

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 As set forth in the attached correspondence, Respondent Illumina has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for the proposed acquisition.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 Pacific Biosciences

/s/ Jennifer Milici

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Counsel Supporting the Complaint

ATTACHMENT

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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 5th 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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[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

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