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

JOINT STIPULATION AND PROPOSED ORDER TO AMEND THE SCHEDULING ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective counsel and subject to the approval of the Court, that:

1. The date provided in paragraph 1 of the Scheduling Order (D.I. 32) for Plaintiffs to provide to Defendant their preliminary infringement contentions and all documents relied upon in forming such contentions is extended from March 14, 2011 to 20 days after the filing of the First Amended Complaint.
2. The date provided in paragraph 1 of the Scheduling Order (D.I. 32) for Defendant to provide Plaintiffs with their preliminary non-infringement contentions and all documents relied upon in forming such contentions is extended from April 15, 2011 to 20 days after service of the Preliminary Infringement Contentions.
3. Paragraph 1 of the Scheduling Order (D.I. 32) is modified to require Defendant to provide Plaintiffs with their preliminary invalidity contentions and all documents relied

upon in forming such contentions within 30 days after service of the Preliminary Infringement Contentions.

4. The date provided in paragraph 2 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulations and Proposed Orders to Amend the Scheduling Order (D.I. 59; D.I. 61), for Defendant to amend or supplement its pleadings with respect to the claim of inequitable conduct and for Plaintiff to amend or supplement its pleadings solely with respect to the claim of willful infringement is extended from October 3, 2011 and August 19, 2011, respectively, to August 3, 2012.
5. The date provided in paragraph 2 of the Scheduling Order (D.I. 32) for disclosure of the defense of advice of counsel is extended from October 28, 2011 to August 31, 2012.
6. The date provided in paragraph 3.a. of the Scheduling Order (D.I. 32) for the completion of fact discovery is extended from December 2, 2011 to October 5, 2012.
7. The date provided in paragraph 3.b. of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Order to Amend the Scheduling Order (D.I. 55), for the substantial completion of document production is extended from September 2, 2011 as follows: Document production (except for documents concerning new patents and new products accused of infringement in the First Amended Complaint but not in the original complaint) shall be substantially complete by November 2, 2011. Document production for documents concerning new patents and new products accused of infringement in the First Amended Complaint but not in the original complaint shall be substantially complete by March 23, 2012.
8. The date provided in paragraph 3.f.i. of the Scheduling Order (D.I. 32) for the initial Rule 26(a)(2) disclosure of expert testimony is extended from thirty (30) days after receipt of

the Court's claim construction Order, or by January 6, 2012, whichever occurs sooner, to thirty (30) days after receipt of the Court's claim construction Order, or by November 9, 2012, whichever occurs sooner.

9. The date provided in paragraph 3.f.i. of the Scheduling Order (D.I. 32) for the completion of expert discovery is extended from sixty (60) days after service of rebuttal reports, or by April 6, 2012, whichever occurs sooner, to sixty (60) days after service of rebuttal expert reports.

10. The date provided in paragraph 8 of the Scheduling Order (D.I. 32) for counsel to submit a joint letter to the Court with an interim report on the nature of the matters in issue and the progress of discovery to date is extended from July 8, 2011 to March 23, 2012.

11. The date provided in paragraph 9 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Orders to Amend the Scheduling Order (D.I. 55), for the parties to file their DVD tutorials is extended from November 18, 2011 to June 22, 2012.

12. The date provided in paragraph 10 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Orders to Amend the Scheduling Order (D.I. 55), for the exchange of claim term(s)/phrase(s) that the parties believe need construction and their proposed claim construction of those term(s)/phrase(s) is extended from April 29, 2011 to: (1) December 16, 2011 for claim term(s)/phrase(s) of patents in the original complaint; and (2) April 9, 2012 for claim term(s)/phrase(s) of new patents in the amended complaint.

13. The date provided in paragraph 10 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Orders to Amend the Scheduling Order (D.I. 55), for the

parties to file a Joint Claim Construction Chart is extended from October 7, 2011 to May 7, 2012.

14. The date provided in paragraph 11 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Orders to Amend the Scheduling Order (D.I. 55), for the parties to file their opening briefs on claim construction issues is extended from October 28, 2011 to May 25, 2012.

15. The date provided in paragraph 11 of the Scheduling Order (D.I. 32), as modified by the Joint Stipulation and Proposed Orders to Amend the Scheduling Order (D.I. 55), for the parties to file their answering/responsive briefs on claim construction issues is extended from November 18, 2011 to June 22, 2012.

