

Trial-focused: Lead counsel on how a strong story helped Ravgen defeat Natera

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Sarah Speight



Kerri-Ann Limbeek, partner at Desmarais and trial lead for Ravgen.

Kerri-Ann Limbeek, trial lead for Ravgen, tells Sarah Speight that a compelling narrative was key to winning the case against their larger rival.

Last week, a US jury [found](#) that prenatal screening technology owned by one biotech firm [Natera](#) infringed a patent held by a rival, awarding damages of \$57 million.

The dispute began when [Ravgen](#) challenged Natera and its subsidiary NSTX in 2020 over its genetic test [Panorama](#), which uses non-invasive prenatal testing (NIPT) of blood in pregnant women to screen for common chromosomal conditions that affect a baby's health.

The verdict—delivered on January 16 at the US District Court for the Western District of Texas—ordered Natera to pay the damages, which were “significantly less” than the \$410 million that Ravgen had sought.

The jury also ruled that there was no wilful infringement on the part of Natera.

[Kerri-Ann Limbeek](#), partner at Desmarais, has led the trial team for Ravgen since the dispute began. This is the eighth litigation case for which she has represented Ravgen, with two having been tried (Natera being one, and [Labcorp](#), securing a \$272.5 million jury verdict and an additional \$100 million in enhanced damages for Ravgen).

Four have been settled ([Illumina](#), [Myriad](#), [PerkinElmer](#) and [Quest Diagnostics](#)), and two are outstanding ([Roche](#) and [Biora Therapeutics](#), both set for October).

LSIPR spoke to Limbeek to find out how the trial team, and their counsel, achieved this win, and why they are confident in the face of an appeal from Natera.

What is it about your strategy that led to this win for Ravgen?

“We’re really trial focused, so we keep the jury in mind and build the evidence that we need to present at trial, as well as thinking about the narrative and the trial theme throughout discovery and throughout the case

“So by the time we get to trial, and we get in front of the jury, we have all the tools we need to tell the story in a way that’s compelling, supported by the evidence, and is really understandable to the jury.”

So does a compelling narrative stand out at trial?

“I think it does, especially in patent cases. Sometimes people can get too far into the weeds on a particular technical issue without taking a step back and thinking about the big picture.

“Also, of course, you need to prove your case on the technical merits, but also you need to explain to a jury why they should find for you and the story behind the technology.

“So an important part of our case was explaining the story to the jury of how [Ravinder Dhallan](#)—the inventor and founder of Ravgen—came up with the inventions, and how his background informed those inventions. And [we explained] the story of how Natera was using Ravgen’s inventions to gain market share and basically take over the market.”

What would you change about either your strategy, or the outcome, if you could?

“Even though we didn’t get full damages, we’re happy with the outcome, which compensates for what the jury recognised as a misuse of Ravgen’s invention.

“We do plan to appeal the finding of no wilful infringement, because we think that we had some strong facts, based on some evidentiary rulings prior to and during the trial.”

How will this ruling affect similar cases in biotech?

“Ravgen is a small biotech startup that didn't have a tonne of resources. In the early days, when it came up with its patented inventions, the founder/inventor was maybe a little bit naive about negotiating with large companies to try to find a partnership and get a deal done. And I think the large diagnostic companies really took advantage.

“I'm hopeful that this case [along with the other cases we have won] will discourage that in the future and encourage large companies to deal with [companies] of any size with great patents and inventions, and pay a royalty even to the smaller companies with less bargaining power or negotiating experience.”

Natera said it intends to appeal—what do you say to that?

“The evidence was overwhelming on the merits. And there were no evidentiary issues that we think would warrant an appeal on the merits issue.

“That's not something that we're very worried about, but we will, of course, oppose any appeal.”