

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
ILLUMINA, INC.,

Plaintiff,

v.

AFFYMETRIX, INC.,

Defendant.  
-----

ORDER

09-cv-277-bbc

09-cv-665-bbc

Defendant Affymetrix, Inc. has filed a motion for leave to amend its answer to include an affirmative defense and counterclaim for inequitable conduct. Dkt. #81. I am persuaded that defendant pursued this claim in a diligent manner. Further, plaintiff has not identified any specific prejudice it will suffer if the amendment is allowed.

ORDER

IT IS ORDERED that

1. Defendant Affymetrix Inc.'s motion for leave to file a reply brief, dkt. #90, is GRANTED.

2. Defendant's motion for leave to amend its answer and counterclaim, dkt. #81, is GRANTED.

3. Defendant's proposed amended answer and counterclaim, dkt. #81-2, is ACCEPTED as defendant's operative pleading.

Entered this 27th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge