

**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

**NATERA INC.'S SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO NEOGENOMICS LABORATORIES, INC.'S INTERROGATORY NO. 1**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (“Federal Rules”), as well as the Local Rules of the United States District Court for the Middle District of North Carolina (“Local Rules”), Natera, Inc. (“Natera”) responds to the following Interrogatories (each an “Interrogatory”) submitted by NeoGenomics Laboratories, Inc. (“NeoGenomics”) as follows:

GENERAL STATEMENT

The following responses are based on discovery currently available to Natera. Natera has not completed its investigation relating to this action. Discovery is ongoing and these responses are subject to amendment accordingly. It is anticipated that further discovery, independent investigation, and analysis may lead to the discovery of additional information or documents, supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead

to additions to, changes to, or variations from the responses set forth herein. Natera reserves the right to supplement its responses pursuant to Federal Rule of Civil Procedure 26(e) with different or additional information obtained during the course of discovery.

In addition, the following responses are given without prejudice to Natera's right to produce or rely on subsequently discovered information, facts, or documents. Natera accordingly reserves the right to amend the responses herein and/or produce or rely on subsequently discovered documents as additional facts are ascertained, analysis is made, legal research is completed, and contentions are made. The responses herein are made in a good faith effort to comply with the provisions of the Federal Rules of Civil Procedure, Local Rules, and governing orders and to supply such responsive information as exists and is presently within Natera's possession, custody, or control, but are in no way to be deemed to prejudice Natera in relation to further discovery, research, and analysis.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

For each asserted claim, identify the conception date, reduction to practice date, the asserted priority date, and the inventors.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

To the extent that NeoGenomics contends that this Interrogatory seeks privileged information, Natera objects to this Interrogatory based on attorney-client privilege and the attorney work product doctrine. Natera provides all non-privileged, non-work product information responsive to this Interrogatory that is known to Natera at this time.

Natera summarizes its prior responses Interrogatory 1 as follows:

I. Natera's Response to Interrogatory 1:

Natera will produce responsive, non-privileged documents on this subject from which a response may be derived, in accordance with Federal Rules of Civil Procedure 33(d). The conception date for the '454 Patent is *no later than* April 21, 2014, the filing date of U.S. Provisional App. No. 61/982,245 to which the '454 Patent claims priority. The conception date for the '035 Patent is *no later than* May 18, 2010, the filing date of U.S. Provisional App. No. 61/395,850 to which the '035 Patent claims priority.

Discovery and Natera's investigation is ongoing. Natera reserves the right to supplement and/or amend this response as appropriate in the course of discovery and in compliance with the Local and Federal Rules, Scheduling Order and/or any other applicable order or agreement in this case.

II. Natera's First Supplemental Response to Interrogatory 1:

A. '454 Patent:

1. Conception and Reduction to Practice Date

The conception and reduction to practice date of each of the asserted claims is by April 21, 2015.

2. Priority Date

The priority date of each of the asserted claims is by April 21, 2015.

3. Inventors

The inventors of each of the asserted claims of the '454 Patent are listed below.

Asserted Claim	Inventors
1	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
2	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
3	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
4	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya

	Styrmir Sigurjonsson Bernhard Zimmermann
5	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
6	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
8	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
10	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson

	Bernhard Zimmermann
11	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
12	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann
13	Joshua Babiarz Tudor Pompiliu Constantin Lane A. Eubank George Gemelos Matthew Micah Hill Huseyin Eser Kirkizlar Matthew Rabinowitz Onur Sakarya Styrmir Sigurjonsson Bernhard Zimmermann

B. '035 Patent:

1. Conception and Reduction to Practice Date

The conception and reduction practice date of each of the asserted claims is by May 18, 2011.

2. Priority Date

The priority date of each of the asserted claims is by May 18, 2011.

3. Inventors

The inventors of each of the asserted claims of the '035 Patent are listed below.

Asserted Claim	Inventors
1	Matthew Rabinowitz Matthew Micah Hill Bernhard Zimmermann Johan Baner George Gemelos Milena Banjevic Allison Ryan Styrmir Sigurjonsson Zachary Demko
12	Matthew Rabinowitz Matthew Micah Hill Bernhard Zimmermann Johan Baner George Gemelos Milena Banjevic Allison Ryan Styrmir Sigurjonsson Zachary Demko
13	Matthew Rabinowitz Matthew Micah Hill Bernhard Zimmermann Johan Baner George Gemelos Milena Banjevic Allison Ryan Styrmir Sigurjonsson Zachary Demko

Discovery and Natera's investigation is ongoing. Natera reserves the right to supplement and/or amend this response as appropriate in the course of discovery and in compliance with the Local and Federal Rules, Scheduling Order and/or any other applicable order or agreement in this case

III. Natera's Second Supplemental Response to Interrogatory 1:

A. '454 Patent:

1. Conception Date

The conception date of each of the asserted claims is by June 20, 2014, which is supported by Dr. Bernhard Zimmermann's deposition testimony. *See, e.g.*, Dkt. 117-15 (Zimmermann Tr.) at 61:11-62:3; 101:3-104:12; 105:16-109:13; 109:24-113:19.

Pursuant to Federal Rule of Civil Procedure 33(d), Natera identifies the following documents responsive to this interrogatory: NAT-NEO-00574046-NAT-NEO-00574142; NAT-NEO-00774804-NAT-NEO-00774838; NAT-NEO-00884440-NAT-NEO-00884453.

Discovery and Natera's investigation is ongoing. Natera reserves the right to supplement and/or amend this response as appropriate in the course of discovery and in compliance with the Local and Federal Rules, Scheduling Order and/or any other applicable order or agreement in this case

Respectfully submitted this 26th day of October, 2023.

By: /s/ Sandra Haberny
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Counsel for Plaintiff Natera, Inc.
**Special Appearance under Local Civil Rule*
83.1(d)

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be served via electronic mail on all counsel of record for Defendant.

Dated: October 26, 2023

By: /s/ Sandra Haberny

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