

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 Thorne filed *inter partes* review (“IPR”) petitions challenging all asserted claims of both patents-in-suit;

WHEREAS, on June 10, 2021, the Patent Trial and Appeal Board (“PTAB”) instituted Thorne’s requested IPR of the ’086 patent; and

WHEREAS on August 12, 2021, the PTAB instituted Thorne’s requested IPR of the ’807 patent.

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 issuance of final written decisions in, or other resolution or termination of, the IPR proceedings involving the '807 patent and the '086 patent; and

2. Within fourteen (14) days of the PTAB issuing the final written decisions in, or other resolution or termination of, the IPR proceedings involving the '807 patent or the '086 patent, whichever occurs later, the Parties will submit a joint status report to the Court setting forth the results of both IPR proceedings and the Parties' proposal for how the litigation should proceed.

Dated: August 19, 2021

Respectfully submitted,

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Counsel for Defendant Thorne Research, Inc.

SO ORDERED this 20th day of August, 2021.

HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE