

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORTE BIOSCIENCES, INC.,
Petitioner,

v.

UNIVERSITY OF MASSACHUSETTS,
Patent Owner.

Case No. PGR2023-00014
Patent No. 11,278,505

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S REPLY EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner University of Massachusetts submits the following objections to evidence submitted by Petitioner Forte Biosciences, Inc. with its Reply to Patent Owner Response (“Reply”) filed on January 9, 2024. These objections are timely filed and served within five business days of the date of service of the Challenged Evidence. § 42.64(b)(1).

Exhibit 1047

Patent Owner objects to Exhibit 1047 (Declaration of Dr. R. Todd Plott) as a declaration by a witness that contains unreliable testimony under FRE 702 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). For example, Petitioner relies on Dr. Plott’s testimony to assert that “PO argues incorrectly that the broad claimed genera were well established as having class-wide efficacy for treating autoimmune diseases.” Reply, 2 (citing EX1047, ¶¶9-12, 54, 14-42). Dr. Plott, however, has insufficient knowledge, skill, experience, training, and education regarding inhibitors of IL-15 signaling. Dr. Plott is not an expert on inhibitors of IL-15 signaling for treating skin diseases, including vitiligo. *See* EX2008, 20:16-22 (“I’m not a historian on IL-15. In the clinic in 2017, it was not a common thing to use a molecule or an antibody to treat a skin disease. So particularly with what we’re talking about here with vitiligo, it was a very uncertain time with regard to what role

IL-15 might have had in vitiligo.”). Patent Owner thus objects to Dr. Plott’s testimony as not being helpful to the Board in understanding whether there was a well-known class of compounds known to perform the function recited in the ’505 patent claims.

Exhibits 1049, 1054, 1057, and 1058

Patent Owner objects to Exhibits 1049, 1054, 1057, and 1058 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of these Exhibits. The Exhibits are not self-authenticating. The Exhibits are missing a journal cover and any otherwise reliable source information. To the extent Petitioner relies on the Exhibits as printed publication prior art, Patent Owner objects to Exhibits 1049, 1054, 1057, and 1058 as not having any library stamp or any other evidence to show that they had been publicly available to skilled artisans at the time of the invention. To the extent Petitioner relies on the content of these Exhibits for the truth of the matter asserted, Patent Owner objects to the Exhibits as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807.

Exhibits 1050, 1051, 1052, 1053, and 1055

Patent Owner objects to Exhibits 1050, 1051, 1052, 1053, and 1055 as lacking authentication under FRE 901 because sufficient evidence has not been provided to

establish the authenticity of these Exhibits. Exhibits 1050, 1051, 1052, 1053, and 1055 purport to be website printouts allegedly dated 2017 or later and are not self-authenticating.

Exhibit 1059

Patent Owner objects to Exhibit 1059 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the Exhibit. Exhibit 1059 purports to be a photocopy of an excerpt of Dr. Damsky's Declaration (EX2005) and is not self-authenticating.

Respectfully submitted,

Dated: January 17, 2024

/Jessica L. Roberts/
Jessica L. Roberts, Reg. No. 73,656
Counsel for Patent Owner
University of Massachusetts

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Objections to Petitioner's Reply Evidence** was served electronically via email on January 17, 2024, in its entirety on the following:

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Petitioner has consented to electronic service.

Dated: January 17, 2024

/William Esper/
William Esper
Case Manager
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.