

**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-CCE-JLW

**NATERA, INC.'S FIFTH SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO NEOGENOMICS LABORATORIES, INC.'S SECOND SET OF
INTERROGATORIES (NOS. 6-15)**

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”) hereby responds to Defendant NeoGenomics Laboratories, Inc.’s (“NeoGenomics”) Second Set of Interrogatories (Nos. 6-15) as follows:

GENERAL STATEMENT

The following responses are based on information currently available to Natera. Natera has not completed its investigation relating to this action. Discovery is ongoing and

INTERROGATORY NO. 8:

Describe the complete basis for Your contention, on a claim-limitation-by-claim-limitation basis for each Asserted Claim, that the “Signatera product, a tumor informed MRD assay, practices one or more of the Asserted Claims,” and Identify the persons most knowledgeable and all documents relating to the same.

RESPONSE TO INTERROGATORY NO. 8 (06/03/24):

Natera objects to this Interrogatory as overly broad, unduly burdensome, and seeking information that is not relevant to any claim or defense and not proportional to the needs of the case, including to the extent it requests “all documents relating to” the contention. Natera objects to this Request overly broad, unduly burdensome, and seeking the production of information about Signatera that is not relevant to any claim or defense and not proportional to the needs of the case, particularly in light of the fact that Natera’s infringement contentions are strictly limited to whether RaDaR practices the claims of the Asserted Patents. Natera also objects to this Interrogatory as unduly burdensome, overly broad, compound, and including multiple subparts to the extent it seeks separate responses

for each Asserted Claim. Natera objects to this Interrogatory to the extent it calls for information that is publicly available, or equally available to NeoGenomics. Natera further objects to this Interrogatory to the extent it seeks documents or information protected by the attorney-client privilege, attorney work product doctrine, or any other privilege, immunity, or protection afforded by law. Natera further objects to this Interrogatory on the grounds that it calls for expert testimony or essentially an expert report in advance of the dates provided in the Court's Scheduling Order. Natera further objects to this Interrogatory to the extent it requests a legal conclusion.

Subject to and without waiving the General Statement, Objections to Definitions and Instructions, General Objections, and specific objections above, Natera responds as follows:

Natera has already described on a limitation-by-limitation basis that Signatera practices one or more claims of the Asserted Patents. *See* Doc. 17 at Section IX (Dr. Metzker Opening PI Declaration); Doc. 145 at Section X (Dr. Metzker Reply PI Declaration). Additionally, Natera has or will produce responsive, non-privileged documents on this subject from which a response may be derived, in accordance with Fed. R. Civ. P. 33(d). By way of example, Natera identifies the following documents without limitation: NAT-NEO-00625926-00625931; NAT-NEO-00126704-26; NAT-NEO-00491068-79; NAT-NEO-00803440-49; NAT-NEO-00492838-58; NAT-NEO-00492972-91; NAT-NEO-00803570-80; NAT-NEO-00804132-44; NAT-NEO-00140008-16; NAT-NEO-00864204-80; NAT-NEO-00802760-80; NAT-NEO-

00662719-79. Finally, Natera will provide expert reports on the deadlines set forth in the scheduling order as further support that Signatera practices one or more claims of the Asserted Patents.

Natera identifies the following persons with knowledge of Signatera: Dr. Bernhard Zimmermann and Dr. George Gemelos.

Discovery is ongoing and Natera reserves the right to supplement, amend, or revise its response to this Interrogatory, including upon further investigation.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8 (07/19/24):

Natera incorporates by reference its previous response to this interrogatory.

Natera also identifies and incorporates by reference the following that are responsive to this Interrogatory: the July 9, 2024 deposition testimony of Dr. George Gemelos, the October 4, 2023 deposition testimony of Dr. Bernhard Zimmermann, the July 12, 2024 deposition testimony of Dr. Bernhard Zimmermann, and the anticipated August 7, 2024 deposition testimony of Dr. Matthew Rabinowitz.

Discovery is ongoing and Natera reserves the right to supplement, amend, or revise its response to this Interrogatory, including upon further investigation.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8 (04/04/25):

Natera incorporates by reference all of its previous responses to this Interrogatory.

Subject to and without waiving the General Statement, Objections to Definitions and Instructions, General Objections, and specific objections above, Natera responds as follows. With respect to the asserted claims of U.S. Patent No. 11,530,454 (“the ’454

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Patent”) and the asserted claims of U.S. Patent No. 11,319,596 (“the ’596 Patent”), which shares the same specification, inventors, and priority date as the ’454 Patent, Natera identifies and incorporates by reference all of its prior responses. Any document or testimony cited in a prior response to this Interrogatory is therefore applicable to both the ’454 and ’596 Patents. Any reference to “Asserted Patents” in a prior response to this Interrogatory covers and is applicable to both the ’454 and ’596 Patents.

Regarding how Signatera practices one or more claims of the ’454 and ’596 Patents, Natera identifies and incorporates by reference Doc. 17 at Section IX (Dr. Metzker Opening PI Declaration), Doc. 145 at Section X (Dr. Metzker Reply PI Declaration), the November 27, 2023 Preliminary Injunction Hearing testimony of Dr. Metzker, Doc. 263 (Dr. Metzker ’454 Patent Opening Claim Construction Declaration), Doc. 273 (Dr. Metzker ’454 Patent Responsive Claim Construction Declaration), Doc. 280 (’454 Patent Claim Construction Order), Doc. 379 (Dr. Metzker ’596 Patent Responsive Claim Construction Declaration), Doc. 394 (’596 Patent Claim Construction Order), the August 2, 2024 Expert Report of Dr. Metzker at Section XII, and the anticipated expert testimony of Dr. Metzker during expert discovery pursuant to the Scheduling Order (Doc. 330). Additionally, Natera has or will produce responsive, non-privileged documents on this subject from which a response may be derived, in accordance with Fed. R. Civ. P. 33(d). By way of example, Natera identifies the following documents without limitation: NAT-NEO-00625926-00625931; NAT-NEO-00126704-26; NAT-NEO-00491068-79; NAT-NEO-00803440-49; NAT-NEO-00492838-58; NAT-NEO-00492972-91; NAT-NEO-

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00803570-80; NAT-NEO-00804132-44; NAT-NEO-00140008-16; NAT-NEO-00864204-80; NAT-NEO-00802760-80; NAT-NEO-00662719-79.

Natera also identifies and incorporates by reference the following that are responsive to this Interrogatory: the July 9, 2024 deposition testimony of Dr. George Gemelos, the March 28, 2025 deposition testimony of Dr. George Gemelos, the October 4, 2023 deposition testimony of Dr. Bernhard Zimmermann, the July 12, 2024 deposition testimony of Dr. Bernhard Zimmermann, the August 7, 2024 deposition testimony of Dr. Matthew Rabinowitz, and the anticipated April 7, 2025 testimony of Dr. Bernhard Zimmermann.

Natera will provide expert reports on the deadlines set forth in the Scheduling Order (Doc. 330) as further support that Signatera practices one or more claims of both the '454 and '596 Patents.

Discovery is ongoing and Natera reserves the right to supplement, amend, or revise its response to this Interrogatory, including upon further investigation.

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April 4, 2025

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