

Desmarais Leads Ravgen to \$272 Million Verdict

By Scott Graham

Last week I wrote about the seeming irony of a \$175 million verdict coming from a Western District of Texas courtroom that was not **U.S. District Judge Alan Albright's**. The virtual ink was barely dry Friday before jurors in Albright's court returned a \$272 million jury verdict in a case over prenatal diagnostics.

According to data from the Western District of Texas Patent Blog, *Ravgen v. Laboratory Corp. of America* was the second largest verdict in Judge Albright's 18 patent trials to date. It also was the first biotech trial before Albright.

"It was a great result. We're real excited about it," said **Desmarais partner John Desmarais**, who led Ravgen's trial team.

Ravgen is a Maryland-based company that patented a non-invasive test for detecting chromosomal abnormalities. Ravgen accused Labcorp's *MaterniT21Plus* and

MaterniT Genome tests of infringing.

What was the key to success at trial?

"I'd like to take a lot of credit for it, but it's just a fantastic invention," Desmarais said. "It started an industry."

There's more litigation to come. Ravgen is nearing a possible October trial date with

Quest Diagnostics before **U.S. District Judge Gary Klausner** in Los Angeles. The company is also pursuing patent claims against **Illumina**, **Natera** and others.

One big storm cloud on the horizon: Labcorp, Quest and Illumina persuaded the Patent Trial and Appeal Board to institute IPR proceedings earlier this year. The PTAB is scheduled to rule on the validity of Ravgen's claims this fall.



John Desmarais.
(Photo: Jason Doiy/ALM)

Along with John Desmarais, partner **Kerri-Ann Limbeek** played a key role in the trial. She "put the whole thing together," Desmarais said. He was also proud that four associates—**Deborah Mariottini**, **Ben Luehrs**, **Joze Welsh** and **Kyle Petrie**—got to examine witnesses in a jury trial for the first time.

Representing Labcorp was **Wilson Sonsini Goodrich & Rosati**; **Kilpatrick Townsend & Stockton** and **Reed Smith**.