IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CORNELL UNIVERSITY, CORNELL RESEARCH FOUNDATION, INC., LIFE TECHNOLOGIES CORPORATION AND APPLIED BIOSYSTEMS, LLC, Plaintiffs, v. ILLUMINA, INC., Defendant.	C.A. No. 10-433-LPS

PLAINTIFFS' REPLY TO COUNTERCLAIMS

Plaintiffs Cornell University, Cornell Research Foundation, Inc., Life Technologies Corporation and Applied Biosystems, LLC (collectively, "Plaintiffs") reply to the Counterclaim for Declaratory Judgment of Illumina, Inc. ("Illumina") as follows:

PARTIES

1. The allegations of paragraph 1 are admitted.

2. The allegations of paragraph 2 are admitted.

3. The allegations of paragraph 3 are admitted.

4. The allegations of paragraph 4 are admitted.

5. The allegations of paragraph 5 are admitted.

6. The allegations of paragraph 6 are admitted.

7. The allegations of paragraph 7 are admitted.

8. The allegations of paragraph 8 are admitted.

9. The allegations of paragraph 9 are denied.

10. The allegations of paragraph 10 are denied.

11. The allegations of paragraph 11 are admitted.

JURISDICTION AND VENUE

12. The allegations of paragraph 12 are admitted.

13. The allegations of paragraph 13 are admitted.

14. In response to the allegations of paragraph 14, Plaintiffs admit that venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Plaintiffs deny the remaining allegations in paragraph 14.

COUNT I

DECLARATORY JUDGMENT OF INVALIDITY

15. Plaintiffs reincorporate their responses to paragraphs 1-14.

16. The allegations of paragraph 16 are admitted.

17. Plaintiffs admit the allegations of paragraph 17, but deny that Illumina is entitled to the relief requested.

18. The allegations of paragraph 18 are denied.

COUNT II

DECLARATORY JUDGMENT OF NON-INFRINGEMENT

19. Plaintiffs reincorporate their responses to paragraphs 1-18.

20. Plaintiffs admit the allegations of paragraph 20, but deny that Illumina is entitled to the relief requested.

21. The allegations of paragraph 21 are denied.

DEFENSES

First Affirmative Defense

Plaintiffs deny each and every allegation of the Counterclaim not specifically admitted.

Second Affirmative Defense

Illumina's counterclaims fail to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Accordingly, Plaintiffs request the following relief:

1. A judgment dismissing Illumina's counterclaims with prejudice;

2. Pursuant to 35 U.S.C. § 285, an award of Plaintiffs' costs and attorneys' fees incurred in defending against Illumina's counterclaims in this action; and

3. An order granting such other and further relief as this Court deems just and proper.

DATED: September 13, 2010

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CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on September 13, 2010, I caused to be electronically filed a copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on September 13, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants:

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