ORAL ORDER, Defendant has moved to strike count 1 of plaintiffs' amended complaint; this count is a claim of infringement regarding the '639 patent. The Court denies the motion 101 . The '639 patent has been in the case from the outset; the amended complaint is not untimely; the claim is not futile; and defendant has not shown it would be unfairly prejudiced by its inclusion. The Court is also unpersuaded that the parties had a binding agreement that plaintiff would not assert the '639 patent or would drop it in return for other consideration. In addition if the Court were to strike the '639 patent it likely would lead to a separate lawsuit asserting that patent; this would increase the overall burden upon both parties. If the amendment reasonably requires a revision of the coordinated case management schedule for this case and Case Nos. 22-595 and 22-1375 - which the Court doubts (with the possible exception of the number of claim terms to be offered for construction) - the Court will consider such a request if it is timely made. Ordered by Judge Matthew F Kennelly on 4/25/2023. (twk) (Entered: 04/25/2023)

As of April 26, 2023, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

10X Genomics, Inc. et al v. NanoString Technologies, Inc.
1-22-cv-00261 (DDE), 4/25/2023, docket entry 109

10x Genomics EX2014
NanoString v. Harvard
IPR2024-00526