

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.	)	
	)	
ILLUMINA, INC.,	)	
	)	
Defendant.	)	
_____	)	

**CORNELL UNIVERSITY’S AND CORNELL RESEARCH FOUNDATION, INC.’S  
NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs Cornell University and Cornell Research Foundation, Inc. (collectively “Cornell”), appeal to the United States Court of Appeals for the Federal Circuit from the March 29, 2018 Memorandum Order entered by District Court Judge, the Honorable Leonard P. Stark [D.I. 699 SEALED; D.I. 701 REDACTED PUBLIC VERSION] (the “Order”):

- (i) adopting the February 5, 2018 Report and Recommendation issued by Magistrate Judge, the Honorable Mary Pat Thyng [D.I. 679 SEALED; D.I. 688 REDACTED PUBLIC VERSION] (the “Recommendation”) finding that the Court lacks subject matter jurisdiction to hear Cornell’s Motion to Vacate the Dismissal Pursuant to Rule 60 and to Rescind Settlement Documents for Fraud or, alternatively, for Leave to Conduct Discovery (the “Rule 60 Motion”);
- (ii) adopting, except for the grant of a stay, the January 19, 2018 Memorandum Order issued by Magistrate Judge, the Honorable Mary Pat Thyng [D.I. 676] (the

“Memorandum Order”) recommending that the issues raised in Cornell’s Rule 60 Motion should be stayed pending mediation/arbitration between Life Technologies, Inc. and Applied Biosystems, LLC and Cornell; and

(iii) from all underlying findings, orders, decisions, rulings and opinions relating to the Order, the Recommendation, or the Memorandum Order.

This appeal is made pursuant to 28 U.S.C. § 1295(a)(1).

Respectfully submitted,

LECLAIRRYAN

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