

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NATERA, INC.,

Plaintiff,

v.

NEOGENOMICS LABORATORIES, INC.,

Defendant.

C.A. No. 1:23-CV-629

**DEFENDANT NEOGENOMICS LABORATORIES, INC.'S NOTICE OF
VOLUNTARY DISMISSAL OF FIFTH COUNTERCLAIM AND TENTH AND
ELEVENTH AFFIRMATIVE DEFENSES**

Through counsel and pursuant to Federal Rule of Civil Procedure 41(c)(1), defendant Neogenomics Laboratories, Inc. (“Neogenomics”) hereby voluntarily dismisses without prejudice its fifth counterclaim (seeking a declaration of unenforceability of the ’454 patent based on inequitable conduct and unclean hands) and tenth and eleventh affirmative defenses for inequitable conduct and unclean hands. (Dkt. 128 at 19-24 and 29-30). Natera has not yet filed a responsive pleading and does not oppose Neogenomics’ dismissal of this counterclaim and these affirmative defenses. Further, this dismissal should moot Natera’s pending motion to dismiss, and Neogenomics understands that Natera plans to withdraw same. (Dkt. 130).

Dated: February 21, 2024

Respectfully submitted,

By: /s/ John F. Morrow, Jr.

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** Special Appearance Under Local
Rule 83.1(d)*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 21, 2024, a true and correct copy of the foregoing document was served via electronic notice and electronic mail upon:

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