

**UNITED STATES DISTRICT COURT
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* Boston Patent Law Association (“BPLA”), shall 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 an *amicus curiae* brief.

Submitted herewith are: (1) a Memorandum of Law in Support of this Motion for Leave to File *Amicus Curiae* Brief and (2) BPLA’s proposed *amicus curiae* brief.

Dated: January 13, 2010

McCARTER & ENGLISH, LLP

Of Counsel:

Erik Paul Belt

Co-Chair, BPLA *Amicus* Committee
Maria Laccotripe Zacharakis, Ph.D.
McCarter & English, LLP
265 Franklin Street
Boston, MA 02116
(617) 449-6500
ebelt@mccarter.com
mzacharakis@mccarter.com

By: /s/Lee Carl Bromberg

Lee Carl Bromberg

Lori J. Shyavitz

Attorneys for *Amicus Curiae*
Boston Patent Law Association
265 Franklin Street
Boston, MA 02116
(617) 449-6500
lbromberg@mccarter.com
lshyavitz@mccarter.com

CERTIFICATE OF SERVICE

This is to certify that on January 13, 2010, a true and correct copy of the foregoing Motion for Leave to File Brief *Amicus Curiae* has been served on registered counsel of record via the Court's ECF system.

Dated: January 13, 2010

/s/Lori J. Shyavitz

Lori J. Shyavitz