

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,

COVINGTON & BURLING LLP

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

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

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*

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Kristina M. Hanson

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

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

Counsel for Defendant Thorne Research, Inc.

SO ORDERED this 20th day of August, 2021.



HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE