

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

THE TRUSTEES OF COLUMBIA)	
UNIVERSITY IN THE CITY OF NEW)	
YORK and INTELLIGENT BIO-SYSTEMS,)	
INC.,)	
)	
Plaintiffs, Counterclaim Defendants,)	
)	
v.)	
)	
ILLUMINA, INC.,)	C.A. No. 12-376-GMS
)	
Defendant, Counterclaim Plaintiff,)	
)	
and ILLUMINA CAMBRIDGE LTD.,)	
)	
Counterclaim Plaintiff.)	

**STIPULATED ORDER STAYING ACTION
PENDING INTER PARTES REVIEW**

WHEREAS, in September and October 2012, Illumina filed petitions for *inter partes* review of three of the Columbia patents in suit, and on March 12, 2013, the Patent Trial and Appeal Board ("PTAB") granted those petitions;

WHEREAS, in February 2013, Intelligent Bio-Systems, Inc. ("IBS") filed a petition for *inter partes* review of one of the Illumina counterclaim patents in suit, and although the PTAB has not yet acted upon that petition, a decision on IBS's petition is due within three months of Illumina's response to the petition, due May 1, 2013, and IBS anticipates that its petition will be granted for substantially the same reasons cited by the PTAB in granting review of the Columbia patents;

WHEREAS, unlike the prior procedure for *inter partes* reexaminations, which could take many years to complete, the new statutory procedure for *inter partes* review is far faster, and absent a showing of cause, results in a final determination by the PTAB within one year;

WHEREAS, the parties agree that it could prove to be highly wasteful of their own resources, as well as those of the Court, to engage in claim construction proceedings, expert reports, expert discovery, possible dispositive motions, pretrial preparation, and trial, when all of that work could turn out to have been wasted if the challenged claims fail to emerge from *inter partes* review, and given the availability of the streamlined new *inter partes* review procedure, the parties believe that a stay will be beneficial for all concerned; and

WHEREAS, notwithstanding their agreement that a stay should be entered, the parties further agree that it would be useful and efficient to be permitted to continue to conduct certain fact discovery while the case is otherwise stayed, to avoid or minimize the risk of prejudice by securing evidence to protect against the loss of recollection or other evidence, or the movement or death of any witness; now therefore,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, as follows:

1. Except for the limited activities described below in paragraph 2, this case is stayed in its entirety until further order of the Court, and all current case deadlines, through and including trial, are vacated.
2. The following litigation activities shall be permitted to continue notwithstanding the stay:
 - A. Up to 80 hours of depositions per side shall be permitted (*i.e.*, each side can use 80 of the 180 deposition hours it has under the scheduling order).

B. The parties shall complete document production in response to existing document requests, as well as in response to any document requests included in notices of deposition. The parties shall maintain their obligation to timely supplement production as necessary during the course of the stay.

C. The parties may issue additional interrogatories and requests for admission, subject to the total limits that are set forth in Paragraph 5 of the Scheduling Order (D.I. 29). However, the limits on interrogatories shall not be enlarged, so if a side depletes its interrogatories before the stay is over, that side will have no more interrogatories to use after the stay is lifted.

D. In the event that disputes arise during the course of the discovery permitted by this stipulated order, the Court will remain available to resolve such disputes pursuant to Paragraph 5(a) of the Scheduling Order.

3. Within 10 days of the final determination by the PTAB of the currently granted or requested *inter partes* reviews of the patents-in-suit, the parties shall submit a joint report outlining the status of the case and the parties' proposals concerning how to proceed.

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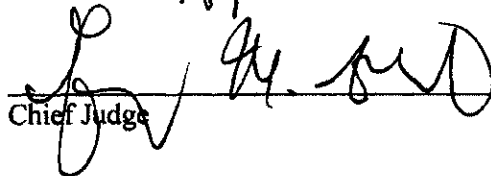
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SO ORDERED, this 1st day of April, 2013.



Chief Judge