

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATION FOR MOLECULAR PATHOLOGY; :  
AMERICAN COLLEGE OF MEDICAL GENETICS; :  
AMERICAN SOCIETY FOR CLINICAL PATHOLOGY; :  
COLLEGE OF AMERICAN PATHOLOGISTS; :  
HAIG KAZAZIAN, MD; ARUPA GANGULY, PhD; :  
WENDY CHUNG, MD, PhD; HARRY OSTRER, MD; :  
DAVID LEDBETTER, PhD; STEPHEN WARREN, PhD; :  
ELLEN MATLOFF, M.S.; ELSA REICH, M.S.; :  
BREAST CANCER ACTION; BOSTON WOMEN'S :  
HEALTH BOOK COLLECTIVE; LISBETH CERIANI; :  
RUNI LIMARY; GENAE GIRARD; :  
PATRICE FORTUNE; VICKY THOMASON; :  
KATHLEEN PARKER, :

Plaintiffs,

v.

UNITED STATES PATENT AND TRADEMARK  
OFFICE; MYRIAD GENETICS; LORRIS BETZ, :  
ROGER BOYER, JACK BRITTAIN, ARNOLD B. :  
COMBE, RAYMOND GESTELAND, JAMES U. :  
JENSEN, JOHN KENDAL MORRIS; THOMAS PARKS, :  
DAVID W. PERSHING, and MICHAEL K. YOUNG, :  
in their official capacity as Directors of the University :  
of Utah Research Foundation, :

Defendants.

09 CV 4515 (RWS)

ECF Case

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

FILED  
U.S. DISTRICT COURT  
2009 NOV 19 PM 2:24  
S.D. OF N.Y.

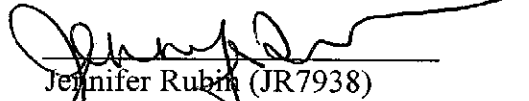
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for  
the Southern and Eastern Districts of New York, I, Jennifer L. Rubin, a member in good standing  
of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Susan Berke Fogel  
Pro-Choice Alliance for Responsible Research  
5521 Murietta Avenue  
Van Nuys, CA 91401  
Telephone: (818) 785-7220  
Fax: (818) 997-9320  
E-Mail: [sbfogel@pacbell.net](mailto:sbfogel@pacbell.net)

Susan Berke Fogel is a member in good standing of the Bar of the State of California.  
There are no pending disciplinary proceedings against Susan Berke Fogel in any State or Federal Court.

Dated: New York, New York  
November 19, 2009

AKERMAN SENTERFITT LLP



Jennifer Rubin (JR7938)

AKERMAN SENTERFITT LLP

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Suite 2600

New York, New York 10017

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*Attorneys for Amici Curiae, National Women's  
Health Network, Asian Communities for  
Reproductive Justice, Center for Genetics and  
Society, Generations Ahead, and Pro-Choice  
Alliance for Responsible Research*

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ASSOCIATION FOR MOLECULAR PATHOLOGY; : 09 CV 4515 (RWS)  
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HAIG KAZAZIAN, MD; ARUPA GANGULY, PhD; :  
WENDY CHUNG, MD, PhD; HARRY OSTRER, MD;  
DAVID LEDBETTER, PhD; STEPHEN WARREN, PhD; : **DECLARATION OF**  
ELLEN MATLOFF, M.S.; ELSA REICH, M.S.; : **JENNIFER L. RUBIN IN**  
BREAST CANCER ACTION; BOSTON WOMEN'S : **SUPPORT OF MOTION TO**  
HEALTH BOOK COLLECTIVE; LISBETH CERIANI; : **ADMIT COUNSEL**  
RUNI LIMARY; GENAE GIRARD; : **PRO HAC VICE**  
PATRICE FORTUNE; VICKY THOMASON;  
KATHLEEN PARKER, :  
Plaintiffs, :  
v. :  
UNITED STATES PATENT AND TRADEMARK :  
OFFICE; MYRIAD GENETICS; LORRIS BETZ, :  
ROGER BOYER, JACK BRITTAIN, ARNOLD B. :  
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JENSEN, JOHN KENDAL MORRIS; THOMAS PARKS, :  
DAVID W. PERSHING, and MICHAEL K. YOUNG, :  
in their official capacity as Directors of the University :  
of Utah Research Foundation, :  
Defendants. :  
-----X

I, Jennifer L. Rubin, declare under penalty of perjury as follows:

1. I am an associate with the law firm of Akerman Senterfitt LLP, counsel for *Amici Curiae*, National Women's Health Network, Asian Communities for Reproductive Justice, Center for Genetics and Society, Generations Ahead, and Pro-Choice Alliance for Responsible Research and other persons and organizations who may join them as Amici. I make this declaration based on information and belief of the facts set forth herein and in support of the motion to admit Susan Berke Fogel *pro hac vice* to represent *Amici Curiae*, National Women's

Health Network, Asian Communities for Reproductive Justice, Center for Genetics and Society, Generations Ahead, and Pro-Choice Alliance for Responsible Research and other persons and organizations who may join them as *Amici*, in this matter.

