

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORNELL UNIVERSITY, ET AL.,
:
:
Plaintiffs, :
:

v. :

Civil Action No. 10-433-LPS-MPT

ILLUMINA, INC.,
:
:
Defendant. :

ORDER

WHEREAS, Magistrate Judge Thyng issued a Report and Recommendation (D.I. 157) dated May 23, 2012;

WHEREAS, the Report and Recommendation recommends that Plaintiffs' motion to dismiss pursuant to FED. R. CIV. P. 12(b)(6) for failure to state a claim upon which relief can be granted (D.I. 95) be GRANTED; and Defendant's request to amend pursuant to FED. R. CIV. P. 15(a) (D.I. 97) be DENIED.

WHEREAS, any Objections to the Report and Recommendation were to be filed by June 11, 2012;

WHEREAS, neither party has filed an Objection to the Report and Recommendation;

WHEREAS, the Court concludes that the Report and Recommendation should be adopted for the reasons stated by Magistrate Judge Thyng;

NOW THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation (D.I. 157) is **ADOPTED**, and Plaintiffs' motion to dismiss pursuant to FED. R. CIV. P. 12(b)(6) for failure to state a claim upon which relief can be granted (D.I. 95) is **GRANTED**; and

Defendant's request to amend pursuant to FED. R. CIV. P. 15(a) (D.I. 97) is **DENIED**.

Dated: June 29 2012


UNITED STATES DISTRICT JUDGE