



## Pacific Biosciences Prevails in Patent Eligibility Ruling Against Oxford Nanopore

March 22, 2018

MENLO PARK, Calif., March 22, 2018 (GLOBE NEWSWIRE) -- Pacific Biosciences of California, Inc. (Nasdaq:PACB), the leader in long-read, high-resolution sequencing, today announced that Judge Leonard P. Stark of the U.S. District Court for the District of Delaware denied a motion to dismiss filed on December 14, 2017 by Oxford Nanopore Technologies, Inc., a wholly-owned subsidiary of Oxford Nanopore Technologies Ltd.

ONT had sought to dismiss Pacific Biosciences' complaint for infringement of U.S. Patent No. 9,738,929 by alleging that the patent's claims recite ineligible subject matter. A hearing on the matter was held on February 27, 2018 and the ruling by Judge Stark was issued on March 22, 2018. In its ruling, the Court disagreed with ONT's contentions and also took note of the inconsistent statements made by ONT in front of the U.S. International Trade Commission and in prosecuting ONT's own, later-filed patent applications.

"We are pleased with the Court's decision to deny ONT's motion to dismiss," said Dr. Michael W. Hunkapiller, Chief Executive Officer of Pacific Biosciences. "We believe that the patents we have asserted against ONT cover important inventions that ONT has misappropriated, and we look forward to the next phases in this litigation. As a pioneer and leader in the field, Pacific Biosciences has developed a broad intellectual property estate and we remain firm in our resolve to protect our leadership position in the field we have created."

This ruling follows a decision by Judge Richard G. Andrews last November denying a motion to dismiss filed by ONT in a companion case brought by Pacific Biosciences in the U.S. District Court for the District of Delaware for infringement of U.S. Patent No. 9,546,400. A trial for these matters, along with Pacific Biosciences' complaint for infringement of U.S. Patent No. 9,678,056 (which ONT did not seek to dismiss), is scheduled to occur in early 2020.

### About Pacific Biosciences

Pacific Biosciences of California, Inc. (NASDAQ:PACB) offers sequencing systems to help scientists resolve genetically complex problems. Based on its novel Single Molecule, Real-Time (SMRT<sup>®</sup>) technology, Pacific Biosciences' products enable: *de novo* genome assembly to finish genomes in order to more fully identify, annotate and decipher genomic structures; full-length transcript analysis to improve annotations in reference genomes, characterize alternatively spliced isoforms in important gene families, and find novel genes; targeted sequencing to more comprehensively characterize genetic variations; and real-time kinetic information for epigenome characterization. Pacific Biosciences' technology provides high accuracy, ultra-long reads, uniform coverage, and the ability to simultaneously detect epigenetic changes. PacBio<sup>®</sup> sequencing systems, including consumables and software, provide a simple, fast, end-to-end workflow for SMRT Sequencing. More information is available at [www.pacb.com](http://www.pacb.com).

### Forward-Looking Statements

All statements in this press release that are not historical are forward-looking statements, including, among other things, statements relating to legal proceedings to enforce patent rights, the validity or enforceability of patents or other intellectual property rights, future availability, uses, quality or performance of, or benefits of using, products or technologies, and other future events. You should not place undue reliance on forward-looking statements because they involve known and unknown risks, uncertainties, changes in circumstances and other factors that are, in some cases, beyond Pacific Biosciences' control and could cause actual results to differ materially from the information expressed or implied by forward-looking statements made in this press release. Factors that could materially affect actual results can be found in Pacific Biosciences' most recent filings with the Securities and Exchange Commission, including Pacific Biosciences' most recent reports on Forms 8-K, 10-K and 10-Q, and include those listed under the caption "Risk Factors."

Pacific Biosciences undertakes no obligation to revise or update information in this press release to reflect events or circumstances in the future, even if new information becomes available.

### Contacts

Media:  
Nicole Litchfield  
415.793.6468  
[nicole@bioscribe.com](mailto:nicole@bioscribe.com)

Investors:  
Trevin Rard  
650.521.8450  
[ir@pacificbiosciences.com](mailto:ir@pacificbiosciences.com)

 [Primary Logo](#)

Source: Pacific Biosciences, Inc.