

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Esoterix Genetic Laboratories, LLC)
and The Johns Hopkins University,)

Plaintiffs,)

v.)

Life Technologies Corporation,)
Applied Biosystems, LLC, and)
Ion Torrent Systems, Inc.,)

Defendants.)

Case No 1:12-CV-1173

**DEFENDANTS LIFE TECHNOLOGIES CORPORATION, APPLIED
BIOSYSTEMS, LLC, AND ION TORRENT SYSTEMS, INC.'S
RENEWED MOTION TO STAY PENDING REEXAMINATION**

Defendants Life Technologies Corporation, Applied Biosystems, LLC, and Ion Torrent Systems, Inc. (collectively, "Life") renew their motion to stay pending the United States Patent and Trademark Office's completion of the *ex parte* reexaminations of the validity of the patent claims Plaintiffs Esoterix Genetic Laboratories, LLC and The Johns Hopkins University contend, based on the allegations in their preliminary infringement contentions, are infringed by Life in this litigation. As set forth in the Brief in Support filed concurrently herewith, all of the patents asserted in Case No. 1:12-CV-411 (three patents) and Case No. 1:12-CV-1173 (three patents) are now the subject of reexamination proceedings before the United States Patent and Trademark Office ("PTO"). The final reexamination was declared by the PTO on August 27, 2013, and the PTO is now

reexamining the validity of each of the six asserted patents in the two cases in light of a library of prior art that it had not previously considered.

Life respectfully submits that the PTO's grant of reexamination requests for all six patents-in-suit in both actions satisfies the Court's requirement that there be "significant developments before the PTO or other significant changes in the circumstances" for the motions to be renewed. As set forth in the Brief in Support, all three factors courts consider when evaluating a motion to stay strongly support staying these cases pending the outcome of the reexaminations. The reexamination results could obviate the need for any further litigation concerning the subject patent claims and would, at a minimum, narrow and clarify the issues before the Court and avoid unnecessary waste and duplication of effort by the Court and the parties. A stay would achieve all of these benefits without imposing undue prejudice on Plaintiffs. Moreover, a stay pending reexamination is particularly appropriate here, as both cases are still in their early days. For these reasons and those set forth in detail in its Brief in Support, Life respectfully requests that the Court grant this renewed Motion to Stay.

WHEREFORE, Life respectfully prays that the Court grant this renewed motion and stay any further activity in this case pending the completion of the reexamination proceedings concerning the allegedly infringed patents.

Respectfully submitted, this 30th day of August, 2013.

/s/ Allison O. Van Laningham

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2013 I electronically filed the foregoing Defendants' Brief In Support Of Their Renewed Motions To Stay Pending Reexamination with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants.

/s/ Allison O. Van Laningham

Allison O. Van Laningham