2. I am a member in good standing of the bar of the State of New York and the bar of the State of Illinois. I am also admitted to the bar of the United States District Court for the Southern District of New York, United States District Court for the Eastern District of New York, United States District Court for the Northern District of Illinois. I am in good standing with this Court.

3. Ms. Fogel is the coordinator for the Pro-Choice Alliance for Responsible Research.

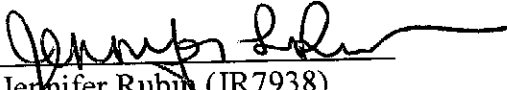
4. Ms. Fogel is a skilled attorney and person of integrity. She is a member in good standing of the bar of the State of California. She is also admitted to the bar of the United States District Court for the Eastern District of California and for the Central District of California. She is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Ms. Fogel's Certificate of Standing from The State Bar of California is attached hereto as Exhibit A.

6. Accordingly, I am pleased to move for the admission of Susan Berke Fogel, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Susan Berke Fogel, *pro hac vice*, which is attached hereto as Exhibit B.

Dated: New York, New York  
November 19, 2009

  
Jennifer Rubin (JR7938)  
**AKERMAN SENTERFITT LLP**  
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AMERICAN SOCIETY FOR CLINICAL PATHOLOGY; :  
COLLEGE OF AMERICAN PATHOLOGISTS;  
HAIG KAZAZIAN, MD; ARUPA GANGULY, PhD; : ECF Case  
WENDY CHUNG, MD, PhD; HARRY OSTRER, MD;  
DAVID LEDBETTER, PhD; STEPHEN WARREN, PhD; : **ORDER FOR ADMISSION**  
ELLEN MATLOFF, M.S.; ELSA REICH, M.S.; : **PRO HAC VICE ON**  
BREAST CANCER ACTION; BOSTON WOMEN'S : **WRITTEN MOTION**  
HEALTH BOOK COLLECTIVE; LISBETH CERIANI;  
RUNI LIMARY; GENAE GIRARD; :  
PATRICE FORTUNE; VICKY THOMASON;  
KATHLEEN PARKER, :  
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UNITED STATES PATENT AND TRADEMARK :  
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DAVID W. PERSHING, and MICHAEL K. YOUNG, :  
in their official capacity as Directors of the University :  
of Utah Research Foundation, :  
Defendants. :  
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Upon motion of Jennifer L. Rubin, attorney for Attorneys for *Amici Curiae*, National Women's Health Network, Asian Communities for Reproductive Justice, Center for Genetics and Society, Generations Ahead, and Pro-Choice Alliance for Responsible Research and other organizations who may join them as *Amici*, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that:

Applicant's Name: Susan Berke Fogel  
Firm Name: Pro-Choice Alliance for Responsible Research  
Address: 5521 Murietta Avenue

City/State: Van Nuys, CA 91401  
Telephone: (818) 785-7220  
Fax: (818) 997-9320  
E-Mail: sbfogel@pacbell.net

is admitted to practice *pro hac vice* as counsel for *Amici Curiae*, National Women's Health Network, Asian Communities for Reproductive Justice, Center for Genetics and Society, Generations Ahead, and Pro-Choice Alliance for Responsible Research and other persons and organizations who may join them as *Amici*, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York

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Judge Robert W. Sweet  
United States District Judge



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

November 16, 2009

### TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, SUSAN BERKE FOGEL, #162481 was admitted to the practice of law in this state by the Supreme Court of California on December 14, 1992; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

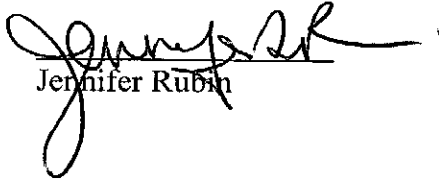
Kath Lambert  
Custodian of Membership Records



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served by first class mail on those parties listed below.

Dated: October 19, 2009

  
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