

**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 Case

**DECLARATION OF LAURA P. MASUROVSKY IN SUPPORT OF
BRIEF OF *AMICUS CURIAE* GENETIC ALLIANCE IN
OPPOSITION TO CERTAIN POSITIONS OF THE PLAINTIFFS**

I, LAURA P. MASUROVSKY, declare as follows:

I am an attorney at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel for Genetic Alliance in the above-captioned action. I respectfully submit this declaration in further support of Brief of *Amicus Curiae* Genetic Alliance in Opposition to Certain Positions of the Plaintiffs.

1. Attached hereto as Exhibit 1 is a true and correct copy of a page from the University of Michigan web site at http://www.techtransfer.umich.edu/news_events/success_stories/story_19.php, visited December 29, 2009.

2. Attached hereto as Exhibit 2 is a true and correct copy of selected pages from BRUCE ALBERTS ET AL., MOLECULAR BIOLOGY OF THE CELL (3d ed. 1994) Garland Publishing, Inc. (“Alberts”)

3. Attached hereto as Exhibit 3 is a true and correct copy of Guang-Ji Wang et al., *Gene Variants in Noncoding Regions and Their Possible Consequences*, PHARMACOGENOMICS, Mar. 2006, at 203 (2006).

4. Attached hereto as Exhibit 4 is a true and correct copy of Kelvin Y.K. Chan et al., *Epigenetic Factors Controlling the BRCA1 and BRCA2 Genes in Sporadic Ovarian Cancer*, 62 CANCER RES. 4151 (2002).

5. Attached hereto as Exhibit 5 is a true and correct copy of Ting-Chung Suen & Paul E. Goss, *Identification of a Novel Transcriptional Repressor Element Located in the First Intron of the Human BRCA1 Gene*, 20 ONCOGENE 440 (2001).

6. Attached hereto as Exhibit 6 is a true and correct copy of selected pages from the Food and Drug Administration web site listing nucleic acid-based antiviral tests approved by the FDA as published at <http://www.fda.gov/BiologicsBloodVaccines/BloodBloodProducts/ApprovedProducts/LicensedProductsBLAs/BloodDonorScreening/InfectiousDisease/UCM080466> visited December 28, 2009.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed on this 30th day of December 2009, in Washington, D.C.

/s/ Laura P. Masurovsky
Laura P. Masurovsky

CERTIFICATE OF SERVICE

I hereby 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.

/s/ *Laura P. Masurovsky*

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