

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

ASSOCIATION FOR MOLECULAR
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND
TRADEMARK OFFICE, et al.,

Defendants.

CASE NO. 09-CV-4515 (RWS)

**NOTICE OF MOTION AND MOTION
FOR LEAVE TO FILE BRIEF *AMICI
CURIAE***

PLEASE TAKE NOTICE that proposed *Amici Curiae* BayBio, Celera Corporation, The Coalition for 21st Century Medicine, Genomic Health, Inc. and QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc. shall and does hereby move this Court, before the Honorable Robert W. Sweet, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York at a date and time to be determined by the Court, for leave to file a brief *amici curiae*.

Filed herewith are: (1) Memorandum of Law in Support of this Motion for Leave to File a proposed brief *amici curiae*, (2) proposed Order granting leave to file the proposed brief *amici curiae*, and (3) the proposed brief *amici curiae* and the supporting Declaration of William G. Gaede, III.

DATED: January 6, 2010

Respectfully Submitted,

Of Counsel:

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