

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ITM Isotope Technologies Munich SE
Petitioner

v.

The Johns Hopkins University
Patent Owner

Case PGR2025-00012
Patent No. 11,938,201

PETITIONER'S OBJECTIONS TO EVIDENCE

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner ITM Isotope Technologies Munich SE objects under the Federal Rules of Evidence ("FRE") and 37 C.F.R. § 42.64(b)(1) to the admissibility of Exhibits 2001, 2002, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018. This evidence was filed by Patent Owner The Johns Hopkins University on April 28, 2025, with its Patent Owner Preliminary Response and Brief in Support of Discretionary Denial.

Petitioner's objections are timely filed within ten business days of the Board's Decision on Institution in accordance with 37 C.F.R. § 42.64(b)(1). Petitioner's objections provide notice to Patent Owner that Petitioner may move to exclude these exhibits under 37 C.F.R. § 42.64(c).

I. GROUNDS FOR OBJECTION

A. Exhibit 2001

Exhibit 2001 is the Declaration of Dr. Henry VanBrocklin submitted in support of Patent Owner's Brief in Support of Discretionary Denial. Petitioner objects to Exhibit 2001 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2001 in its Preliminary Response, rendering Dr. VanBrocklin's testimony in these paragraphs irrelevant under FRE 401. Petitioner also objects to this testimony under FRE 403 because it has no probative value,

creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

B. Exhibit 2002

Exhibit 2002 is the Declaration of Dr. Henry VanBrocklin in support of Patent Owner's Preliminary Response. Petitioner objects to paragraphs 1-3, 16-18, 29-42, and 131 of Exhibit 2002 under FRE 402 and 403. Patent Owner does not rely on or even cite these paragraphs of Exhibit 2002 in its Preliminary Response, rendering Dr. VanBrocklin's testimony in these paragraphs irrelevant under FRE 401. Petitioner also objects to this testimony under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

C. Exhibit 2011

Exhibit 2011 purports to be an article from the International Journal of Molecular Sciences by Sikkandhar et al. titled "Theranostic Probes for Targeting Tumor Microenvironment: An Overview." Petitioner objects to Exhibit 2011 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2011 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

D. Exhibit 2012

Exhibit 2012 purports to be an article from the American Association for Cancer Research by Brennan et al. titled “Rationale Behind Targeting Fibroblast Activation Protein–Expressing Carcinoma-Associated Fibroblasts as a Novel Chemotherapeutic Strategy.” Petitioner objects to Exhibit 2012 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2012 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

E. Exhibit 2013

Exhibit 2013 purports to be an article from Mass Spectrometry Review by McLuckey & Stephenson titled “Ion/Ion Chemistry of High-Mass Multiply Charged Ions.” Petitioner objects to Exhibit 2013 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2013 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

F. Exhibit 2014

Exhibit 2014 purports to be a printout of a webpage from ITM Isotope Technologies Munich SE. Petitioner objects to Exhibit 2014 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2014 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

Petitioner further objects to Exhibit 2014 under FRE 901 because Patent Owner has failed to provide sufficient evidence indicating the origin or publication of the document, and accordingly fails to provide sufficient information regarding its authenticity. Exhibit 2014 is not a self-authenticating document under FRE 902. To the extent Patent Owner relies on the content of this document to prove the content of the original document, Petitioner objects to Exhibit 2014 as not being an original document under FRE 1002, an authentic duplicate under FRE 1003, or a document that falls under any exception to the original-document requirement, including those of FRE 1004.

G. Exhibit 2015

Exhibit 2015 purports to be a printout of a webpage from Johns Hopkins University. Petitioner objects to Exhibit 2015 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2015 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

Petitioner further objects to Exhibit 2015 under FRE 901 because Patent Owner has failed to provide sufficient evidence indicating the origin or publication of the document, and accordingly fails to provide sufficient information regarding its authenticity. Exhibit 2015 is not a self-authenticating document under FRE 902. To the extent Patent Owner relies on the content of this document to prove the content of the original document, Petitioner objects to Exhibit 2015 as not being an original document under FRE 1002, an authentic duplicate under FRE 1003, or a document that falls under any exception to the original-document requirement, including those of FRE 1004.

H. Exhibit 2016

Exhibit 2016 purports to be a printout of a webpage from Johns Hopkins University. Petitioner objects to Exhibit 2016 in its entirety under FRE 402 and 403.

Patent Owner does not rely on or even cite Exhibit 2016 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

Petitioner further objects to Exhibit 2016 under FRE 901 because Patent Owner has failed to provide sufficient evidence indicating the origin or publication of the document, and accordingly fails to provide sufficient information regarding its authenticity. Exhibit 2016 is not a self-authenticating document under FRE 902. To the extent Patent Owner relies on the content of this document to prove the content of the original document, Petitioner objects to Exhibit 2016 as not being an original document under FRE 1002, an authentic duplicate under FRE 1003, or a document that falls under any exception to the original-document requirement, including those of FRE 1004.

I. Exhibit 2017

Exhibit 2017 purports to be a printout of a webpage from Research.com. Petitioner objects to Exhibit 2017 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2017 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to

Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

Petitioner further objects to Exhibit 2017 under FRE 901 because Patent Owner has failed to provide sufficient evidence indicating the origin or publication of the document, and accordingly fails to provide sufficient information regarding its authenticity. Exhibit 2017 is not a self-authenticating document under FRE 902. To the extent Patent Owner relies on the content of this document to prove the content of the original document, Petitioner objects to Exhibit 2017 as not being an original document under FRE 1002, an authentic duplicate under FRE 1003, or a document that falls under any exception to the original-document requirement, including those of FRE 1004.

J. Exhibit 2018

Exhibit 2018 is International Patent Publication No. WO 2010/108125 A2. Petitioner objects to Exhibit 2018 in its entirety under FRE 402 and 403. Patent Owner does not rely on or even cite Exhibit 2018 in its Preliminary Response, rendering this exhibit irrelevant under FRE 401. Petitioner also objects to this exhibit under FRE 403 because it has no probative value, creates unfair prejudice to Petitioner, and will only confuse the issues and waste the time of the Board and the parties.

II. CONCLUSION

If Patent Owner fails to correct the defects associated with the evidence identified above, Patent Owner reserves the right to file a motion to exclude any or all of this evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

Dated: July 30, 2025

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Back-Up Counsel for Petitioner ITM
Isotope Technologies Munich SE

CERTIFICATE OF SERVICE

The undersigned certifies that on July 30, 2025, a copy of the foregoing
PETITIONER'S OBJECTIONS TO EVIDENCE has been served on Patent
Owner's counsel of record via electronic mail as follows:

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