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**From:** Landers, Thomas  
**Sent:** Thursday, May 21, 2020 6:50 PM  
**To:** Landers, Thomas  
**Subject:** FW: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Liston, Ian [<mailto:iliston@wsgr.com>]  
**Sent:** Monday, April 20, 2020 4:58 PM  
**To:** Smith, Rodger  
**Cc:** Raucci, Anthony D.  
**Subject:** [EXT] RE: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

Rodger,

Thanks for your proposal. NanoCollect would prefer to ask the judge for a new mediation date, in June, if she has time available. Is the following email acceptable?

Dear Judge Thygne,

I write on behalf of both parties in this action. We appreciate Your Honor's flexibility given the overlap you have identified and respectfully request that the April 28 deadline for submitting mediation statements be converted to a teleconference, as Your Honor has offered. If Your Honor has availability, the parties would like to reschedule the mediation for some in June.

Regards,  
Ian Liston

## **WILSON SONSINI**

**Ian Liston | Of Counsel | Wilson Sonsini Goodrich & Rosati**

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[iliston@wsgr.com](mailto:iliston@wsgr.com)

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**From:** Smith, Rodger <[RSmith@MNAT.com](mailto:RSmith@MNAT.com)>  
**Sent:** Monday, April 20, 2020 3:56 PM  
**To:** Liston, Ian <[iliston@wsgr.com](mailto:iliston@wsgr.com)>  
**Cc:** Raucci, Anthony D. <[araucci@MNAT.com](mailto:araucci@MNAT.com)>  
**Subject:** RE: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

[External]

Ian,

Can you please let me know your thoughts on our joint response to Judge Thygne?

Thanks,  
Rodger

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**From:** Smith, Rodger  
**Sent:** Monday, April 20, 2020 12:03 PM  
**To:** Liston, Ian ([iliston@wsgr.com](mailto:iliston@wsgr.com))  
**Cc:** Raucci, Anthony D.  
**Subject:** FW: Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

Ian,

We owe an email to Judge Thyngé today. Cytonome is ok with proceeding with a telephonic mediation on May 12, but we would suggest asking the Court if we might be able to postpone the due date for the mediation statements until April 30 (to avoid the conflict with the Markman hearing). Please let me know your thoughts.

Thanks,  
Rodger

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**From:** Mary Pat Thyngé [[mailto:Judge\\_Mary\\_Pat\\_Thyngé@ded.uscourts.gov](mailto:Judge_Mary_Pat_Thyngé@ded.uscourts.gov)]  
**Sent:** Saturday, April 11, 2020 1:14 PM  
**To:** rdsefiling; Raucci, Anthony D.; [IListon@wsgr.com](mailto:IListon@wsgr.com); [aburrowbridge@wsgr.com](mailto:aburrowbridge@wsgr.com)  
**Cc:** Cathleen Kennedy  
**Subject:** [EXT] Cytonome/ST v. Nanocollect Biomedical, 19-301-RGA

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 Thyngé



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

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