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BY CM/ECF

The Honorable Gregory B. Williams
U.S. District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *TwinStrand Biosciences, Inc. v. Guardant Health, Inc.*, C.A. No. 21-1126-GBW-SRF

Dear Judge Williams:

I write on behalf of Defendant Guardant Health, Inc. (“Guardant”) to inform the Court of the impact of Plaintiffs’ dismissal of U.S. Patent Nos. 10,689,699 and 10,742,951 (D.I. 450) on Guardant’s pending motions for summary judgment, Daubert motions, and motions to strike.

The dismissal moots Guardant’s pending summary judgment motions regarding the priority date of the ’951 patent, invalidity of the ’699 patent for lack of written description, and invalidity of the ’951 patent for lack of patentable subject matter. (D.I. 338, SJ Motions 1-3).

Guardant’s first-ranked motion for summary judgment of non-infringement of U.S. Patent No. 10,287,631 is still live, as Plaintiffs continue to assert the ’631 patent. (D.I. 338, SJ Motion 4; D.I. 449).

The dismissal also moots Guardant’s motion to exclude the opinion of Plaintiffs’ expert Dr. Pachter regarding infringement of the ’699 patent. (D.I. 338, Daubert Motion 2(b); D.I. 341 at 40-41).

Guardant’s other Daubert motions seeking to exclude opinions of Dr. Pachter and Plaintiffs’ damages expert Dr. McDuff remain live.

In addition, the dismissal partially moots Guardant’s motion to strike the opinions of Dr. Pachter related to infringement under the doctrine of equivalents (D.I. 330), insofar as it relates to Dr. Pachter’s DoE opinions for the ’699 and ’951 patents. However, the portions of Guardant’s motion related to Dr. Pachter’s DoE opinions for the ’631 and ’127 patents are still live and pending.



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Counsel remains available should the Court have any questions.

Respectfully,

DLA Piper LLP (US)

/s/ Jeff Castellano

Jeff Castellano (DE Bar No. 4837)

cc: All counsel of record (via CM/ECF)