

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

**TwinStrand Biosciences, Inc. & University of Washington v.
Guardant Health, Inc.**

TwinStrand · No. Civil Action No. 21-1126-GBW-SRF · Decided June 16, 2026

SUMMARY

The United States District Court for the District of Delaware addresses post-trial motions in a patent infringement action involving TwinStrand Biosciences, Inc., the University of Washington, and Guardant Health, Inc. The court denies Guardant’s motion for judgment as a matter of law or a new trial and its Rule 60(b) motion, while granting in part and denying in part the plaintiffs’ motion for enhanced damages, attorneys’ fees, an ongoing royalty, and other relief.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Gregory B. Williams
JURISDICTION	United States District Court for the District of Delaware
DECIDED	June 16, 2026
DOCKET	Civil Action No. 21-1126-GBW-SRF
DISPOSITION	other
PROCEDURAL POSTURE	Post-trial motions in a patent-infringement action following a jury verdict finding Guardant liable for infringing Claim 1 of U.S. Patent No. 10,287,631 and Claims 24 and 30 of U.S. Patent No. 10,760,127, willfully, and awarding \$83.4 million in reasonable-royalty damages.
STANDARD OF REVIEW	Renewed JMOL after a jury trial is proper only when the verdict lacks substantial evidentiary support or the legal conclusions implied by the verdict cannot be sustained; the court views the evidence favorably to the nonmovant and may not weigh evidence or assess credibility. A new trial is warranted ordinarily only when allowing the verdict to stand would result in a miscarriage of justice, or the verdict cries out to be overturned or shocks the conscience. Rule 60(b) relief is extraordinary and reviewed under Third Circuit law.
PRECEDENTIAL VALUE	unpublished

PARTIES

TwinStrand Biosciences, Inc., University of Washington v. Guardant Health, Inc.

TOPICS

patent infringement

damages

remedies

motion for new trial

civil procedure

PRACTICE AREAS

patent infringement

patent law

damages

civil procedure

attorney fees

QUESTIONS PRESENTED

1. Whether substantial evidence supported the jury's findings that Guardant practiced the claimed bioinformatics steps of the '631 and '127 patents in the required order.
2. Whether Guardant's Companion and Explore services infringed the asserted method claims.
3. Whether substantial evidence supported the jury's willfulness finding.
4. Whether substantial evidence supported the jury's \$83.4 million reasonable-royalty damages award.
5. Whether Plaintiffs were entitled to enhanced damages under 35 U.S.C. § 284.
6. Whether Plaintiffs were entitled to attorneys' fees and costs under 35 U.S.C. § 285.
7. Whether Plaintiffs were entitled to an ongoing royalty, supplemental damages, prejudgment interest, and post-judgment interest.
8. Whether Guardant was entitled to relief under Federal Rule of Civil Procedure 60(b) based on post-trial statements made in connection with reexamination of the '631 patent.

HOLDINGS

1. The motion for JMOL or a new trial was denied because substantial evidence supported the jury's finding that Guardant practiced the claimed grouping, separating, confirming, comparing, identifying, and generating steps, including in the required sequence.
2. The motion for JMOL or a new trial was denied because substantial evidence supported the jury's finding that Guardant practiced the grouping, collapsing, comparing, and analyzing limitations of Claims 24 and 30 in the required order.
3. The accused services could support infringement liability because substantial evidence showed that Guardant itself processed samples from those services using accused products that performed all claimed method steps.
4. The court denied JMOL or a new trial on willfulness because substantial evidence supported the jury's finding that Guardant's infringement was deliberate or intentional.
5. The court denied JMOL or a new trial on damages because substantial evidence supported the jury's \$83.4 million reasonable-royalty award.
6. The court declined to enhance damages under 35 U.S.C. § 284 despite the jury's willfulness finding.

7. The court denied attorneys' fees and costs because the case was not exceptional under 35 U.S.C. § 285.
8. The court awarded an ongoing royalty of 6% for continued sales of the adjudicated infringing products.
9. The court awarded supplemental damages for Guardant's infringing sales from July 1, 2023, through February 5, 2024, at a 6% royalty rate.
10. The court awarded prejudgment interest at the prime rate compounded quarterly and post-judgment interest at 4.76%.
11. Guardant was not entitled to relief under Rule 60(b)(2) based on statements made in a post-trial petition concerning reexamination of the '631 patent.
12. Guardant was not entitled to relief under Rule 60(b)(5) because the post-trial reexamination statements did not make continued prospective royalty enforcement inequitable and did not constitute a clear and unmistakable prosecution disclaimer.

