

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RAVGEN, INC.,

*Plaintiff,*

v.

ILLUMINA, INC. and VERINATA HEALTH,  
INC.,

*Defendants.*

C.A. No. 20-01644-RGA-JLH

**JURY TRIAL DEMANDED**

RAVGEN, INC.,

*Plaintiff,*

v.

ARIOSIA DIAGNOSTICS, INC., ROCHE  
SEQUENCING SOLUTIONS, INC., ROCHE  
MOLECULAR SYSTEMS, INC., and  
FOUNDATION MEDICINE, INC.,

*Defendants.*

C.A. No. 20-01646-RGA-JLH

**JURY TRIAL DEMANDED**

RAVGEN, INC.,

*Plaintiff,*

v.

MYRIAD GENETICS, INC. and MYRIAD  
WOMEN'S HEALTH, INC.,

*Defendants.*

C.A. No. 20-01730-RGA-JLH

**JURY TRIAL DEMANDED**

RAVGEN, INC.,

*Plaintiff,*

v.

PROGENITY, INC.,

*Defendant.*

C.A. No. 20-01734-RGA-JLH

**JURY TRIAL DEMANDED**

**JOINT PROPOSED SCHEDULING ORDER**

This 19th day of May, 2021, the Court having conducted an initial scheduling conference pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16.1(b), and the parties having determined after discussion that these matters cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) by **April 30, 2021**. If they have not already done so, the parties are to review the Court's Default Standard for Discovery, Including Discovery of Electronically Stored Information ("ESI"), which is posted at <https://www.ded.uscourts.gov/default-standard-discovery> and is currently incorporated herein by reference.<sup>1</sup> The parties in each of the above-captioned cases recognize that they may deviate from

<sup>1</sup> The parties shall also make their Initial Disclosures pursuant to Section 3 of the Court's Default Standard Including Discovery of Electronically Stored Information ("ESI") by **April 30, 2021**.

the Court's Default Standard for Discovery, Including Discovery of Electronically Stored Information upon agreement of the parties in each of the above-captioned cases.<sup>2</sup>

2. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before **July 26, 2022**.

3. Application to Court for Protective Order. Should counsel find it will be necessary to apply to the Court for a protective order in one or more of the above-captioned actions specifying terms and conditions for the disclosure of confidential information, counsel should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court within **30 days** from the date the Court enters this Order. Should counsel be unable to reach an agreement on a proposed form of order, counsel must follow the provisions of Paragraph 8(g) below.

Any proposed protective order must include the following paragraph:

Other Proceedings. By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case. Any person or party subject to this order who becomes subject to a motion to disclose another party's information designated "confidential" [the parties should list any other level of designation, such as "highly confidential," which may be provided for in the protective order] pursuant to this order shall promptly notify that party of the motion so that the party may have an opportunity to appear and be heard on whether that information should be disclosed.

4. Papers and Proceedings Under Seal. In accordance with section G of the Revised Administrative Procedures Governing Filing and Service by Electronic Means, a redacted version of any sealed document shall be filed electronically within seven days of the filing of the sealed document.

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<sup>2</sup> In view of the reexamination and currently pending petitions for *inter partes* review of the patents at issue in this case, Defendants may move for a stay pending reexamination and/or *inter partes* review at an appropriate time.

Should any party intend to request to seal or redact all or any portion of a transcript of a court proceeding (including a teleconference), such party should expressly note that intent at the start of the court proceeding. Should any party subsequently choose to make a request for sealing or redaction, it must, promptly after the completion of the transcript, file with the Court a motion for sealing/redaction, and include as attachments (1) a copy of the complete transcript highlighted so the Court can easily identify and read the text proposed to be sealed/redacted, and (2) a copy of the proposed redacted/sealed transcript. With their request, the party seeking redactions must demonstrate why there is good cause for the redactions and why disclosures of the redacted material would work a clearly defined and serious injury to the party seeking redaction.

5. Courtesy Copies. The parties shall provide to the Court two courtesy copies of all briefs and any other document filed in support of any briefs (*i.e.*, appendices, exhibits, declarations, affidavits etc.). This provision also applies to papers filed under seal. All courtesy copies shall be double-sided.

6. ADR Process. Having discussed the ADR process during the scheduling conference, the Court will schedule one or more teleconferences to discuss ADR with the parties during the pendency of these cases.

7. Disclosures. Absent agreement among the parties, and approval of the Court:

(a) By **April 30, 2021**, Plaintiff<sup>3</sup> shall identify in each above-captioned case the accused product(s), including accused methods and systems, and its damages model, as well as the asserted patent(s) that the accused product(s) allegedly infringe(s). Plaintiff shall also produce the file history for each asserted patent.

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<sup>3</sup> For purposes of this Scheduling Order, Plaintiff and Defendant are defined as set forth in the Default Standard for Discovery, Including Discovery of Electronically Stored Information (“ESI”), 4.

(b) By **June 4, 2021**, Defendants in each above-captioned case shall produce core technical documents related to the accused product(s), sufficient to show how the accused product(s) work(s), including but not limited to non-publicly available operation manuals, product literature, schematics, and specifications. Defendants shall also produce sales figures for the accused product(s).

(c) By **July 16, 2021**, Plaintiff shall produce in each above-captioned case an initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes.

(d) By **August 20, 2021**, Defendants in each above-captioned case shall produce its initial invalidity contentions for each asserted claim, as well as the known related invalidating references. The parties shall meet and confer and submit a proposal to the Court regarding narrowing the asserted claims and prior art after the parties have served their initial patent disclosures pursuant to this Paragraph 7 and prior to the date the parties exchanged proposed claim terms for construction.

(e) By **the later of June 30, 2022, or 21 days following issuance of the claim construction order**, Plaintiff shall provide final infringement contentions in each above-captioned case.

(f) By **the later of July 21, 2022, or 42 days following issuance of the claim construction order**, Defendants in each above-captioned case shall provide final invalidity contentions.

8. Discovery. Unless otherwise ordered by the Court or agreed to by the parties, the limitations on discovery set forth in the Federal Rules and Local Rule 26.1 shall be observed in each of the above-captioned actions.

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