

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION FOR MOLECULAR PATHOLOGY; AMERICAN COLLEGE OF MEDICAL GENETICS; AMERICAN SOCIETY FOR CLINICAL PATHOLOGY; COLLEGE OF AMERICAN PATHOLOGISTS; HAIG KAZAZIAN, MD; ARUPA GANGULY, PhD; WENDY CHUNG, MD, PhD; HARRY OSTRER, MD; DAVID LEDBETTER, PhD; STEPHEN WARREN, PhD; ELLEN MATLOFF, M.S.; ELSA REICH, M.S.; BREAST CANCER ACTION; BOSTON WOMEN'S HEALTH BOOK COLLECTIVE; LISBETH CERIANI; RUNI LIMARY; GENAE GIRARD; PATRICE FORTUNE; VICKY THOMASON; KATHLEEN RAKER,
Plaintiffs,
v.
UNITED STATES PATENT AND TRADEMARK OFFICE; MYRIAD GENETICS; LORRIS BETZ, ROGER BOYER, JACK BRITTAI, ARNOLD B. COMBE, RAYMOND GESTELAND, JAMES U. JENSEN, JOHN KENDALL MORRIS, THOMAS PARKS, DAVID W. PERSHING, and MICHAEL K. YOUNG, in their official capacity as Directors of the University of Utah Research Foundation,
Defendants.

Civil Action No. 09-4515 (RWS)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss; the Declaration of Barry R. Satine, dated July 13, 2009, and the exhibits and declarations annexed thereto; and on all the prior proceedings and matters of record in this case, defendants Myriad Genetics, Lorris Betz, Roger Boyer, Jack Brittain, Arnold B. Combe, Raymond Gesteland, James U. Jensen,

John Kendall Morris, Thomas Parks, David W. Pershing, and Michael K. Young will move the Court before the Honorable Robert W. Sweet, United States District Court Judge, in Courtroom 18C, at the United States Courthouse, 500 Pearl Street, New York, New York, at noon on Wednesday, August 12, 2009, or as soon thereafter as counsel can be heard, for an order dismissing the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1), or in the alternative dismissing the alleged Directors of the University of Utah Research Foundation pursuant to Federal Rule of Civil Procedure 12(b)(2).

PLEASE TAKE NOTICE that pursuant to Local Civil Rule 6.1(b) any opposing papers or answering memoranda are to be served within ten business days after service of this motion.

Dated: New York, New York  
July 13, 2009

Respectfully submitted,

/s/ Barry R. Satine  
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Barry R. Satine (BS8785)  
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Jack Brittain, Arnold B. Combe, Raymond  
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Morris, Thomas Parks, David W. Pershing,  
Michael K. Young

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served electronically by the Court's ECF system and by first class mail on those parties not registered for ECF pursuant to the rules of this court.

Dated: July 13, 2009

/s/ Barry R. Satine  
Barry R. Satine