

No. 25A-\_\_\_\_\_  
IN THE  
**Supreme Court of the United States**

CAREDX, INC.,

*APPLICANT-PETITIONER,*

V.

NATERA, INC.,

*RESPONDENT.*

**APPLICATION OF PETITIONER CARE DX, INC., FOR  
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF  
CERTIORARI TO THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court  
and Circuit Justice for the Third Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant CareDx., Inc., Plaintiff-Appellant below, respectfully requests a 32-day extension of time, up to and including Monday, February 9, 2026, to file a petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit. CareDx seeks review of that court’s decision affirming the invalidation of a \$44.9 million false-advertising jury verdict in favor of CareDx based on an erroneous conclusion that there was insufficient evidence for the jury to find actual consumer deception. A panel of the Third Circuit issued its decision on August 28, 2025, and the Third Circuit entered an order denying Applicant’s timely petition for rehearing en banc on October 10, 2025. These decisions are attached as Appendix A and Appendix B, respectively. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition

for a writ of certiorari will otherwise expire on Thursday, January 8, 2026. This Application for Extension of Time is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

2. Applicant has good cause for an extension of time. This case involves important questions regarding the Third Circuit's adoption of a legal rule that conflicts with the Lanham Act precedent of at least six other circuits. The First, Second, Sixth, Eighth, Ninth and D.C. Circuits have each adopted the rule that, where an advertising campaign is willfully false, actual consumer deception is presumed. The foundation of this presumption is the common-sense and powerful inference that such a deliberately false advertising campaign has its intended effect and actually succeeds in inducing consumers to rely on a falsehood. The panel decision not only diverges from the dominant approach adopting a presumption of deception but goes further. It endorses the position that a jury cannot draw even a permissive inference that actual deception must have occurred in light of a large-scale and willfully false advertising campaign. This Court will benefit from a careful presentation of these weighty issues.

3. Counsel of record for Applicant has had, and continues to have, extensive professional and personal obligations over the period for filing a petition with this Court. For example, in recent weeks, counsel of record has an expedited appeal in *Ascendis Pharma A/S v. Biomarin Pharmaceutical Inc.*, No. 26-1026 (CAFC), as well as, among others, active pretrial proceedings in *In re ChromaCode*, Case 5:23-cv-04823-EKL (N.D. Cal.), *QIAGEN GmbH v. Zymo Research Corporation*, Case 8:24-

cv-01832-JWH-DFM(C.D. Cal.) and *Personal Genomics Taiwan, Inc. v. Pacific Biosciences of California, Inc.*, Case 5:24-cv-04098-NW (N.D. Cal.).

4. Other members of the legal team likewise have conflicting professional and personal commitments. Additionally, the time period for seeking certiorari includes the Thanksgiving, Christmas, and New Year's holidays. The issues in this case warrant careful briefing and consideration, which counsels in favor of the requested extension.

5. WHEREFORE, Applicant respectfully requests that an order be entered extending the time to and including Monday, February 9, 2026.

Dated: December 15, 2025

Respectfully submitted,

/s/ Edward R. Reines  
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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to this Court's Rule 29.6, Applicant states as follows:

CareDx, Inc. states that it has no parent corporation, and that no corporation owns 10% or more of its stock.