

## THE AM LAW LITIGATION DAILY

### Litigator of the Week: After Years Repping Prenatal Testing Client, First-Time First Chair Lands a \$57M Patent Damages Verdict

By Ross Todd  
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Since 2020, back when she was a seventh-year associate, **Desmarais LLP** partner **Kerri-Ann Limbeek**, 36, has represented Maryland prenatal testing company Ravgen against some of the giants of the diagnostic industry. That effort has included litigating eight patent infringement cases in district courts across the country, as well as defending the company in 10 *inter partes* review proceedings before the Patent Trial and Appeal Board.

In 2022, with firm founding partner **John Desmarais** sitting first chair, Limbeek was part of a trial team that won a \$272.5 million verdict for Ravgen against medical testing giant Labcorp. This week, Limbeek, in her first time as acting lead trial counsel, won a \$57 million damages verdict for Ravgen against Natera.

**Litigation Daily: Who is your client and what is at stake?**

Kerri-Ann Limbeek: My client Ravgen is a small Maryland-based biotech firm founded by Dr. Ravinder Dhallan. At Ravgen, Dr. Dhallan's foundational inventions for detecting chromosomal



Courtesy photo

**Kerri-Ann Limbeek of Desmarais**

abnormalities in a fetus using just a blood draw from a pregnant mom launched the field of non-invasive prenatal testing.

Before our involvement, Ravgen had helplessly watched as industry giants copied its prenatal screening technology. Beginning in 2020, I lead a licensing and litigation campaign that included eight district court lawsuits against diagnostic companies, Labcorp, Quest, PerkinElmer, Natera, Illumina, Roche, Myriad, and Biora as well as 10 *inter partes* review (IPR) proceedings challenging Ravgen's patents at the Patent Trial and Appeal Board.

**How did the Ravgen cases come to the firm?**

After having large corporations take his technology without permission for years, Dr. Dhallan, the founder of Ravgen and sole inventor on the patent, was interested in learning about the law and his options, so he went to a panel about patent law at Georgetown law school. There, Dr. Dhallan met John Desmarais of our firm, who was a panelist at the event. Afterwards, John and I met with Dr. Dhallan and learned his story, and the rest is history.

**How long have you been working on these cases? What roles have you had in the eight district court cases and all the proceedings before the Patent Trial and Appeal Board?**

I've been leading the licensing and litigation campaign since I was a seventh-year associate and first met with Dr. Dhallan in 2020. I ran cases and handled or oversaw all discovery and pretrial arguments for each of the litigations, including the Labcorp case, in which we won a jury trial last September, as well as the Natera case. With respect to the Labcorp case, I led that case through the pretrial conference, and, at trial, I examined Ravgen's main technical expert regarding infringement and validity and cross-examined Labcorp's main technical expert on those issues. With respect to the Natera case, I led that case through the pretrial conference, and, at trial, I was lead counsel and did the opening and closing, as well as cross-examining Natera's engineer responsible for the accused product and Natera's main technical expert. In both cases, I defeated Natera and Labcorp's pretrial attempts to throw out Ravgen's asserted

claims and invalidate its patents—paving the way for the jury verdicts.

Running parallel to Ravgen's eight district court litigations, I oversaw the successful defense of Ravgen's patents in all ten *inter partes* review proceedings before the Patent Trial and Appeal Board. I worked with a team to craft the strategy and implementation for the proceedings, which included written submissions, depositions, and preparation for oral arguments.

**You were on the prior Ravgen trial team that your partner John Desmarais led where a Waco jury returned a \$272.5 million patent infringement verdict against Labcorp. What did you pick up from that experience that was useful here in your first time as first chair?**

The Labcorp trial was a great experience for me. I led that case through the pretrial conference, and, at trial, I examined Ravgen's main technical expert regarding infringement and validity and cross-examined Labcorp's main technical expert on those issues. My biggest takeaway from seeing John open and close at that trial was the importance of being authentic and connecting with the jury. He didn't use notes and brought a passion that was very persuasive. For my first time opening and closing at the Natera trial, I similarly did not use notes and tried to speak authentically so that my passion for the case would come across to the jury.

**In your opening statement, you laid out three "bedrock facts" that you promised jurors that you would prove during the trial. How did**

**you arrive at that approach? And how did you decide what those three facts should be?**

The idea of bedrock facts is an approach that John Desmarais has used in the past and that I borrowed. I picked the bedrock facts for this case based on the facts that would be most important for the jury in deciding the disputed questions in the case. I believe it helped to frame the issues and keep the jury focused on what was really important throughout the trial, as well as building my credibility with them.

**Defense counsel in the case claimed this verdict as a win pointing to the fact that jurors only awarded 15% of the damages you were asking for and didn't side with you on your wilfulness claim. Indeed, Natera's stock price did go up after the verdict. What's your response to that?**

This was a complete victory for Ravgen on the merits for both of the asserted claims. The Austin jury rejected Natera's arguments that it does not infringe Ravgen's patent claims and that those claims are invalid. We are thrilled that the jury recognized that Natera was using Ravgen's patented inventions and awarded damages to compensate for that use. Although we are happy with the result, we do plan to appeal the jury's finding that Natera's infringement in this case was not willful.

**What comes next for you and your client? I gather you have another two more cases pending in Delaware.**

We have two more district court cases against Roche and Biora, which are scheduled for trial

in Delaware in October of this year. We are looking forward to those trials and the opportunity of proving to those juries that the Ravgen patent is valid and infringed and that Ravgen should be compensated for that infringement.

**What do you hope the testing industry takes from the settlements and verdicts that you've secured thus far?**

Ravgen is a small company that did not have the business and legal resources to defend its intellectual property rights in the early days, and larger companies took advantage. I hope that these litigations show large companies that they cannot do so in the future without consequences.

**What will you remember most about this matter?**

Working with my team has been the most memorable and rewarding part of this experience. Each of my teammates is an incredibly talented lawyer, and we are close friends outside the office as well. Throughout the cases, the team has been driven by associates, some very junior, and it has been very rewarding to watch them take on incredible responsibilities and defeat much more seasoned teams of partners on the other side. For example, I had the opportunity to guide a number of associates as they took their first depositions and presented their first oral arguments. And those associates took on meaningful roles in the Labcorp and Natera trials, including direct and cross-examinations of witnesses by third-through eighth-year associates.