



WOMEN'S RIGHTS PROJECT

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JUDGE SWEET CHAMBERS

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Honorable Robert W. Sweet
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Association for Molecular Pathology, et al. v.
United States Patent and Trademark Office, et al.
Civil Action No. 09-4515 (RWS)

Dear Judge Sweet:

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
WOMEN'S RIGHTS PROJECT
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
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We represent the Plaintiffs in the above-captioned case. We plan to file a motion for summary judgment next week and write pursuant to your Individual Rules to seek prior permission to file an over-length memorandum of law.

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

This case was filed on May 12, 2009. It challenges fifteen claims in seven different patents relating to the BRCA1/2 genes on patent law and constitutional grounds. Given the nature of the case, plaintiffs need additional space to provide the court with an adequate discussion of the claims at issue, the applicable legal precedents, and the legal analysis. We anticipate that we also will be filing approximately thirty declarations, including several expert declarations on genetics, which will be referenced in the memorandum.

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

We respectfully request that the Court approve the filing of a memorandum of law of no more than 40 pages in support of Plaintiffs' motion for summary judgment. We would, of course, agree to that same page limit for Defendants' opposition, if they so request.

RICHARD ZACKS
TREASURER

Very truly yours,

Sandra S. Park

cc: (all via e-mail)
Counsel for Defendants
Beth E. Goldman
Natalie Kuehler
Barry R. Satine
Brian M. Poissant
Laura A. Coruzzi

*S. ordered
Sweet TVSDV
8-25-09*