

IPR2025-01593
Patent 10,278,961

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BONERGE LIFESCIENCE (HUNAN) CO., LTD.,
Petitioner,

v.

NANJING NUTRABUILDING BIO-TECH CO., LTD.,
Patent Owner.

IPR2025-01593
Patent 10,278,961

Before KAREN I. SWEENEY, *Trial Paralegal*

**DECLARATION OF MARK D. NIELSEN IN SUPPORT OF PATENT
OWNER PRELIMINARY RESPONSE**

DECLARATION

I, Mark D. Nielsen, declare:

1. I am over 21 years of age and competent to make this declaration. I make this declaration based on my own personal knowledge.

2. I am an attorney at Scheef & Stone, LLP, and I am counsel of record for Patent Owner Nanjing Nutrabuilding Bio-Tech Co., Ltd. (“Patent Owner” or “NNB”) in *Nanjing Nutrabuilding Bio-Tech Co., Ltd. v. Bonerge Lifescience (Hunan) Co., Ltd.*, Case No. 5:25-cv-00271-JGB-SP (the “Parallel Litigation”), currently pending in the United States District Court for the Central District of California.

3. In the Parallel Litigation, the parties seem to be in agreement that the preamble of claim 1 should be read as limiting.

4. Immediately below is a screenshot of a portion of Petitioner’s claim construction disclosure in the Parallel Litigation regarding the preamble of claim 1 (the parties exchanged proposed claim constructions on December 3, 2025):

**Defendant’s Preliminary Claim Constructions and
Identification of Intrinsic and Extrinsic Evidence Pursuant to N. D. Cal. L. P. R. 4-2**

Claim 1

Disputed Term	Proposed Construction	Intrinsic and Extrinsic Evidence
managing glucose tolerance in an individual	The preamble is limiting; “enhancing an individual’s ability to process glucose that is measurable via a glucose tolerance test”	’961 Pat.: Col. 1:44-64; Col. 2:18-23; Col. 4:60-62 & 4:66-5:12 Col. 9:12-15 Col. 9:29-32 & 9:34-39 Col. 10:19-22

5. A screenshot of a portion of Patent Owner’s proposal regarding the preamble of claim 1 is shown immediately below:

NNB v. Bonerge
Proposed Claim Constructions and Supporting Evidence
N.D. Cal. Patent LR 4-2

Claim(s)	Claim Language	Proposed Construction
Preamble	“managing glucose tolerance in an individual”	“Regulating or controlling fasting glucose levels or the body’s ability to metabolize ingested glucose”

6. While Patent Owner does not agree with the importing of limitations from the specification in Petitioner’s proposal, both parties seem to agree that the preamble should be construed as limiting.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 7, 2026, in Frisco, Texas.

/s/ Mark D. Nielsen
Mark D. Nielsen

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105(b), the undersigned hereby certifies that a copy of this **DECLARATION OF MARK D. NIELSEN IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE** has been served on January 7, 2026 upon the following litigation counsel via electronic means:

- John Handy, RIMON PC (john.handy@rimonlaw.com)
- Jason Xu, RIMON PC (jason.xu@rimonlaw.com)
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Date: January 7, 2026

Respectfully submitted,

/s/ Mark D. Nielsen

Mark D. Nielsen

Registration No. 52,068

Counsel for Patent Owner