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 **DECLARATION OF DENNIS BISSONNETTE IN SUPPORT OF THE BRIEF FOR AMICUS CURIAE BIOTECHNOLOGY INDUSTRY ORGANIZATION IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Dennis Bissonnette, declare under penalty of perjury as follows:

1. I am a registered Patent Agent employed as a Scientific Advisor at the law firm of Baker Botts L.L.P. I make this declaration in support of the brief for *Amicus Curiae* the Biotechnology Industry Organization submitted in the above referenced action. I have personal knowledge of the facts stated herein, and would testify to the same if called as a witness.

2. As a Scientific Advisor at the law firm of Baker Botts L.L.P., I regularly perform literature searches in the ordinary course of my employment. In performing such literature searches, I regularly employ the Pubmed database which is a service provided by the U.S. National Library of Medicine comprising more than 19 million citations for biomedical articles from MEDLINE (the U.S. National Library of Medicine's bibliographic database containing references to journal articles in the life sciences with a concentration on biomedicine), and life science journals.

3. The document attached as Exhibit 1 is a true and correct copy of the search terms employed when I queried the Pubmed database on December 28, 2009, and the first three pages

of the search results obtained in response to the Pubmed query. Specifically, I queried the Pubmed database using the terms "BRCA1 or BRCA2" and employed a date restriction that would limit the results obtained by the query to only those publications occurring after December 2, 1997, which is the issue date of U.S. Patent No. 5,693,473, the first of the patents-in-suit to be issued by the U.S. Patent and Trademark Office. The first three pages of the search results indicate that the search returned a total number of 7,061 publications employing the terms "BRCA1 or BRCA2" since the first of the patents-in-suit issued on December 2, 1997.

Subscribed under penalty of perjury at New York, New York, this 29th day of December, 2009.

By: 

Dennis Bissonnette
Baker Botts L.L.P.
30 Rockefeller Center
New York, NY 10112
(212) 408-2500
dennis.bissonnette@bakerbotts.com

EXHIBIT 1

PubMed

Search: ("1997/12/02"[Publication Date] : "3000"[Publication Date]) AND (BRCA1 or BRCA2)

U.S. National Library of Medicine
National Institutes of Health

Filter your results: All (7061)

Display Settings: Summary, 20 per page, Sorted by Recently Added

Results: 1 to 20 of 7061

1. Is the breast-conserving treatment with radiotherapy appropriate in BRCA1/2 mutation carriers? Long-term results and review of the literature.
   Kirova YM, Savignoni A, Sigal-Zafrani B, de La Rochefordiere A, Salmon RJ, This P, Asselain B, Stoppa-Lyonnet D, Fourquet A.
   Breast Cancer Res Treat. 2009 Dec 24. [Epub ahead of print]
   PMID: 20033769 [PubMed - as supplied by publisher]

2. Broad BRCA1 and BRCA2 mutational spectrum and high incidence of recurrent and novel mutations in the eastern Spain population.
   Esteban Cardeñosa E, Bolufer Gilabert P, de Juan Jimenez I, Palanca Suela S, Barragán González E, Chirivella González I, Segura Huerta A, Guillén Ponce C, Martínez de Dueñas E.
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   PMID: 20033483 [PubMed - as supplied by publisher]

3. Aneuploidy Is Associated with TP53 Expression but not with BRCA1 or TERT Expression in Sporadic Colorectal Cancer.
   Schjølberg AR, Clausen OP, Burum-Auensen E, DE Angelis PM.
   Anticancer Res. 2009 Nov;29(11):4381-7.
   PMID: 20032382 [PubMed - in process]

4. Assessing the Knowledge and Attitudes Regarding Genetic Testing for Breast Cancer Risk in our Region of Southeastern Georgia.
   Macnew HG, Rudolph R, Brower ST, Beck AN, Meister EA.
   Breast J. 2009 Dec 16. [Epub ahead of print]
   PMID: 20030654 [PubMed - as supplied by publisher]

5. BRCA1 and its toolbox for the maintenance of genome integrity.
   Huen MS, Sy SM, Chen J.
   Nat Rev Mol Cell Biol. 2009 Dec 23. [Epub ahead of print]
   PMID: 20029420 [PubMed - as supplied by publisher]

6. Potentiation of Temozolomide Cytotoxicity by Inhibition of DNA Polymerase {beta} Is Accentuated by BRCA2 Mutation.
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9. HERC2 coordinates ubiquitin-dependent assembly of DNA repair factors on damaged chromosomes.
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Nat Cell Biol. 2010 Jan;12(1):80-6; sup pp 1-12. Epub 2009 Dec 20.
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10. Designed proteins to modulate cellular networks.
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11. Bayes analysis provides evidence of pathogenicity for the BRCA1 c.135-1G>T (IVS3-1) and BRCA2 c.7977-1G>C (IVS17-1) variants displaying in vitro splicing results of equivocal clinical significance.
Spurdle AB, Lakhani SR, Da Silva LM, Balleine RL, Investigators K, Goldgar DE.
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13. Mammalian SUMO E3-ligases PIAS1 and PIAS4 promote responses to DNA double-strand breaks.
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14. The SUMO modification pathway is involved in the BRCA1 response to genotoxic stress.
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