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Ravgen Fetal DNA Testing Patent Survives PTAB Review

By Adam Lidgett

Law360 (December 13, 2022, 4:29 PM EST) -- The Patent Trial and Appeal Board has refused to invalidate a host of claims in a Ravgen Inc. prenatal genetic test patent, marking the latest win for the small biotech company in its larger legal battle with Laboratory Corporation of America Holdings.

A three-judge PTAB panel shot down Labcorp's bid to get rid of 19 claims in U.S. Patent No. Patent 7,727,720 on Monday, finding all of the challenged elements were not obvious in light of a 1994 medical article referred to as Sorenson about DNA and other pieces of prior art.

Some of the claims were also not anticipated by an article referred to as Lee, which related to "quantitating cell-free genomic DNA in serum and in plasma," according to the PTAB.

The PTAB case is just the latest dustup between the parties.

A federal jury in Waco, Texas, found in September that Labcorp, one of the largest chains of clinical lab providers in the world, owes more than \$272 million to Ravgen for willfully infringing another patent — U.S. Patent No. 7,332,277. Later on in that case, Ravgen asked that the court triple the damages, according to court records.

Ravgen has also launched patent disputes against other companies, court records show.

Earlier this year, Quest Diagnostics Inc. reached a deal to resolve Ravgen's claims that it infringed its prenatal genetic test patents. One of those patents was the '720 patent, according to court documents.

"Ravgen is pleased with the board's decision, which again confirms the importance of Ravgen's patents that opened up a new era in diagnostic genetic testing," said Brian Matty, an attorney for Ravgen, in a statement to Law360 Tuesday.

Counsel for Labcorp declined to comment.

The patent-in-suit is U.S. Patent No. 7,727,720.

Labcorp is represented by Cynthia B. Rothschild, Leland L. Black, Allison W. Dobson and John Alemanni of Kilpatrick Townsend & Stockton LLP.

Ravgen is represented by Brian Matty, Gabrielle E. Higgins and Theodoros Konstantakopoulos of Desmarais LLP.

The case is Laboratory Corporation of America Holdings v. Ravgen Inc., case number IPR2021-01026, before the Patent Trial and Appeal Board.

--Additional reporting by Hailey Konnath, Andrew Karpan and Lauren Berg. Editing by Adam LoBelia.

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