

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

NEOGENOMICS LABORATORIES, INC.,
Petitioner,

v.

NATERA, INC.,
Patent Owner.

IPR2025-00455
Patent 11,319,596 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION

Granting Patent Owner's Request for Discretionary Denial
and Denying Institution of *Inter Partes* Review

Natera, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 10, “DD Req.”) in the above-captioned case, and NeoGenomics Laboratories, Inc. (“Petitioner”) filed an opposition (Paper 12, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceeding is August 14, 2026. DD Req. 9. The district court’s scheduled trial date is October 10, 2025, and the time-to-trial statistics suggest trial will begin in February 2026. *Id.* at 13–14. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial.

Further, as of the date Patent Owner filed its request, fact discovery was complete, expert discovery was already underway, final invalidity and infringement contentions had been exchanged, and the district court had issued a *Markman* order. DD Req. 17–21. According to Patent Owner, “[n]early all substantive work other than trial itself will be complete by the time of th[e] institution decision date.” *Id.* at 18. The substantial time and effort the parties and the district court have invested in the parallel proceeding strongly favors discretionary denial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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