



NEWS RELEASE

## German Federal Patent Court Invalidates Patent Asserted By 10x Genomics, Delivering Legal Win to NanoString and Bruker

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NanoString, now a Bruker business, will promptly seek an end to the injunction impacting sales of CosMx SMI products in Germany

BILLERICA, Mass.--(BUSINESS WIRE)-- **Bruker Corporation** (Nasdaq: BRKR) today announced that the German Federal Patent Court has ruled in favor of NanoString Technologies Germany GmbH by invalidating European Patent No. 2794928B1 (the "928 Patent") in Germany (case 3 Ni 20/22). NanoString is now a Bruker business following Bruker's asset acquisition of the businesses of NanoString Technologies, Inc on May 6th, 2024. The 928 Patent has been asserted by 10x Genomics against NanoString in patent infringement cases in Germany and before the European Unified Patent Court (UPC) involving NanoString's CosMx Spatial Molecular Imager (SMI) products for RNA detection. The Federal Patent Court ruled that the German part of the 928 Patent is invalid.

"NanoString has consistently maintained that the patents being asserted by 10x Genomics against NanoString's CosMx SMI products are invalid. Today's ruling of the German Federal Patent Court is a decisive victory for NanoString and Bruker and a resounding vindication of NanoString's belief from the outset that these cases are without merit. This ruling is also a win for science and enables a re-leveling of the playing field in the research tools industry in Germany," commented Dr. Mark R. Munch, President of the Bruker NANO Group.

Today's decision in Germany follows NanoString's win before the UPC Court of Appeal in Luxembourg in February on a related patent. In that case, the Court overturned a preliminary injunction that had previously been issued by a lower court based on the closely related European Patent 4108782B1 (the "782 Patent"). The UPC Court of Appeal noted in its February ruling that it was likely "that the patent at issue will not prove to be valid," citing concerns about the obviousness of the patent claims based on the prior art. Today's decision of the German Federal Patent



Court is in line with that separate court's analysis.

"Today's win is further evidence of the turning of the tide in our favor in these cases," Dr. Munch added. "Bruker expects to build on this significant legal victory and to further fight for scientific freedom."

Following today's win, NanoString will promptly ask the German Higher Regional Court of Munich to permanently lift the injunction impacting NanoString's CosMx products and the scientists who rely on them in Germany. In December 2023, the German Higher Regional Court of Munich cited concerns with the lower Munich Regional Court's May 2023 decision and granted NanoString the right to have the injunction on sales of CosMx products in Germany lifted, subject to payment of a bond. NanoString also expects to have its attorneys' fees and related legal expenses reimbursed in light of today's ruling.

### About Bruker Corporation – Leader of the Post-Genomic Era (Nasdaq: BRKR)

Bruker is enabling scientists and engineers to make breakthrough post-genomic discoveries and develop new applications that improve the quality of human life. Bruker's high-performance scientific instruments and high-value analytical and diagnostic solutions enable scientists to explore life and materials at molecular, cellular, and microscopic levels. In close cooperation with our customers, Bruker is enabling innovation, improved productivity, and customer success in post-genomic life science molecular and cell biology research, in applied and biopharma applications, in microscopy and nanoanalysis, as well as in industrial and cleantech research, and next-gen semiconductor metrology in support of AI. Bruker offers differentiated, high-value life science and diagnostics systems and solutions in preclinical imaging, clinical phenomics research, proteomics and multiomics, spatial and single-cell biology, functional structural and condensate biology, as well as in clinical microbiology and molecular diagnostics. For more information, please visit [www.bruker.com](http://www.bruker.com).

### About NanoString Technologies, Inc.

NanoString Technologies, a leader in spatial biology, offers an ecosystem of innovative discovery and translational research solutions, empowering our customers to map the universe of biology. The GeoMx® Digital Spatial Profiler is a flexible and consistent solution combining the power of whole tissue imaging with gene expression and protein data for spatial whole transcriptomics and proteomics. The CosMx™ Spatial Molecular Imager is a single-cell imaging platform powered by spatial multiomics enabling researchers to map single cells in their native environments to extract deep biological insights and novel discoveries from one experiment. The AtoMx™ Spatial Informatics Platform is a cloud-based informatics solution with advanced analytics and global collaboration capabilities, enabling powerful spatial biology insights anytime, anywhere. At the foundation of our research tools is our nCounter® Analysis System, which offers a secure way to easily profile the expression of hundreds of genes, proteins, miRNAs, or copy number variations, simultaneously with high sensitivity and precision. For more

information, please visit [www.nanostring.com](http://www.nanostring.com).

## Cautionary Statement Regarding Forward-Looking Statements

This communication contains “forward-looking statements.” All statements, other than statements of historical facts, including statements concerning ongoing litigation and appeals; Bruker’s and NanoString’s plans, objectives, goals, beliefs, strategy and strategic objectives, future events, business conditions, results of operations, financial position, business outlook, business trends and other information, may be forward-looking statements. Forward-looking statements generally can be identified by the use of forward-looking terminology such as “anticipate,” “believe,” “contemplate,” “continue,” “could,” “estimate,” “expect,” “goal,” “intend,” “may,” “plan,” “potential,” “predict,” “project,” “seek,” “should,” “strategy,” “target,” or “will” or the negatives of these terms or variations of them or similar terminology. Readers are cautioned that any such forward-looking statements are not guarantees of future performance and involve risks and uncertainties and are cautioned not to place undue reliance on these forward-looking statements. Actual results may differ materially from those currently anticipated due to a number of risks and uncertainties. Risks and uncertainties include, but are not limited to, expectations regarding litigation and remedies, the ultimate disposition of the pending litigation, expectations around seeking costs and damages, and the impact of the pending litigation on our business and our operations and business outlook. For further discussion of these and other risks and uncertainties, see Bruker’s most recent Form 10-K and Form 10-Q filings with the SEC. Except as required by law, Bruker does not undertake any duty to update forward-looking statements to reflect events after the date of this press release.

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