

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIO-RAD LABORATORIES, INC.,
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner

Case No. IPR2025-01546

U.S. Patent No. 12,168,797 B2

**PATENT OWNER'S REPLY TO PETITIONER'S SUPPLEMENTAL BRIEF
REGARDING CLAIM CONSTRUCTION PURSUANT TO BOARD'S
FEBRUARY 12, 2026 ORDER**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

EXHIBIT LIST

Exhibit No.	Description
2001	Director's Memo on Interim Processes for PTAB Workload Management, dated March 26, 2025
2002	U.S. Patent No. 11,827,921
2003	U.S. Patent No. 10,770,170
2004	U.S. Patent No. 10,068,051
2005	<i>ChromaCode Inc. v. Bio Rad Laboratories, Inc.</i> , Case No. 2-23-cv-08417, Dkt. 1 (CDCA Oct. 5, 2023)
2006	<i>ChromaCode Inc. v. Bio Rad Laboratories, Inc.</i> , Case No. 2-23-cv-08417, Dkt. 34 (CDCA Dec. 7, 2023)
2007	<i>ChromaCode Inc. v. Bio Rad Laboratories, Inc.</i> , Case No. 2-23-cv-08417, Dkt. 12 (CDCA Oct. 13, 2023)
2008	<i>California Institute of Technology v. Bio-Rad Laboratories, Inc.</i> , Case No. 5-25-cv-01701, Dkt. 1 (NDCA Feb. 18, 2025)
2009	<i>In re: ChromaCode Litigation</i> , Case No. 5-23-cv-04823, Dkt. 121 (NDCA June 18, 2025)
2010	<i>In re: ChromaCode Litigation</i> , Case No. 5-23-cv-04823, Dkt. 124 (NDCA July 2, 2025)
2011	Declaration by Jesse Salen
2012	Bio-Rad, Inc.'s Invalidity Contentions, served on August 13, 2025
2013	<i>In Re ChromaCode Litigation</i> , 5-23-cv-04823, Dkt. 125 (NDCA July 22, 2025)
2014	<i>In Re ChromaCode Litigation</i> , 5-23-cv-04823, Dkt. 151 (NDCA Sept. 22, 2025)
2015	<i>In re: ChromaCode Litigation</i> , Case No. 5-23-cv-04823, Dkt. 160 (NDCA Oct. 29, 2025)
2016	<i>In re: ChromaCode Litigation</i> , Case No. 5-23-cv-04823, Dkt. 160 (NDCA Oct. 29, 2025)
2017	<i>In Re ChromaCode Litigation</i> , 5-23-cv-04823, Dkt. 152 (NDCA Sept. 26, 2025)
2018	Case Timing Statistics for Northern District of California, exported from Docket Navigator on November 7, 2025
2019	Notice of Allowance for U.S. Patent No. 10,068,051, mailed July 11, 2018

Exhibit No.	Description
2020	Information Disclosure Statement filed for U.S. Patent Application No. 18/352,112, initialed December 30, 2023
2021	Notice of Allowance for U.S. Patent No. 10,770,170, mailed May 4, 2020
2022	Notice of Allowance for U.S. Patent No. 11,827,921, mailed October 23, 2023
2023	Notice of Allowance for U.S. Patent No. 12,168,797, mailed November 18, 2024
2024	Declaration of Bernhard H. Weigl, Ph.D.
2025	<i>Curriculum Vitae</i> of Bernhard H. Weigl, Ph.D.
2026	File history of U.S. Patent No. 12,168,797
2027	Plaintiffs California Institute of Technology and ChromaCode, Inc.'s Opening Claim Construction Brief for the '797 Patent, <i>In re: ChromaCode Litigation</i> , Case No. 5:23-cv-04823, N .D. Cal.
2028	Plaintiffs California Institute of Technology and ChromaCode, Inc.'s Responsive Claim Construction Brief for The '797 Patent, <i>In re: ChromaCode Litigation</i> , Case No. 5:23-cv-04823, N .D. Cal.
2029	Joint Case Management Statement and Proposed Order, Dkt. 139, <i>In Re ChromaCode Litigation</i> , Case No. 5:23-cv-04823, N. D. Cal.
2030	Minute Order, Dkt. 141, <i>In re: ChromaCode Litigation</i> , Case No. 5:23-cv-04823, N .D. Cal.

The *Markman* order speaks for itself: the “associating” and “F” terms received their plain and ordinary meaning. EX1038 at 4, 11. The order did not change the claims’ requirement that “F+1 is a power of 2.” *Id.* at 4-9, 11-12. In its Brief, Petitioner ignores this, seeking to bolster its weak invalidity position by twisting the district court’s straightforward analysis and inviting the Board to disregard the plain claim language. Petitioner’s interpretation and invitation should be rejected.

Regarding “associating,” the court rejected Petitioner’s attempt to read an embodiment from the ’797 Patent into the claims. EX1038 at 11-12. Contrary to Petitioner’s argument in this IPR proceeding, (1) the district court did not “rule[] that analyte signals need not follow any pattern,” (2) PO did not argue “the claims *only* require that an ‘intensity or range of intensities and a wavelength (color) or range of wavelengths are associated with each analyte,” and (3) the court did not “adopt[]” PO’s purported argument. *Compare* Paper 12 (emphasis added) *with* EX1038 at 11-12. Regarding “F,” the district court’s construction does not reduce the claim to an “approach wherein signals for each analyte need *merely* be ‘grouped into ‘bands’ that correspond to integer values,”” as Petitioner suggests. *Id.* Rather, the claim still requires that “F+1 is a power of 2.” The *Markman* order did not alter this requirement and therefore does not undermine PO’s showing that Jouvenot fails to teach it. Paper 8 at 39-42. Petitioner has not demonstrated otherwise, and thus, institution should be denied for these and all the reasons in the POPR.

Respectfully submitted,

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/Jesse A. Salen/

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Date: February 23, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on February 23, 2026, a copy of the foregoing PATENT OWNER'S REPLY TO PETITIONER'S SUPPLEMENTAL BRIEF REGARDING CLAIM CONSTRUCTION FOR U.S. PATENT NO. 12,168,797 PURSUANT TO BOARD'S FEBRUARY 12, 2026 ORDER was filed through the Patent Trial and Appeal Case Tracking System (P-TACTS) and was served via E-Mail on the Petitioner at the following email addresses provided by counsel of record for the Petitioner pursuant to 37 C.F.R. § 42.8(b)(4):

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