

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

THE TRUSTEES OF COLUMBIA )  
UNIVERSITY IN THE CITY OF )  
NEW YORK and QIAGEN )  
SCIENCES, LLC, )

Plaintiffs, )

v. )

ILLUMINA, INC., )

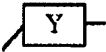
Defendant. )

Civil Action No. 19-1681-CFC

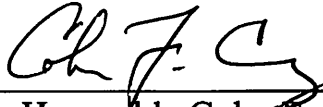
**PROPOSED CLAIM CONSTRUCTION ORDER**

On Plaintiffs’ and Defendant’s Motions for Claim Construction (D.I. 37 and D.I. 38, respectively), having reviewed the parties’ Joint Claim Construction Brief (D.I. 54) and held a *Markman* hearing on September 2, 2020, the Court adopts the following constructions for the disputed terms of U.S. Patent Nos. 10,407,458 (the “458 Patent”), 10,407,459 (the “459 Patent”), 10,435,742 (the “742 Patent”), 10,457,984 (the “984 Patent”), and 10,428,380 (the “380 Patent”):

Columbia Ex. 2042  
Illumina, Inc. v. The Trustees  
of Columbia University  
in the City of New York

Disputed Term	Adopted Construction
<p style="text-align: center;">“  ”</p> <p>(’458 Patent, ’459 Patent, ’742 Patent, and ’984 Patent (Claims 1 and 2), and ’380 Patent (Claims 1 and 3))</p>	<p>A single linker that directly connects the base to the label<sup>1</sup></p>
<p style="text-align: center;">“small”</p> <p>(’458 Patent, ’459 Patent, ’742 Patent, and ’984 Patent (Claims 1 and 2), and ’380 Patent (Claims 1 and 3))</p>	<p>A chemical group that is less than 3.7Å in diameter and that fits into the active site of the polymerase shown in Figure 1 of the patent when three-dimensionally modeled on chemical software</p>
<p style="text-align: center;">“R . . . is stable during a DNA polymerase reaction”</p> <p>(’458 Patent, ’459 Patent, ’742 Patent, and ’984 Patent (Claims 1 and 2), and ’380 Patent (Claims 1 and 3))</p>	<p>Plain and ordinary meaning</p>
<p style="text-align: center;">“A method for sequencing a nucleic acid”</p> <p>(’380 Patent (Claims 1 and 3))</p>	<p>Plain and ordinary meaning; preamble is limiting</p>

SO ORDERED this 10<sup>th</sup> day of September 2020:

  
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 The Honorable Colm F. Connolly  
 United States District Court Judge

<sup>1</sup> Plaintiffs intend to move for reargument of this construction.