

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHROMADEx, INC. and TRUSTEES OF
DARTMOUTH COLLEGE,

Plaintiffs,

v.

THORNE RESEARCH, INC.,

Defendant.

Case No. 1:21-cv-04241-ER

STIPULATION AND ORDER TO STAY

This stipulation is made by and between Plaintiffs ChromaDex, Inc. (“ChromaDex”) and Trustees of Dartmouth College (“Dartmouth”) (collectively, “Plaintiffs”) and Defendant Thorne Research, Inc. (“Thorne”) (all collectively, “the Parties”).

WHEREAS Plaintiffs filed a Complaint on May 12, 2021, against Thorne alleging infringement of U.S. Patent No. 8,197,807 (“the ’807 patent”) and U.S. Patent No. 8,383,086 (“the ’086 patent”);

WHEREAS on December 1, 2020, Thorne filed an *inter partes* review (“IPR”) petition that challenged the only asserted claim of the ’086 patent, claim 2, and on June 10, 2021, the Patent Trial and Appeal Board (“PTAB”) instituted review of claim 2 in the ’086 patent; and

WHEREAS on February 1, 2021, Thorne filed an IPR petition that challenged every asserted claim of the ’807 patent and the PTAB is expected to issue its institution decision regarding the ’807 patent on or before August 18, 2021.

Plaintiff and Defendant by and through their respective undersigned counsel, and subject to the approval of the Court, stipulate and agree as follows:

1. This action, including all deadlines, is stayed pending the institution decision of the IPR proceeding involving the ’807 patent; and

2. Within seven (7) days of the institution decision in the IPR proceeding involving the '807 patent, the Parties will submit a joint status report to the Court setting forth the results of the institution decision and the Parties' proposal for how the litigation should proceed.

Dated: July 8, 2021

Respectfully submitted,

COVINGTON & BURLING LLP

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Jennifer D. Cieluch

Jennifer D. Cieluch
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Telephone: (212) 841-1000
Email: jcieluch@cov.com

s/ Michael S. Sommer

Michael S. Sommer
1301 Avenue of the Americas, 40th Floor
New York, New York 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
Email: msommer@wsgr.com

Christopher N. Sipes
R. Jason Fowler
One City Center
850 Tenth Street, NW
Washington, D.C. 20001
Telephone: (202) 662-6000
Email: csipes@cov.com
Email: jfowler@cov.com

Wendy L. Devine (*pro hac vice* forthcoming)
Kristina M. Hanson (KH9872)
One Market Plaza, Spear Tower, Suite 3300
San Francisco, California 94105
Telephone: (415) 947-2000
Facsimile: (415) 947-2099
Email: wdevine@wsgr.com
Email: thanson@wsgr.com

Yale Fu
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, California 94306
Telephone: (650) 632-4700
Email: yfu@cov.com

*Counsel for Plaintiffs ChromaDex, Inc.
and Trustees of Dartmouth College*

Counsel for Defendant Thorne Research, Inc.

SO ORDERED this 9th day of July, 2021.

New York, New York



HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE