

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCELL PTY LTD.,
Petitioner,

v.

SCIENCONS, AS and ARTBIO, INC.,
Patent Owner.

Case No. PGR2025-00040
Patent No. 12,249,437

PATENT OWNER'S OBJECTIONS TO REPLY EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Sciencons, AS and ARTBIO, Inc. (“Patent Owner”) submits the following objections to AdvanCell Pty, Ltd. (“Petitioner”) Exhibits 1021-1022 and 1024-1030.

Petitioner’s objections are made pursuant to the Code of Federal Regulations (“C.F.R.”) governing this proceeding, including without limitation 37 C.F.R. §§ 42.61-42.65 and § 42.6(a)(3). As required by 37 C.F.R. § 42.62, Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

II. OBJECTIONS

1. Exhibits 1024-1027 and 1029-1030

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 901 (Authentication).

Patent Owner objects to exhibits 1024-1027 and 1029-1030 under F.R.E. 401-402, as they are not relevant to the current proceedings. To the extent any of exhibits 1024-1027 and 1029-1030 is deemed relevant, its probative value is minimal and its admission would be unduly prejudicial, misleading, and a waste of time. F.R.E. 401-403. For example, these exhibits are not reflective of the arguments of the originally filed petition. Absent being excluded or struck from the

record, such improperly new evidence and irrelevant new argument is highly prejudicial and incurable.

Patent Owner further objects to exhibits 1024-1027 and 1029-1030 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits, and these exhibits are not self-authenticating (F.R.E. 902).

2. Exhibit 1028

Grounds for Objection: F.R.E. 105 (Limiting Evidence to Proper Scope); F.R.E. 106 (Remainder of or Related Writings); F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 901 (Authenticating or Identifying Evidence); 1002 (Requirement of the Original).

Patent Owner objects to Exhibit 1028 as being illegible and incomplete. F.R.E. 106, 1002. For example, exhibit 1028 appears to have portions excluded, potentially due to printing errors. Petitioner also fails to demonstrate it is relevant, and to the extent deemed relevant, its probative value is minimal and its admission would be unduly prejudicial, misleading, and a waste of time. F.R.E. 401-403. Even if admissible for some purpose, exhibit 1028 must be restricted to its proper scope. F.R.E. 105. Exhibit 1028 is also not reflective of the arguments of the

originally filed petition. Absent being excluded or struck from the record, such improperly new evidence and irrelevant new argument is highly prejudicial and incurable.

Patent Owner further objects to exhibit 1028 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibit, and it is not self-authenticating (F.R.E. 902).

3. Exhibit 1021-1022

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

Patent Owner objects to exhibits 1021-1022, and 1027 under F.R.E. 401-402, as they are not relevant to the current proceedings. To the extent any of exhibits 1021-1022 is deemed relevant, its probative value is minimal and its admission would be unduly prejudicial, misleading, and a waste of time. F.R.E. 401-403. For example, these exhibits are not reflective of the arguments of the originally filed petition. Absent being excluded or struck from the record, such improperly new evidence and irrelevant new argument is highly prejudicial and incurable.

III. CONCLUSION

The aforementioned exhibits were served with Petitioner's reply. These objections are made within 5 business days pursuant to 37 C.F.R. § 42.64.

Respectfully submitted,

Dated: May 6, 2026

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Objections to Evidence was served on May 6, 2026, at the following electronic service addresses:

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Respectfully submitted,

Dated: May 6, 2026

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