

KAYE SCHOLER LLP

1 Michael J. Malecek (State Bar No. 171034)  
 Email address: michael.malecek@kayescholer.com  
 2 Katherine LaBarre (State Bar No. 269726)  
 Email address: katherine.labarre@kayescholer.com  
 3 Marisa Armanino Williams (State Bar No. 264907)  
 Email address: marisa.armanino@kayescholer.com  
 4 KAYE SCHOLER LLP  
 Two Palo Alto Square, Suite 400  
 5 3000 El Camino Real  
 Palo Alto, California 94306-2112  
 6 Telephone: (650) 319-4500  
 Facsimile: (650) 319-4700  
 7

8 Attorneys for Defendant and Counterclaimant  
 COMPLETE GENOMICS, INC.

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 ILLUMINA, INC., and	)	Case No. 3:10-cv-05542 EDL
13 SOLEXA, INC.,	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
14 Plaintiffs,	)	<b>ORDER FOR FILING AMENDED</b>
	)	<b>PLEADINGS</b>
15 v.	)	
	)	
16 COMPLETE GENOMICS, INC.,	)	
	)	
17 Defendant.	)	
	)	
18 _____	)	

19  
 20 Plaintiffs Illumina, Inc. and Solexa, Inc. (collectively, "Illumina") and Defendant  
 21 Complete Genomics, Inc. ("CGI"), by and through their undersigned counsel of record, hereby  
 22 stipulate and agree as follows:

23 WHEREAS, on August 3, 2010, Illumina filed its Complaint in the District of Delaware in  
 24 the case styled *Illumina, Inc. and Solexa, Inc. v. Complete Genomics, Inc.*, Case No. 10-649-RK  
 25 (D. Del.) ("Delaware Action");

26 WHEREAS, on September 23, 2010, CGI filed its Answer and Counterclaims;

27 WHEREAS, on October 18, 2010, Illumina filed its Answer to CGI's Counterclaims;

1           WHEREAS, on December 14, 2010, the Delaware Action was transferred to the Northern  
2 District of California;

3           WHEREAS, January 27, 2012 is the last day on which the parties may amend their  
4 pleadings;

5           WHEREAS, CGI wishes to amend its Counterclaims to assert additional facts supporting  
6 its inequitable conduct claim;

7           WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a), Illumina does not oppose  
8 the filing of the Amended Answer and Counterclaims;

9  
10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
2 attorneys of record that CGI may file an Amended Answer and Counterclaims, a copy of which is  
3 attached hereto.

4  
5 Dated: January 25, 2012

6 /s/ Katherine LaBarre  
7 Michael J. Malecek (State Bar No. 171034)  
8 Email: michael.malecek@kayescholer.com  
9 Katherine LaBarre (State Bar No. 269726)  
10 Email: katherine.labarre@kayescholer.com  
11 Marisa A. Williams (State Bar No. 264907)  
12 Email: marisa.armanino@kayescholer.com  
13 KAYE SCHOLER LLP  
14 Two Palo Alto Square, Suite 400  
15 3000 El Camino Real  
16 Palo Alto, California 94306-2112  
17 Telephone: (650) 319-4500  
18 Facsimile: (650) 319-4700

19  
20 Attorneys for Defendant and Counterclaimant  
21 COMPLETE GENOMICS, INC.

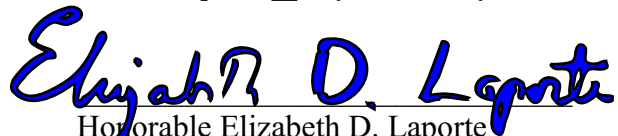
22  
23 FILER'S ATTESTATION: Pursuant to General Order  
24 No. 45, Section X.B, Katherine LaBarre hereby attests  
25 that John Labbé has provided his concurrence with the  
26 electronic filing of this Stipulation and [Proposed]  
27 Order.

28 /s/ John Labbé  
Kevin M. Flowers (admitted *pro hac vice*)  
Email: kflowers@marshallip.com  
John R. Labbé (admitted *pro hac vice*)  
Email: jlabbe@marshallip.com  
MARSHALL, GERSTEIN & BORUN LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, Illinois 60606-6357  
Telephone: (312) 474-6300  
Facsimile: (312) 474-0448

Gina A. Bibby  
Email: gbibby@foley.com  
FOLEY & LARDNER LLP  
975 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 856-3700  
Facsimile: (650) 856-3710

Attorneys for Plaintiffs  
ILLUMINA, INC. and SOLEXA, INC.

28  
PURSUANT TO STIPULATION, IT IS SO ORDERED, this 31st day of January, 2012.

  
Honorable Elizabeth D. Laporte  
United States Magistrate Judge