

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

ASSOCIATION FOR MOLECULAR
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND
TRADEMARK OFFICE, et al.,

Defendants.

09 Civ. 4515 (RWS)

ECF

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF**

PLEASE TAKE NOTICE that proposed *Amicus Curiae*, the Biotechnology Industry Organization, shall move this Court, before the honorable Robert W. Sweet, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, NY, at a date and time to be determined by the Court, for leave to file a brief *amicus curiae*.

Submitted contemporaneously herewith are: (1) a Memorandum of Law in Support of this Motion for Leave to File a proposed brief *amicus curiae*; and (2) the proposed *amicus curiae* brief.

Dated: December 30, 2009

Respectfully Submitted:

By: /s/ Jennifer C. Tempesta
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CERTIFICATE OF SERVICE

This is to certify that on December 30, 2009 a true and correct copy of the foregoing document has been served on registered counsel of record via the Court's ECF system.

Dated: December 30, 2009

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