

**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

**PLAINTIFF NATERA’S MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Plaintiff Natera, Inc. (“Natera”), by and through undersigned counsel, respectfully moves for leave to file a First Amended Complaint.

Pursuant to the current Scheduling Order, the deadline to move for leave to file an amended complaint is “no later than November 4, 2024.” Doc. 330 at 3. As this Court stated when it set that deadline, “RaDaR 1.1 discovery is ongoing, and a short extension of the time to file requests to amend the pleadings is therefore appropriate, with a qualification.” *Id.* That qualification was that “the need for the amendment must be based, at least in part, on information Natera learned or learns after September 12, 2024, the date of the hearing the Court held on this motion [to modify the case schedule]. Natera must file any such motion promptly after learning such information.” *Id.*

As set forth in the accompanying Memorandum of Law, recent document productions from NeoGenomics, including productions as recently as October 31, 2024,

revealed new information concerning RaDaR 1.1 evidencing infringement of an additional Natera patent, U.S. Patent No. 11, 319, 596 (“the ’596 Patent”).

The Court further ordered that “[b]efore filing any motion to amend the complaint, Natera **SHALL** provide a copy of the proposed amended complaint to counsel for NeoGenomics and **SHALL** state in the motion whether NeoGenomics consents or objects to the motion to amend. Any motion **SHALL** address the effect of the amendment on the Schedule.” Doc. 330. at 4.

Natera served a copy of the proposed first amended complaint and proposed schedule to NeoGenomics on November 1, 2024. On November 4, NeoGenomics stated its objection to Natera’s Motion for Leave to File a First Amended Complaint.

Plaintiff respectfully requests that the Court grant this Motion for Leave to File a First Amended Complaint for the reasons given in the accompanying Memorandum of Law. The Memorandum also includes a proposed schedule to accommodate the new patent infringement claim while maintaining to current dispositive motion deadlines and trial dates.

A Proposed Order is attached.

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**Special Appearance under Local Civil*
Rule 83.1(d)

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Attorneys for Plaintiff Natera, Inc.

November 4, 2024

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document via the CM/ECF system which will cause the document to be served on all counsel of record.

Dated: November 4, 2024

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