
From: Landers, Thomas
Sent: Thursday, May 21, 2020 6:49 PM
To: Landers, Thomas
Subject: FW: [EXT] RE: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

Follow Up Flag: Follow up
Flag Status: Flagged

From: Mary Pat Thyng <judge_mary_pat_thyng@ded.uscourts.gov>
Date: April 20, 2020 at 9:54:17 PM EDT
To: "Liston, Ian" <iliston@wsgr.com>
Cc: Cathleen Kennedy <Cathleen_Kennedy@ded.uscourts.gov>, rdsefiling <rdsefiling@MNAT.com>, "Raucci, Anthony D." <araucci@MNAT.com>, "Burrowbridge, Adam" <aburrowbridge@wsgr.com>, "Smith, Rodger" <RSmith@MNAT.com>
Subject: [EXT] RE: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

Dear Counsel,

How Judge Thyng really feels like proceeding is to scream loudly!

If this mediation is rescheduled from May 12, then the following dates I presently have available in June for an **in person** mediation are as follows: Wednesday, June 10 and Friday, June 12, Wednesday, June 17. That is it. I have placed stickies on my calendar holding those dates. Statements will likely be due 14 days before the mediation date. This also assumes that this court, as it did on April 17 in a Revised Standing Order, does not extend its strong "encouragement" (see paragraph 7 of the Revised Standing Order) for telephonic or video conferencing mediation beyond May 31. I do not presently have video conferencing capabilities in my chambers—the small cameras are on back order—a very popular item recently. I will be unavailable for most of July for my now very much needed vacation due to recent scheduling and rescheduling headaches for the past 4+ weeks. After my return, I am presently uncertain whether I am able to reschedule mediation for late July, and which will likely require counsel to provide a copy of their mediation statements to the Clerk's office and FedEx or mail a mediation statement to my vacation address to be received by the new due date for submissions. Any copy to the Clerk's office must be in a sealed envelope or it will not be accepted. I have already scheduled matters in August, but still have some remaining open dates.

If mediation proceeds as scheduled on May 12, then mediation statements are due via email by no later than 2:00 p.m. Eastern on April 30.

Counsel are to advise in a **joint email** how they wish to proceed, with counsel determining who shall respond. This response shall be due no later than April 27 by **1:00 p.m. Eastern**.

Sincerely,

Judge Thyng



Mary Pat Thyng
Chief U.S. Magistrate Judge
District Court of Delaware
(302) 573-6173

From: Liston, Ian <iliston@wsgr.com>
Sent: Monday, April 20, 2020 5:49 PM
To: Mary Pat Thyng <Judge_Mary_Pat_Thyng@ded.uscourts.gov>
Cc: Cathleen Kennedy <Cathleen_Kennedy@ded.uscourts.gov>; rdsefiling@mnat.com; Raucci, Anthony D. <araucci@MNAT.com>; Burrowbridge, Adam <aburrowbridge@wsgr.com>; 'Smith, Rodger' <RSmith@MNAT.com>
Subject: RE: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

Dear Judge Thyng,

I am writing on behalf of the parties in response to your email below.

Plaintiff's position: Cytonome is prepared to move forward with a telephonic mediation on May 12. Cytonome would respectfully request, however, to postpone the due date for the mediation statements from April 28 to April 30, so as to avoid the scheduling conflict with the Markman hearing set for April 28.

Defendant's position: NanoCollect would like to proceed with a mediation conference in June, in person if possible, subject to the Court's availability.

NanoCollect respectfully requests that the Court set a conference call to discuss a new date for later in the day on April 28, so as to avoid any potential conflict with the Markman hearing scheduled with Judge Andrews for 10:00 am.

The parties look forward to Your Honor's guidance as to how you would like proceed.

Regards,
Ian Liston

WILSON SONSINI

Ian Liston | Of Counsel | Wilson Sonsini Goodrich & Rosati

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iliston@wsgr.com

From: Mary Pat Thyng <Judge_Mary_Pat_Thyng@ded.uscourts.gov>
Sent: Saturday, April 11, 2020 1:14 PM
To: rdsefiling@mnat.com; Raucci, Anthony D. <araucci@MNAT.com>; Liston, Ian <iliston@wsgr.com>; Burrowbridge, Adam <aburrowbridge@wsgr.com>
Cc: Cathleen Kennedy <Cathleen_Kennedy@ded.uscourts.gov>
Subject: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

[External]

This matter is presently scheduled for mediation on May 12, with submissions due on April 28, 2020. In light of the present circumstances, May mediations are being converted from in person to telephonic with the submissions provided by email and limitations on the number of pages for the exhibits. In reviewing the recent D.I. entries, at the time the mediation date was set, the Markman hearing was scheduled for March 18. It has since been rescheduled for April 28, 2020, the present due date for the submissions. In light of the aforementioned changes, this email is to confirm whether counsel/the parties wish to proceed with the submissions and mediation dates as presently scheduled. If so, then an order will be entered instructing counsel regarding how telephonic mediation will proceed. If not, then the present due date for submissions (4/28/20) could be converted into a teleconference to be initiated by defense counsel. I have scheduled/rescheduled a number of mediation for June 2020. In addition, I will be on vacation for most of July 2020.

On or before **April 20, 2020**, counsel will advise in a **joint email**, a response to my inquiries above. I leave it up to counsel to coordinate who will provide the joint response.

Sincerely,

Judge Thyng



Mary Pat Thyng
Chief U.S. Magistrate Judge
District Court of Delaware
(302) 573-6173

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