

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CYTEK BIOSCIENCES, INC.,
Petitioner

v.

BECKMAN COULTER, INC.,
Patent Owner

Case No. PGR2025-00084
U.S. Patent No. 12,174,106 B2
Issue Date: December 24, 2024

Title: FLOW CYTOMETER

**SEARCH DISCLOSURE DECLARATION FOR
U.S. PATENT NO. 12,174,106 B2**



Search Disclosure Declaration for
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On behalf of Petitioner, I, Dustin M. Knight, declare as follows:

1. I am an attorney with the law firm Cooley LLP and lead counsel for Petitioner in the above-captioned matter. I have personal knowledge of the facts contained in the declaration and, if called upon to do so, I could and would testify competently to the matters herein.

2. I personally conducted the search related to the prior art used in Petitioner's Grounds 1 and 2, namely:

- Chandler [EX1051];
- Goodman [EX1016];
- Oostman [EX1005]; and
- Frazier [EX1009].

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

[REDACTED]

4. During my review of the file history for the original parent domestic patent, U.S. Patent No. 9,746,412 (the “’412 patent”), I observed that the applicant submitted an IDS spanning hundreds of references (EX1108, pp.002-011), prompting the Examiner to respond as follows:

The examiner notes that due to the unusually large number of references cited, and the absence of any description of the relevance of the references, it should be assumed that only the most cursory review of the cited documents consistent with these guidelines has been performed. If applicant is aware of any information that might be of particular relevance, it should be pointed out in order to insure a higher degree consideration.

(EX1108, p.046.) Yet, the applicant failed to raise any reference for “higher degree [of] consideration” during prosecution, instead submitting another IDS. (EX1108, p.105.) The applicant also submitted an IDS citing hundreds of references during prosecution of the ’106 patent without identifying any references for a higher degree of consideration. (EX1003, pp.152-164.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Goodman, Oostman, and Frazier are buried among

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U.S. Patent No. 12,174,106 B2

numerous references directed to clearly irrelevant subject matter vis-à-vis the claims,
like fluid pumps. [REDACTED]

[REDACTED]

[REDACTED]

5. I also located Goodman and Oostman [REDACTED]

[REDACTED] Specifically, examiners at the EPO in EP24151670
cited the following references as pertinent prior art to a claim set that resembles the
claims of U.S. Patent No. 11,703,443 (the “’443 patent”), a child continuation to the
’106 patent:

- D1 US 2002/131180 A1 (GOODMAN TIMOTHY D [US]) 19 September 2002 (2002-09-19)
- D2 US 6 198 864 B1 (LEMOFF BRIAN E [US] ET AL) 6 March 2001 (2001-03-06)
- D3 US 2004/101247 A1 (CHEN YEOU-YEN [US] ET AL) 27 May 2004 (2004-05-27)
- D4 US 2004/165828 A1 (CAPEWELL DALE [US] ET AL) 26 August 2004 (2004-08-26)
- D5 US 6 683 314 B2 (OOSTMAN CLIFFORD A [US] ET AL) 27 January 2004 (2004-01-27)
- D6 US 6 159 686 A (KARDOS KEITH W [US] ET AL) 12 December 2000 (2000-12-12)
- D7 K. GODA ET AL: "Serial time-encoded amplified imaging for real-time observation of fast dynamic phenomena", NATURE,

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

vol. 458, no. 7242, 30 April 2009 (2009-04-30), pages 1145-1149,
XP055069075,
ISSN: 0028-0836, DOI: 10.1038/nature07980

(EX1076, pp.038-039.) D1 is the patent publication that ultimately issued as
Goodman. D3 is Oostman.

6. [REDACTED]

[REDACTED]

[REDACTED] For example, the
'106 specification indicates that “wavelength division multiplexers (WDMs)” from
the optical communication industry (e.g., telecommunications) can be “readily
adapted for fluorescence light detection,” as such a WDM is “almost identical in
function and architecture” to WDMs used in flow cytometry. ('106, 4:57-67, 44:39-
47.) [REDACTED]

7. The '106 specification also includes further admissions about known
technologies that provided leads for further investigation. For example, the '106
specification expressly identifies Oostman in two places. (*See* '106, 5:24, 44:43.)

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

In addition, the '106 claims recite semiconductor detectors, and the specification expressly points to a company with a commercial flow cytometer that used APDs (a form of semiconductor detector), Luminex Corporation (*id.*, 47:39-43). [REDACTED]

[REDACTED]

[REDACTED] I readily located Chandler.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] readily located Frazier.

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

[REDACTED]

10. [REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

12. I hereby declare that all statements made herein of my own knowledge

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

are true and that all statements are made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Dated: November 26, 2025

Respectfully submitted,

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By: / Dustin M. Knight /
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Counsel for Petitioner

Search Disclosure Declaration for
U.S. Patent No. 12,174,106 B2

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6 that I caused notice of Cytek's submission of the foregoing **SEARCH DISCLOSURE DECLARATION FOR U.S. PATENT NO. 12,174,106 B2** and a true and correct copy of **EXHIBIT (EX1108)** to be served via electronic mail on the 26th day of November, 2025, upon Patent Owner's counsel as follows:

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DATED: November 26, 2025

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