

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**E8 PHARMACEUTICALS, LLC AND THE  
MASSACHUSETTS INSTITUTE OF TECHNOLOGY,**  
*Plaintiffs-Appellants,*

v.

**AFFYMETRIX, INC. AND NAVIGENICS, INC.,**  
*Defendants-Appellees.*

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2013-1046

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Appeal from the United States District Court for the  
District of Massachusetts in consolidated No. 08-CV-  
11132, Judge George A. O'Toole, Jr.

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Decided: November 6, 2013

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JOHN B. WYSS, Wiley Rein LLP, of Washington, DC,  
argued for plaintiffs-appellants. With him on the brief  
were JAMES H. WALLACE, JR., MARK A. PACELLA, and  
GREGORY R. LYONS.

PETER E. ROOT, Kaye Scholer LLP, of Palo Alto, Cali-  
fornia, argued for defendants-appellees. With him on the  
brief were MICHAEL J. MALECEK, SEAN M. BOYLE, and  
GARY ROSS ALLEN.

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Before LOURIE, DYK, and O'MALLEY, *Circuit Judges*.

PER CURIAM.

We affirm the judgment of noninfringement in favor of Affymetrix, Inc. and Navigenics, Inc. We base our decision solely on our agreement with the district court's construction of the phrase "randomly primed PCR-derived RCG." We do not reach any other issues raised on appeal.

**AFFIRMED**