

NOTE: This disposition is nonprecedential.

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

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

v.

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

2013-1046

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

Decided: November 6, 2013

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.

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