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On behalf of **ILLUMINA, Inc.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA, INC.

Petitioner,

v.

**TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK**

Patent Owner.

IPR2020-00988 Patent 10,407,458

IPR2020-01065 Patent 10,407,459

IPR2020-01177 Patent 10,435,742

IPR2020-01125 Patent 10,457,984

**ILLUMINA'S OBJECTIONS TO ADMISSIBILITY OF
COLUMBIA EVIDENCE FILED WITH PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Illumina, Inc., timely objects to the admissibility of evidence submitted by Patent Owner Trustees of Columbia University in the City of New York with its Response to the petition.

Exhibit Number and Description	Objections
2054 - Excerpts from the <i>Ex Parte</i> Reexamination History of U.S. Patent No. 5,808,045	Incomplete, Relevance, Misleading (FRE 106, 401, 403): The document does not stand for the proposition for which it is cited as supposed admissions made by Illumina. In addition, to the extent that Columbia is relying upon statements regarding supposed admissions made by Illumina, such reliance is misleading because Columbia has mischaracterized the statements made in this document and has taken statements out of context. Also, the excerpts provide an incomplete version of the reexamination proceeding that, when taken in isolation, are misleading in the manner in which they are used.
2059 - Tabor, S. & C. C. Richardson, "A single residue in DNA polymerases of the Escherichia coli DNA polymerase I family is critical for distinguishing between deoxy- and dideoxyribonucleotides," Proc. Natl. Acad. Sci. U.S.A., 92(14):6339-6343 (1995)	Relevance (FRE 401, 403): This exhibit is not cited to or otherwise relied upon in Patent Owner's Response and therefore lacks relevance.

<p>2071 - Declaration of Kenneth A. Johnson, March 30, 2021, IPR2020-00988, -01065, -01125, -01177, -01323</p>	<p>Relevance, Misleading (FRE 106, 401, 402, 403):</p> <p>¶ 24 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes enzyme fidelity and utility for sequencing-by-synthesis.</p> <p>¶¶ 26-27 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the patents-at-issue.</p> <p>¶ 28 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of the prior art.</p> <p>¶ 29 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited, contradicts prior findings by the Board, and improperly mischaracterizes the teachings of the prior art.</p> <p>¶ 30 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of the prior art.</p> <p>¶¶ 33-38 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Metzker and the testimony of Dr. Romesberg.</p> <p>¶ 39 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of the prior art.</p>
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¶¶ 40-41 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Hovinen and/or Kwiatkowski.

¶¶ 43-49 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Metzker and/or Canard.

¶ 50 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of the prior art.

¶ 52 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of Hovinen, Kwiatkowski, and Metzker.

¶ 53 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of the prior art.

¶ 54 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of Greene and Wuts and the teachings of the prior art.

¶ 55 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of Tsien.

¶ 56 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the

	<p>teachings of the cited references and that of the prior art.</p> <p>¶¶ 58-63 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Hiatt.</p> <p>¶¶ 64-65 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize sequencing-by-synthesis.</p> <p>¶¶ 68-75 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of the cited references, sequencing-by-synthesis, and the testimony of Dr. Romesberg.</p> <p>¶¶ 77-78 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Tsien, Hiatt, and the prior art.</p> <p>¶¶ 80-81 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of Tsien and the other cited references.</p> <p>¶ 82 is misleading, incomplete, and irrelevant because it lacks support for the contentions for which it is cited and improperly mischaracterizes the teachings of Metzker.</p> <p>¶¶ 84-88 are misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and improperly mischaracterize the teachings of the cited references.</p>
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