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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE SCRIPPS RESEARCH
INSTITUTE,

Plaintiff,

v.

ILLUMINA, INC.,

Defendant.

Case No.: 16-CV-661 JLS (BGS)

**ORDER GRANTING JOINT
MOTION; ENTERING FINAL
JUDGMENT**

(ECF No. 80)

Presently before the Court is the Plaintiff The Scripps Research Institute and Defendant Illumina, Inc.’s Joint Motion and Stipulation Re Final Judgment, (“MTN,” ECF No. 80).

Based upon this Court’s Order on Claim Construction dated April 10, 2018, the Parties have stipulated that none of the bead array products accused of infringement in The Scripps Research Institute’s First Amended Complaint (the “Accused Products”) satisfy the “a”, “(Z_n)_a”, “(X_n)_a”, and “B is a linker molecule operatively linked to A and C” limitations of Claims 1, 3, 10, and 16 (collectively, “the Asserted Claims”) of U.S. Patent No. 6,060,596 (“the ’596 Patent”). (*See* MTN ¶¶ 10–11.) Moreover, the Parties have stipulated that none of the Accused Products meet the requirement that “a” have the same value in (X_n)_a and (Z_n)_a for a given bifunctional molecule. The Parties have therefore stipulated that Defendant is entitled to a judgment of non-infringement as a matter of law

1 as to all of Plaintiff's Asserted Claims as set forth in the Joint Motion. The Court **GRANTS**
2 the Joint Motion. Accordingly, it is **HEREBY ORDERED, ADJUDICATED, and**
3 **DECREED:**

4 Judgment is entered against Plaintiff and for Defendant as to Plaintiff's claims for
5 patent infringement based on the parties' Joint Motion of Non-Infringement;

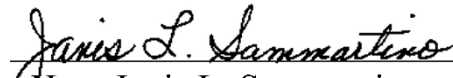
6 The Court further enters judgment for Defendant and against Plaintiff and declares
7 claims 1, 3, 10, and 16 of the '596 Patent not infringed by Defendant. Plaintiff shall take
8 nothing from Defendants with respect to the Asserted Claims of the '596 Patent;

9 Defendant is the prevailing party for purposes of recovering costs.

10 The Clerk **SHALL** close the file.

11 **IT IS SO ORDERED.**

12 Dated: May 18, 2018

13 
14 Hon. Janis L. Sammartino
United States District Judge