KEY QUOTATIONS

"It is axiomatic, of course, that in order for infringement of a method patent to lie, all claimed steps of the method must be performed." (25)

"Although willfulness is a component of enhancement, 'an award of enhanced damages does not necessarily flow from a willfulness finding.'" (31)

"The party seeking to invoke prosecution history disclaimer bears the burden of proving the existence of a 'clear and unmistakable' disclaimer that would have been evident to one skilled in the art." (45-46)

FACTUAL BACKGROUND

TwinStrand and the University of Washington asserted patents covering duplex-consensus DNA sequencing technology against Guardant. After trial, the jury found that Guardant infringed Claim 1 of the '631 patent and Claims 24 and 30 of the '127 patent, including through its bioinformatics pipeline and accused services, and found the infringement willful. The jury awarded \$83.4 million based on a 6% royalty applied to a \$1.39 billion revenue base, including \$106 million from Guardant's services.

PROCEDURAL HISTORY

Plaintiffs filed the action on August 3, 2021. After claim construction, summary-judgment and evidentiary rulings, narrowing of the claims, and a five-day jury trial beginning November 6, 2023, the jury found infringement and willfulness and awarded \$83.4 million. The court entered judgment subject to post-trial motions. The court denied Guardant's motion for judgment as a matter of law or a new trial, granted in part and denied in part Plaintiffs' motion for enhanced damages and other relief, and denied Guardant's Rule 60(b) motion.

DISPOSITION

other

CASES CITED

- Lightning Lube, Inc. v. Witco Corp., 4 F.3d 1153, 1166 (3d Cir. 1993)
- CGB Occupational Therapy, Inc. v. RHA Health Servs. Inc., 357 F.3d 375, 383 (3d Cir. 2004)
- Pannu v. Iolab Corp., 155 F.3d 1344, 1348 (Fed. Cir. 1998)
- Enplas Display Device Corp. v. Seoul Semiconductor Co., 909 F.3d 398, 407 (Fed. Cir. 2018)
- Roche Diagnostics Corp. v. Meso Scale Diagnostics, LLC, 503 F. Supp. 3d 156, 166 (D. Del. 2020), *aff'd in part, vacated in part, rev'd in part*, 30 F.4th 1109 (Fed. Cir. 2022)
- Finjan, Inc. v. Secure Computing Corp., 626 F.3d 1197, 1206-07 (Fed. Cir. 2010)
- Lucent Techs. v. Gateway, Inc., 580 F.3d 1301, 1317 (Fed. Cir. 2009)
- Hewlett-Packard Co. v. Mustek Sys., Inc., 340 F.3d 1314, 1320 (Fed. Cir. 2003)
- Bayer AG v. Sony Elecs., Inc., 229 F. Supp. 2d 332, 344 (D. Del. 2002), *aff'd*, 83 F. App'x 334 (Fed. Cir. 2003)
- Verizon Servs. Corp. v. Cox Fibernet Virginia, Inc., 602 F.3d 1325, 1341 (Fed. Cir. 2010)
- Bayer Healthcare LLC v. Baxalta Inc., 989 F.3d 964, 987-88 (Fed. Cir. 2021)
- Halo Elecs., Inc. v. Pulse Elecs., Inc., 579 U.S. 93, 103-04 (2016)
- Read Corp. v. Portex, Inc., 970 F.2d 816, 826-27 (Fed. Cir. 1992)
- Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996)
- SRJ Int'l, Inc. v. Cisco Sys., Inc., 14 F.4th 1323, 1330 (Fed. Cir. 2021)
- Octane Fitness, LLC v. ICON Health & Fitness, Inc., 572 U.S. 545, 554 (2014)
- Amado v. Microsoft Corp., 517 F.3d 1353, 1361-63 (Fed. Cir. 2008)
- Arctic Cat Inc. v. Bombardier Recreational Prods. Inc., 876 F.3d 1350, 1370 (Fed. Cir. 2017)
- Whitserve, LLC v. Computer Packages, Inc., 694 F.3d 10, 38 (Fed. Cir. 2012)
- Horne v. Flores, 557 U.S. 433, 447 (2009)
- Harrison v. Harrison, No. 22-3361, 2023 WL 7017695, at *2-3 (3d Cir. Oct. 25, 2023)
- Bohus v. Beloff, 950 F.2d 919, 930 (3d Cir. 1991)
- PACT XPP Schweiz AG v. Intel Corp., No. 1:19-CV-01006-JDW, 2024 WL 3552521, at *4 (D. Del. July 26, 2024)
- Trivascular, Inc. v. Samuels, 812 F.3d 1056, 1063-64 (Fed. Cir. 2016)
- Massachusetts Inst. of Tech. v. Shire Pharms., Inc., 839 F.3d 1111, 1119 (Fed. Cir. 2016)