

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

AbCellera Biologics Inc. v. Bruker Cellular Analysis, Inc.

AbCellera · No. 20-cv-08624-JST (VKD) · Decided April 15, 2025

SUMMARY

The court resolves a discovery dispute concerning Bruker Cellular Analysis, Inc.'s demand for unredacted NIH and NIAID agreements and royalty reports relevant to AbCellera's damages theories. The court orders production of the 2020 NIH/NIAID Agreement, the 2019 NIAID Research Collaboration Agreement, and AbCellera's royalty reports, but finds that the other agreements listed in the 2020 agreement are not shown to be discoverable.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 15, 2025
DOCKET	20-cv-08624-JST (VKD)
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving a discovery dispute in a patent-infringement action concerning production of agreements and royalty reports relevant to plaintiffs' damages theories.
STANDARD OF REVIEW	Discovery relevance and proportionality principles; the court evaluated whether the requested materials were relevant to plaintiffs' damages theories and whether the asserted grounds for discovery were speculative.
PRECEDENTIAL VALUE	unpublished district court discovery order

TOPICS

- discovery dispute
- patent infringement
- damages
- intellectual property
- civil procedure

PRACTICE AREAS

- civil procedure
- intellectual property
- patent litigation
- commercial litigation
- damages

QUESTIONS PRESENTED

1. Whether the 2020 NIH/NIAID Agreement, the 2019 NIAID Research Collaboration Agreement, and AbCellera's related NIH royalty reports were discoverable because they could bear on contributions to bamlanivimab's success or profitability and thus on AbCellera's damages theories.
2. Whether the other agreements listed in Section 1 of the 2020 NIH/NIAID Agreement were discoverable when Bruker had articulated no non-speculative basis for obtaining them.

HOLDINGS

1. The 2020 NIH/NIAID Agreement, the 2019 NIAID Research Collaboration Agreement, and AbCellera's royalty reports to the NIH were discoverable and had to be produced to Bruker Cellular in unredacted form because AbCellera's damages theories relied at least in part on bamlanivimab's success or profitability.
2. The other agreements listed in Section 1 were not discoverable because Bruker Cellular had not articulated a non-speculative basis for their production.

KEY QUOTATIONS

“To the extent AbCellera relies on the success or profitability of an antibody discovered using its patented methods to support its damages theories, Bruker Cellular should be permitted to obtain discovery regarding contributions to that success or profitability.” (at 2)

“Conversely, Bruker Cellular has not articulated any non-speculative grounds for discovery of the other agreements listed in Section 1 of the 2020 NIH/NIAID Agreement.” (at 3)

FACTUAL BACKGROUND

AbCellera asserted patent claims concerning methods allegedly used to discover bamlanivimab and relied at least in part on bamlanivimab's royalty revenues, success, or profitability in calculating reasonable royalty and lost-profits damages. Bruker sought unredacted NIH and NIAID agreements and royalty reports to determine whether intellectual property and technologies other than the asserted patents contributed to bamlanivimab's development and resulting value. The parties agreed that the agreements did not license or otherwise implicate the asserted patents.

PROCEDURAL HISTORY

Following an earlier order at Dkt. No. 309, the court reviewed the parties' additional arguments concerning Bruker Cellular's demand for complete, unredacted copies of specified NIH and NIAID agreements and royalty reports. The court resolved the dispute without oral argument under Civil Local Rule 7-1(b), requiring production of three categories of materials but denying discovery of other agreements listed in the 2020 agreement.

DISPOSITION

other

CASES CITED

- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1179-80 (9th Cir. 2006)

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