

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

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

**CORNELL UNIVERSITY AND CORNELL RESEARCH FOUNDATION, INC.’S
MOTION TO VACATE STIPULATION OF DISMISSAL PURSUANT TO RULE 60
AND TO RESCIND SETTLEMENT DOCUMENTS FOR FRAUD OR,
ALTERNATIVELY, FOR LEAVE TO CONDUCT DISCOVERY**

Pursuant to Fed. R. Civ. P. 60(b), Plaintiffs Cornell University and Cornell Research Foundation, Inc. (collectively “Cornell”) respectfully submit this Motion To Vacate Stipulation of Dismissal And To Rescind Settlement Documents For Fraud Or, Alternatively, For Leave To Conduct Discovery. The grounds for this Motion are set forth in greater detail in Cornell’s opening brief, filed contemporaneously herewith.

CERTIFICATION PURSUANT TO D. DEL. LR 7.1.1

Pursuant to D. Del. LR 7.1.1, Plaintiffs Cornell University and Cornell Research Foundation, Inc. (collectively “Cornell”) hereby certify that because the undersigned believe this to be a dispositive motion to open a closed case and vacate a dismissal, the requirement to make an averment of counsel for the moving party that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in this motion does not apply.

Respectfully submitted,

LECLAIRRYAN

/s/ Andrew L. Cole

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