

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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
RAKER,

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
KENDALL MORRIS, THOMAS PARKS,
DAVID W. PERSHING, and MICHAEL K.
YOUNG, in their official capacity as Directors of
the University of Utah Research Foundation,

Defendants.

Civil Action No. 09-4515 (RWS)

ECF Case

**NOTICE OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying Myriad Defendants' Memorandum of Law (1) In Support of their Motion For Summary Judgment and (2) In Opposition To Plaintiffs' Motion For Summary Judgment; Defendants' Rule 56.1 Statement of Material Facts; the relevant Declarations (and exhibits) submitted in support thereof, as referenced in the Statement of Material Facts; and on all the prior proceedings and matters of record in this case, Defendants Myriad Genetics, and the

individuals, Lorris Betz, Roger Boyer, Jack Brittain, Arnold B. Combe, Raymond Gesteland, James U. Jensen, John Kendall Morris, Thomas Parks, David W. Pershing, and Michael K. Young, in their official capacity, or alleged to have been named in their official capacity, as directors of the University of Utah Research Foundation (collectively, the “Myriad Defendants”), will move the Court before the Honorable Robert W. Sweet, United States District Court Judge, in Courtroom 18C, at the United States Courthouse, 500 Pearl Street, New York, New York, at 9 a.m. on Thursday, January 21, 2010, or as soon thereafter as counsel can be heard, for an order granting summary judgment in favor of the Myriad Defendants pursuant to Federal Rule of Civil Procedure 56.

PLEASE TAKE NOTICE that pursuant to an Order of the Court entered November 20, 2009, any opposing papers or answering memoranda are to be filed and served no later than January 8, 2010.

Dated: New York, New York
December 23, 2009

JONES DAY

By: /s/ Brian M. Poissant
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CERTIFICATE OF SERVICE

This is to certify that on December 23, 2009, a true and correct copy of the foregoing document has been served on all counsel of record via the court's ECF system.

/s/ Brian M. Poissant

Brian M. Poissant