

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

10X GENOMICS, INC. and THE BOARD OF	)	
TRUSTEES OF THE LELAND STANFORD	)	
JUNIOR UNIVERSITY	)	
	)	
Plaintiff,	)	
	)	C.A. No. 22-1117 (JHS)
v.	)	
	)	
PARSE BIOSCIENCES, INC.,	)	
	)	
Defendant.	)	

STIPULATION AND [PROPOSED] ORDER

WHEREAS Plaintiffs 10x Genomics, Inc, (“10x”) and the Board of Trustees of Leland Stanford Junior University filed a Motion to Strike Portions of Dr. Cooper’s Invalidity Report (D.I. 218) and Defendant Parse Biosciences, Inc. (“Parse”) filed a Letter Request to Move Trial Date (D.I. 219) on May 30, 2024;

WHEREAS both of the above referenced motions are currently pending before this Court;

WHEREAS Parse informed this Court in a June 19, 2024 letter (D.I. 235) that in parallel *inter partes* review (“IPR”) proceedings regarding U.S. Patent Nos. 10,697,013 (’013 Patent) and 10,240,197 (’197 Patent) the parties had held a teleconference with the Patent Trial and Appeal Board (“PTAB”) wherein the parties discussed whether Parse should be permitted to present its invalidity defense based in the McCloskey and Linnarsson references in both the PTAB and in this Court (*see* D.I. 235 at 2);

WHEREAS Parse informed this Court that during the teleconference, the PTAB indicated “that if the Court did not move the trial date and Parse still wished to present the Linnarsson/McCloskey reference to the jury, it would consider a motion to terminate the IPR proceedings with respect to the two Brenner patents for which institution was delayed;” (*see id.*);

WHEREAS in response to the PTAB, “Parse made clear that if it were forced to choose

just one venue to present the Linnarsson/McCloskey reference, it would select the PTAB over the district court” (*see id.*);

WHEREAS on July 16, 2024, 10x moved to terminate the IPR proceedings directed to the ’013 and ’197 Patents before the PTAB;

WHEREAS in an August 21, 2024 order, the PTAB stated that unless Parse stipulated not to pursue its defense based on the Linnarsson/McCloskey references in this Court, it would terminate the IPR proceedings with respect to the ’013 and ’197 Patents;

WHEREAS consistent with its prior representations, Parse states that it will not be presenting in this Court the invalidity defense based on the McCloskey/Linnarsson references that Parse is currently presenting to the PTAB;

WHEREAS Parse’s Letter Request to Move Trial Date (D.I. 219) remains pending and still requires resolution and should be addressed at the hearing scheduled for August 28, 2024;

WHEREAS, as Parse has previously explained, the trial date should be moved so as to avoid wasted resources and inconsistent results, both of which are likely to result if a trial is held before the PTAB has an opportunity to issue its final written decisions in the IPRs directed to the ’013 and ’197 Patents;

WHEREAS in Parse’s view, the need for adjustment of the trial date has only become greater given the PTAB’s August 21, 2024 order;

NOW, THEREFORE, it is stipulated by Parse that Parse will not pursue in this Court the specific prior-art based defenses based on the McCloskey/Linnarsson references that were instituted in the PTAB and that Parse is currently presenting to the PTAB in co-pending IPRs; for avoidance of doubt, Parse does not agree to forego any other defenses in this court other than those based on the instituted grounds in IPR Nos. 2023-00876, 2023-00955, and 2023-00958.

Dated: August 22, 2024

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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*Attorneys for Defendant
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SO ORDERED this ____ day of _____, 2024.

United States District Court Judge