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

NATERA, INC., Plaintiff,	)	
v.	)	1:23-CV-629
NEOGENOMICS LABORATORIES, INC., Defendant.	)	

PRELIMINARY INJUNCTION

Plaintiff Natera, Inc. moves for a preliminary injunction based on alleged infringement of two of its patents by defendant NeoGenomics Laboratories Inc. On consideration of the entire record, and as set forth in more detail in an order entered concurrently, the Court finds and concludes that Natera has demonstrated that it is likely to succeed on the merits of its claim. It is likely (1) NeoGenomics is infringing U.S. Patent No. 11,519,035 by making and selling the RaDaR assay, and NeoGenomics has not presented a substantial question of the validity of the asserted claims of the '035 patent; (2) Natera is substantially likely to suffer irreparable harm from NeoGenomics' ongoing infringement of the '035 patent; and (3) the balance of equities and the public interest favor protecting Natera and granting a preliminary injunction.

IT IS HEREBY ORDERED:

1. Natera's Motion for a Preliminary Injunction, Doc. 5, is **GRANTED**.
2. NeoGenomics and its privies, subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and those acting or attempting to act in concert or

participation with them, are **ENJOINED** from (1) making, using, selling, or offering for sale in the United States the (a) the accused RaDaR assay ("the Accused Assay") or (b) any assay or product not more than colorably different from the Accused Assay whose manufacture, use, importation, offer for sale, or sale would infringe any asserted claim of U.S. Patent No. 11,519,035; and (2) promoting, advertising, marketing, servicing, distributing, or supplying the above Accused Assay so as to induce others' infringement.

3. Notwithstanding the foregoing, NeoGenomics may continue to make, use, and sell the Accused Assay solely for continued use of the Accused Assay

    a. for those patients already using it before the entry of this injunction,

    b. in support of research and development with other persons or entities on projects or studies that began before the entry of this injunction, or

    c. for use in or in support of clinical trials in process or already approved by an agency of the United States.

4. NeoGenomics **SHALL**, within 10 days from the date of issuance of this Preliminary Injunction, provide notice and a copy of this Preliminary Injunction to (1) each of its privies, subsidiaries, affiliates, officers, agents, servants, employees, and attorneys; and (2) any other person or entity acting or attempting to act in concert or participation with NeoGenomics with respect to any of the enjoined activities, such that above persons and entities are duly noticed and bound by this Order under Federal Rule of Civil Procedure 65(d)(2). NeoGenomics shall further provide proof of each such notice to this

Court by filing proof of service within 14 days from the date of issuance of this Preliminary Injunction.

This the 27th day of December, 2023.

UNITED STATES DISTRICT JUDGE