16. The date provided in paragraph 12 of the Scheduling Order (D.I. 32), as modified by the Court's June 27, 2011 Order, for the argument on claim construction is extended from January 20, 2012 at 10:00 a.m. to September 6, 2012 at 10:00 a.m./p.m.

17. The date provided in paragraph 13 of the Scheduling Order (D.I. 32) for all case dispositive motions, an opening brief, and affidavits, if any, in support of the motion is extended from May 4, 2012 to one month after the completion of expert discovery. Paragraph 13 of the Scheduling Order (D.I. 32) is further modified as follows: (1) answering briefs on case dispositive motions and affidavits in support, if any, shall be filed fourteen (14) days after the filing date of case dispositive motions; and (2) reply briefs on case dispositive motions and affidavits in support, if any, shall be filed seven (7) days thereafter.

18. The date provided in paragraph 18 of the Scheduling Order (D.I. 32) for a 8-10 day trial is June ___, 2013, or TBD.

All other dates in the Scheduling Order (D.I. 32) as modified by the Joint Stipulations and Proposed Orders to Amend the Scheduling Order (D.I. 55; D.I. 61) remain in full order and effect. A chart setting forth the proposed stipulated schedule compared to the current case schedule is attached hereto as Exhibit A.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Karen E. Keller

Adam W. Poff (#3990)
Karen E. Keller (#4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
apoff@ycst.com
kkkeller@ycst.com

Attorneys for Plaintiffs

ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (#2114)
Lauren E. Maguire (#4261)
500 Delaware Avenue, 8th Floor
P.O. Box. 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Defendant

SO ORDERED this 22nd day of August, 2011.

United States District Judge

EXHIBIT A

Event	Proposed Date	Current Date
Deadline to file unopposed motion to amend	FILE AMENDED COMPLAINT	8/19/11
Deadline to file Answer	As provided in Federal Rules	past
Deadline to file reply to counterclaims	As provided in Federal Rules	past
Preliminary Infringement Contentions	20 days after filing of Amended Complaint	03/14/11
Preliminary Non-Infringement Contentions	20 days after service of Preliminary Infringement Contentions	04/15/11
Preliminary Invalidity Contentions	30 days after service of Preliminary Infringement Contentions	
Substantial completion of document production except for documents concerning new products accused of infringement in the amended complaint but not in the original complaint	11/02/2011	9/2/2011
Exchange of claim terms/proposed constructions for patents in the original complaint	12/16/2011	
Substantial completion of document production for new products accused of infringement in the amended complaint but not in the original complaint	3/23/2012	

Joint interim report on discovery status	3/23/2012	7/8/2011
Exchange of claim terms/proposed constructions for new patents in the amended complaint	4/9/2012	9/23/11
Joint Claim Construction chart	5/7/2012	10/7/2011
Claim Construction Brief due	5/25/2012	10/28/11
Response briefs due	6/22/2012	11/18/2011
DVD tutorials due	6/22/2012	11/18/11
Joint letter re: (1) leave to present testimony at Markman hearing; and (2) amount of time requested	6/22/2012	8/19/11
Last day for defendant to amend pleadings to include allegations of inequitable conduct	8/3/2012	10/3/11
Last day for plaintiffs to amend pleadings to include allegations of willful infringement	8/3/2012	
Disclosure of Reliance Upon Advice of Counsel	8/31/2012	10/28/11
Markman Hearing	Set by court	1/20/12
Close of Fact Discovery	10/05/2012	12/2/2011
Last day to amend infringement/non-infringement contentions	30 days after Markman Order	30 days after Markman Order

Disclosure of Expert Reports	sooner of 11/09/2012 or 30 days after issuance of Markman Order	sooner of 01/06/12 or 30 days after Markman Order
Disclosure of Expert Rebuttal Reports	30 days thereafter	30 days thereafter
Completion of Expert Discovery	60 days after service of rebuttal report(s)	sooner of 04/06/2012 or 60 days after service of rebuttal reports
Opening Briefs on Case Dispositive Motions	One month after completion of expert discovery	5/4/2012
Answering Briefs on Case Dispositive Motions	14 days thereafter	5/18/2012
Reply Briefs on Case Dispositive Motions	7 days thereafter	5/25/2012
Trial date	June, 2013, or TBD	TBD in original schedule