

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MILTENYI BIOMEDICINE GmbH and MILTENYI BIOTECH INC.  
Petitioner

v.

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA  
Patent Owner

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IPR Trial No. IPR2022-00855  
U.S. Patent No. 9,540,445  
Issue Date: January 10, 2017

Title: Compositions and Methods for Treatment of Cancer

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**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH  
PATENT OWNER'S RESPONSE**

Miltenyi Biomedicine GmbH and Miltenyi Biotec Inc. (“Petitioner”) submits the following objections to the admissibility of evidence filed and served by Trustees of the University of Pennsylvania (“Patent Owner”) accompanying their Patent Owner Response for *Inter Partes* Review. See 37 C.F.R. § 42.64.

<b>Exhibit</b>	<b>Objections</b>
Ex. 2001	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit’s probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2002	<p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2003	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit’s probative value is</p>

	<p>substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2004	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2005	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

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Ex. 2006	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2007	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of</p>

	<p>authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2008	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2009	<p>FRE 802: To the extent that Patent Owner is offering this exhibit to prove the truth of the matter asserted, it is inadmissible hearsay.</p> <p>FRE 402 and 403: Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art. Patent Owner has not shown that this exhibit is relevant to any question of patentability; the exhibit's probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of authentication. Patent Owner has not shown that this exhibit would have been readily accessible to those skilled in the art.</p>
Ex. 2010	<p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is. Patent Owner has not provided a supporting declaration of</p>

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