURATOM), REPRESENTED BY THE EUROPEAN
COMMISSION,
Patent Owner

Case No. IPR2025-01582

U.S. Patent No. 10,980,901

PETITIONER'S OBJECTION TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. 42.64(b)(1), Petitioner objects to the admissibility of the following evidence submitted with Patent Owner's Response filed on August 24, 2026 as set forth below.

1) Exhibit 2138: Declaration of Dr. Michael Gorin

Petitioner objects to Exhibit 2138 because it is not sworn and does not comply with 37 C.F.R. § 1.68 or 28 U.S.C. § 1746. *See* 37 C.F.R. §§ 42.2, 42.53(a), and 42.61(a).

Petitioner objects to Exhibit 2138 under Federal Rule of Evidence (FRE) 603 because it lacks an oath or affirmation to testify truthfully in a form designed to impress that duty on the witness's conscience. In particular, the declaration does not contain an oath or affirmation compliant with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

Petitioner objects to Exhibit 2138, ¶¶104, 106, 108, 123, 189, 244 under FRE 702 because the testimony is not the product of reliable principles and methods, does not reflect a reliable application of those principles and methods to the facts of the case, is not based on sufficient facts or data, and will not help the trier of fact understand the evidence or determine a fact in issue in this proceeding. For example, the declarant speculates on thoughts or desires purportedly from the "community."

Petitioner objects to Exhibit 2138 under FRE 801 and 802 because it is hearsay absent compliance with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68. In

addition, Exhibit 2138, ¶¶104, 106, 108, 123, 189, 244 are hearsay because those paragraphs relate to out of court thoughts, statements, or desires purportedly from a “community.”

2) Exhibit 2150: Declaration of Mirjam Weis

Petitioner objects to Exhibit 2150 because it is not sworn and does not comply with 37 C.F.R. § 1.68 or 28 U.S.C. § 1746. *See* 37 C.F.R. §§ 42.2, 42.53(a), and 42.61(a).

Petitioner objects to Exhibit 2150 under FRE 603 because it lacks an oath or affirmance to testify truthfully in a form designed to impress that duty on the witness’s conscience. In particular, the declaration does not contain an oath or affirmance compliant with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

Petitioner objects to Exhibit 2150 under FRE 801 and 802 because it is hearsay absent compliance with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

3) Exhibit 2151: Declaration of Dr. Frederik Verburg

Petitioner objects to Exhibit 2151 because it is not sworn and does not comply with 37 C.F.R. § 1.68 or 28 U.S.C. § 1746. *See* 37 C.F.R. §§ 42.2, 42.53(a), and 42.61(a).

Petitioner objects to Exhibit 2151 under FRE 603 because it lacks an oath or affirmance to testify truthfully in a form designed to impress that duty on the

witness's conscience. In particular, the declaration does not contain an oath or affirmance compliant with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

Petitioner objects to Exhibit 2151 under FRE 801 and 802 because it is hearsay absent compliance with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

4) Exhibit 2152: Declaration of Dr. Felix Mottaghy

Petitioner objects to Exhibit 2152 because it is not sworn and does not comply with 37 C.F.R. § 1.68 or 28 U.S.C. § 1746. *See* 37 C.F.R. §§ 42.2, 42.53(a), and 42.61(a).

Petitioner objects to Exhibit 2152 under FRE 603 because it lacks an oath or affirmance to testify truthfully in a form designed to impress that duty on the witness's conscience. In particular, the declaration does not contain an oath or affirmance compliant with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

Petitioner objects to Exhibit 2152 under FRE 801 and 802 because it is hearsay absent compliance with 28 U.S.C. § 1746 and/or 37 C.F.R. § 1.68.

5) Exhibit 2154: Supplemental Declaration of Dr. Clemens Kratochwil

Petitioner objects to Exhibit 2154, ¶¶5-28 under FRE 701 because the testimony is based at least in part on scientific, technical, or other specialized knowledge within the scope of FRE 702. For example, these paragraphs include testimony based on scientific, technical or other specialized knowledge about Ac-225, PSMA-617, imaging, tissue sampling, and the Declaration of Helsinki.

Petitioner objects to Exhibit 2154, ¶¶5-28 under FRE 702 because the testimony is not the product of reliable principles and methods, does not reflect a reliable application of those principles and methods to the facts of the case, is not based on sufficient facts or data, and will not help the trier of fact understand the evidence or determine a fact in issue in this proceeding. For example, the declarant does not provide sufficient facts or data to support the conclusions in the declaration. In addition, the declaration provides the declarant's own opinions on this subject matter rather than the opinions of a person of ordinary skill in the art at the time of the invention.

Petitioner objects to Exhibit 2154, ¶¶13 and 19 under FRE 801 and 802 as hearsay because those paragraphs relate to out of court statements purportedly made by "experts in the field," a "physician peer group," other unidentified individuals.

Respectfully submitted,

Dated: August 31, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on August 31, 2026, a copy of the foregoing Petitioner's Objections to Patent Owner's Evidence is being served via email on the following counsel of record for Patent Owner:

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