

Patents

Biotech Firm Wins \$95.7 Million Patent Verdict

Syntrix Biosystems Inc. v. Illumina Inc., No. 10-5970, verdict returned (W.D. Wash. March 14, 2013).

The verdict capped an 11-day trial of a lawsuit filed by Syntrix in November 2010 in the U.S. District Court for the Western District of Washington, alleging that Illumina's BeadChip technology infringed U.S. Patent No. 6,951,682, invented by Syntrix founder John Zebala in 1997.



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"We were very pleased to represent Dr. Zebala," said attorney **Alan Albright** of **Bracewell & Giuliani** in Austin, Texas. "I believe it is the largest jury verdict in this technology area."

The verdict was based on Syntrix's request for what Albright called a "conservative" 6 percent royalty,

and the award was so high because Illumina was so successful using the patent, he said.

Albright said he was assisted at trial by Derek Gilliland of Nix, Patterson & Roach in Daingerfield, Texas.

Counsel for Illumina did not respond to a request for comment.

Albright likened the patented technology to the process used with chips on silicon wafers that are exposed to chemicals that eat away everything except what is needed.

Instead of chips, the technology underlying Syntrix's patent involves beads covered with millions of strands of DNA, which are treated in such a way that allows researchers to focus on a particular DNA strand to identify gene molecules.

"The technology is revolutionary," Albright said, "because it allows the performance of many tests in a small, manageable format."

Albright said Syntrix talked with Illumina in 2000 about licensing the technology, but Illumina declined, saying it was going in a different direction.

“We believe they took our technology to develop the infringing Bead Chip,” he said.

Syntrix argued at trial, and the jury believed, that Syntrix invented the technology, Albright said.

The jury found that Illumina directly and indirectly infringed the '682 patent and that it induced its customers to infringe the patent.

The jury rejected Illumina’s claims that the patent was invalid.

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