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Pacific Biosciences Announces Outcome of First Phase of Patent Litigation Against Oxford Nanopore

MENLO PARK, Calif., Feb. 08, 2018 (GLOBE NEWSWIRE) -- Pacific Biosciences of California, Inc. (Nasdaq:PACB) announced today that the U.S. International Trade Commission (the "ITC") has terminated its investigation into whether Oxford Nanopore's MinION and PromethION devices and associated consumables, reagents, and software infringe one or more claims of U.S. Patent Nos. 9,404,146 and 9,542,527, owned by Pacific Biosciences.

The decision by the ITC is based on its interpretation that the term "single-molecule sequencing" is limited to sequencing-by-synthesis approaches, and that Oxford Nanopore's sequencing approach is therefore not "single-molecule sequencing."

"We disagree with the present determination of non-infringement in this lawsuit, and note that the ITC's construction of the term 'single-molecule sequencing' is inconsistent with both the commonly understood meaning of that term as well as relevant U.S. Supreme Court and Federal Circuit precedent," said Dr. Michael W. Hunkapiller, Chief Executive Officer of Pacific Biosciences. "We continue to stand firm in our resolve to protect our investment and leadership position in the field we have created, and we look forward to the next phases of our litigation against Oxford Nanopore in the U.S. and Europe."

"We initiated the ITC action against Oxford Nanopore to stop use of its '2D' method in the United States that we believe infringes our patents," continued Dr. Hunkapiller. "We were pleased that, within months of filing the suit, Oxford Nanopore discontinued sale of its 2D products worldwide."

In addition to the ITC case, which Pacific Biosciences has the right to appeal to the U.S. Court of Appeals for the Federal Circuit, Pacific Biosciences has also filed complaints against Oxford Nanopore and its affiliates in U.S. District Court based on three separate patents owned by Pacific Biosciences; these patents are not in the same family as those asserted in the ITC, and cover other aspects of Oxford Nanopore's products that Pacific Biosciences believes infringe on its patents. Pacific Biosciences has also filed complaints against Oxford Nanopore in the High Court of England and Wales and the District Court of Mannheim, Germany, where Oxford Nanopore has asserted an unrelated patent against Pacific Biosciences.

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[®]) 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[®] 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.

Forward-Looking Statements

All statements in this press release that are not historical are forward-looking statements, including, among other things, statements relating to litigation matters or results, 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

Investors:
Trevin Rard
650.521.8450
ir@pacificbiosciences.com

 Primary Logo

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