

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHROMADEX, INC. and	)	
TRUSTEES OF DARTMOUTH COLLEGE,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	C.A. No. 18-1434-CFC
v.	)	
	)	
ELYSIUM HEALTH, INC.,	)	
	)	
<i>Defendant.</i>	)	

**NOTICE OF INTER PARTES REVIEW DECISION**

Pursuant to D. Del. LR 7.1.2(b), Plaintiffs Chromodex, Inc. and Trustees of Dartmouth College hereby provide notice to the Court that the Patent Office issued its final written decision in the *inter partes* review proceeding for U.S. Patent No. 8,383,086 (the “’086 patent”) on January 16, 2019. (Ex. A.) The ’086 patent is one of two patents before the Court in this action. The Patent Office upheld the validity of Claim 2 of the ’086 patent and maintained its claim construction of the term “isolated.” (Ex. A at 12–14.) As such, both the ’086 patent and the other patent before the Court, U.S. Patent No. 8,197,807 (the “’807 patent”), remain in this litigation.

As the Court is aware, Elysium Health, Inc.’s pending Motion to Stay (D.I. 13) is predicated in part on its prediction that the Patent Office would invalidate all claims of the ’086 patent and that the Patent Office would reconsider its claim construction for the term “isolated” such that the ’807 patent would be subject to additional IPR proceedings (D.I. 14 at 10–12), even though the Patent Office previously refused to institute such proceedings on that patent. Neither of these predicates now exists.

In light of the foregoing, Plaintiffs respectfully request that the Court consider the attached January 16 decision in deciding Elysium’s Motion to Stay.

Dated: January 17, 2019

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& TAYLOR, LLP

*/s/ Adam W. Poff*

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**CERTIFICATE OF SERVICE**

I, Adam W. Poff, Esquire, hereby certify that on January 17, 2019, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to registered participants.

I further certify that on January 17, 2019, I caused the foregoing document to be served by e-mail on the following counsel of record:

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