

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSPC MEGALITH BIOPHARMACEUTICAL CO., LTD.,

Petitioner,

v.

SHANGHAI MIRACOGEN INC.,

Patent Owner.

Case No. IPR2025-00685

U.S. Patent No. 10,792,370

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence, Patent Owner submits the following objections to evidence served by Petitioner. These objections are timely served pursuant to 37 C.F.R. § 42.64(b)(1) within five business days of service of the evidence. The Federal Rules of Evidence (F.R.E.) apply to these proceedings according to 37 C.F.R. § 42.62(a), and these rules form the basis of the objections contained herein.

Document Number	Objections
1200	<p><u>Timeliness.</u> Portions of this exhibit untimely and improperly raise new theories, issues, and arguments that could have been raised previously. These portions include at least paragraphs 10, 30-38, 52-76, 80-84, 94-101.</p> <p><u>Hearsay.</u> F.R.E. 801(c) and 802. Exhibit 1200 relies on documents that constitute or contain inadmissible hearsay, because the documents contain out-of-court statements that are offered for the truth of the matters asserted therein.</p> <p><u>Qualification of Expert Witness.</u> F.R.E. 401, 402, 403, and 702. This exhibit includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant’s testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant’s opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten.</p> <p><u>Personal Knowledge.</u> F.R.E. 602, 701, 801, and 802 and 37 C.F.R. § 42.61. This exhibit includes testimony that is not shown to be based on first-hand knowledge including of how</p>

Document Number	Objections
	<p>relied-upon data was generated, is based on speculation, and constitutes and contains inadmissible hearsay.</p> <p><u>Underlying Facts and Data.</u> F.R.E. 401 and 705 and 37 C.F.R. § 42.65. This exhibit does not disclose underlying facts and data and includes testimony on patent law and practice.</p>
Paper 23	<p><u>Timeliness.</u> F.R.E. 403; 37 C.F.R. § 42.23(b). Portions of Petitioner’s Reply belatedly presents evidence (e.g., Exhibit 1200) and improperly raise new issues and arguments that could have been raised in previous briefings. These portions include at least arguments on pages 2-3, 7-10, and 15-20 of the Reply.</p>

Date: May 8, 2026

Respectfully,

SHEPPARD, MULLIN,
RICHTER & HAMPTON LLP

/ Christopher Ponder /

Christopher Ponder (Reg. No. 77,167)

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Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, a copy of the foregoing Patent Owner's Objections to Petitioner's Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) was served via email to all parties to this proceeding at the addresses indicated:

Joe G. Chen, Ph.D. (joechen@foxrothschild.com)

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Date: May 8, 2026

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