

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson



**In the Matter of**

Illumina, Incorporated  
a corporation,

And

Pacific Biosciences of California,  
Incorporated (PacBio)  
a corporation.

Docket No. 9387

**PUBLIC**

**JOINT MOTION TO DISMISS COMPLAINT**

Complaint Counsel and Respondents Illumina, Inc. (“Illumina”) and Pacific Biosciences of California, Inc. (“Pacific Biosciences”) jointly move to dismiss the complaint in the above-captioned matter. On January 2, 2020, Respondents terminated their Agreement and Plan of Merger. As set forth in the attached correspondence, Respondent Illumina has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for the proposed acquisition. The complaint is now moot.

Accordingly, the parties respectfully request that the Commission dismiss the complaint.

A proposed order is attached.

Dated: January 3, 2020

Respectfully submitted,

/s/ James J. O'Connell

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*Counsel for Respondent Illumina*

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*Counsel for Respondent Pacific Biosciences*

/s/ Jennifer Milici

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Federal Trade Commission  
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jmilici@ftc.gov

*Counsel Supporting the Complaint*

**ATTACHMENT**

# COVINGTON

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NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

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January 3, 2020

## By Hand Delivery

Federal Trade Commission  
Premerger Notification Office  
Constitution Center Building  
7th St., S.W.  
Room 5301  
Washington, D.C. 20024

Department of Justice  
Antitrust Division  
Premerger & Division Statistics  
450 5<sup>th</sup> Street, N.W.  
Suite 1100  
Washington, D.C. 20530

**Re: llumina, Inc.'s Proposed Acquisition of Pacific Biosciences of California, Inc. (FTC File No. 191-0035)**

Please be advised that pursuant to 16 C.F.R. sec. 803.12(a), Illumina, Inc. withdraws the HSR Act Notification and Report Form it filed on November 29, 2018 with respect to the above-referenced transaction, effective today.

Kindly date-stamp the enclosed copy of this letter and return it to our waiting messenger.

Respectfully submitted,



James J. O'Connell

cc: Gail Levine, Bureau of Competition (via email)  
Ryan Quillian, Bureau of Competition (via email)

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BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:     **Joseph J. Simons, Chairman**  
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        a corporation,

    And

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**[PROPOSED] ORDER DISMISSING COMPLAINT**

    This matter comes before the Commission on Complaint Counsel and Respondents' Joint Motion to Dismiss the Complaint. Having considered the motion, it is hereby ORDERED:

    The Joint Motion to Dismiss the Complaint, dated January 3, 2020, is GRANTED; and the complaint is DISMISSED without prejudice.

By the Commission.

Date: \_\_\_\_\_

\_\_\_\_\_  
April Tabor  
Acting Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2020, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor  
Acting Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580  
[ElectronicFilings@ftc.gov](mailto:ElectronicFilings@ftc.gov)

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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*Counsel for Respondent Illumina, Inc.*

*Counsel for Respondent Pacific Biosciences of California, Inc.*

/s/ Jennifer Milici  
Jennifer Milici

*Counsel Supporting the Complaint*

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

January 3, 2020

By: /s/ Jennifer Milici  
Jennifer Milici