

**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

**CONDITIONAL STIPULATION BY DEFENDANT  
NOT TO PURSUE CERTAIN INVALIDITY DEFENSES**

NeoGenomics Laboratories, Inc. (“NeoGenomics”) stipulates that, if the Patent Trial and Appeal Board institutes the pending *inter partes* review Petition in IPR2024-00812 challenging the patentability of claims 1-5 and 10-15 of U.S. Patent No. 11,519,035, then NeoGenomics will not pursue in the above-captioned litigation any ground under §§ 102 or 103 on the basis of prior art patents and printed publications that it raised or could have reasonably raised in IPR2024-00812. If the Patent Trial and Appeal Board declines institution of IPR2024-00812, NeoGenomics reserves the right to pursue all grounds in this litigation.

This the 3rd day of July, 2024

/s/ Matthew I. Kreeger

DARALYN J. DURIE\*

MATTHEW I. KREEGER\*

ANNIE A. LEE\*

JACK WILLIAM HAISMAN\*

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, CA 94105

Tel: (415) 268-7000

Fax: (415) 268-7522

DDurie@mofo.com

MKreeger@mofo.com

AnnieLee@mofo.com

JHaisman@mofo.com

CHARLES CALHOUN PROVINE\*

MORRISON & FOERSTER LLP

2100 L Street NW, Suite 900

Washington, DC 20037

Tel: (202) 887-1500

Fax: (202) 887-0763

CProvine@mofo.com

ERIC NIKOLAIDES\*

MORRISON & FOERSTER LLP

250 West 55th St.

New York, NY 10019

Tel: (212) 336-4061

ENikolaides@mofo.com

AARON G. FOUNTAIN\*

HUI ZHAO\*

MORRISON & FOERSTER

300 Colorado Street, Suite 1800

Austin, TX 78701

Tel: (737) 309-0700

AFountain@mofo.com

HZhao@mofo.com

MATTHEW R. STEPHENS\*

MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, CA 92130  
Tel: (858) 720-5100  
Fax: (858) 720-5125  
MStephens@mofo.com

JOHN F. MORROW, JR.  
WOMBLE BOND DICKINSON (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27101  
Tel: 336-721-3584  
Fax: 336-733-8429  
Email: John.Morrow@wbd-us.com

*Counsel for NeoGenomics Laboratories, Inc.*  
*\*Special Appearance under Local Civil Rule*  
*83.1(d)*

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on July 3, 2024, a true and correct copy of the foregoing document was served via electronic notice and electronic mail upon the following:

**ANDREW R. SHORES**  
**CARMELLE F. ALPIO**  
**ROBERT VAN ARNAM**  
WILLIAMS MULLEN  
301 Fayetteville Street, Suite 1700  
Raleigh, NC 27601  
ashores@williamsmullen.com  
calipio@williamsmullen.com  
rvanarnam@williamsmullen.com

**KEVIN P.B. JOHNSON**  
**VICTORIA MAROULIS**  
**ANDREW J BRAMHALL**  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
kevinjohnson@quinnemanuel.com  
victoriamaroulis@quinnemanuel.com  
andrewbramhall@quinnemanuel.com

**KEVIN ALEXANDER SMITH**  
**TARA SRINIVASAN**  
QUINN EMANUEL URQUHART  
& SULLIVAN LLP  
50 California St., 22nd Floor  
San Francisco, CA 94111  
kevinsmith@quinnemanuel.com  
tarasrinivasan@quinnemanuel.com

**SANDRA HABERNY**  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
sandrahaberny@quinnemanuel.com  
qe-natera-  
neogenomics@quinnemanuel.com

*Attorneys for Natera, Inc.*

*/s/ Moe San*

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Moe San