

## **Illumina Latest To Settle Out Of DNA Testing Patent Dispute**

By **Andrew Karpan**

*Law360 (April 17, 2023, 8:45 PM EDT)* -- Illumina is the latest giant of the genetic testing industry to settle a suit from a small Maryland biotech business that claimed to invent a new method of testing for genetic disorders during pregnancy and roped in a \$272 million jury verdict last year against LabCorp.

In a page-length Delaware federal court filing, signed by U.S. District Judge Richard Andrews on Friday, Illumina Inc. announced that it had reached a deal with Ravgen Inc., a small startup launched by a former emergency room doctor in the early 2000s that has seen its greatest success through a series of recent lawsuits against various big names in the genetic testing world.

In an email to Law360, Ravgen lawyer John Desmarais of Desmarais LLP described the deal as "a mutually satisfactory settlement for both parties."

Representatives for Illumina did not respond to a request for comment.

Terms of the deal with Illumina were not made public. According to Ravgen's lawsuit, the infringement allegations targeted Illumina's Verifi, VeriSeq and TruSight brands of DNA testing products.

Across the country, Ravgen has sued at least seven other biotech companies over allegations of patent infringement since 2020. Late last year, the first of these made it to trial in a Waco, Texas federal court, where the company's lawyers convinced a jury to order LabCorp to pay out more than \$272 million, a number that reflected what the company's lawyers said was a royalty "rate of 100 bucks a test."

Later that year, Quest Diagnostics announced that it had reached a deal with Ravgen to end a similar lawsuit, the Friday before the trial had been set to kick off in California federal court. Back in 2021, Ravgen also managed to secure a settlement with PerkinElmer to end a similar lawsuit.

According to testimony from the LabCorp trial, Ravgen's deal with PerkinElmer went for \$260,000 and an even earlier deal with Thermo Fisher Scientific had gone as low as \$58,000.

In Delaware federal court, Ravgen is still litigating various patent cases against a Roche unit called Ariosa Diagnostics, Myriad Genetics and Biora Therapeutics, all of which are still ongoing and are set to go in front of a jury in October 2024.

The patents-at-issue are U.S. Patent Nos. 7,727,720 and 7,332,277.

Ravgen is represented by John M. Desmarais, Kerri-Ann Limbeek, Brian D. Matty, Jamie L. Kringstein, Joze Welsh, Jun Tong, Deborah J. Mariottini and Peter Zhu of Desmarais LLP, and Brian E. Farnan and Michael J. Farnan of Farnan LLP.

Illumina is represented by Edward R. Reines and Derek C. Walter of Weil Gotshal & Manges LLP, and Steven J. Balick and Andrew C. Mayo of Ashby & Geddes.

The case is Ravgen Inc. v. Illumina Inc. et al., case number 1:20-cv-01644, in the U.S. District Court for the District of Delaware.

--Additional reporting by Hailey Konnath and Tiffany Hu. Editing by Scott Russell.

---

All Content © 2003-2023, Portfolio Media, Inc.