

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
BRITAIN, 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)

DECLARATION OF
DANIEL B. RAVICHER

1. I am a member of the bar of this Court and the Executive Director of the Public Patent Foundation ("PUBPAT") at Benjamin N. Cardozo, where I am also a member of the faculty. PUBPAT, along with the American Civil Liberties Union (ACLU), is counsel in this action to all named plaintiffs.

2. I offer this declaration in support of the foregoing plaintiffs' opposition to 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's motion to dismiss.

3. Annexed hereto as Exhibit 1 is a copy of a letter I sent to Barry R. Satine, counsel for the 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 on August 11, 2009.

4. Annexed hereto as Exhibit 2 is a copy of a letter I received from Barry R. Satine on August 21, 2009, replying to my August 11 letter.

5. Annexed hereto as Exhibit 3 is a print out of the content available on the world wide web as of August 24, 2009, from the url <http://www.regulations.utah.edu/research/7-002.html>.

6. Annexed hereto as Exhibit 4 is a print out of the content available on the world wide web as of August 24, 2009, from the url <http://www.obia.utah.edu/ia/stat/2008-2009/ss0809A05.pdf>.

7. Annexed hereto as Exhibit 5 is a print out of the content available on the world wide web as of August 24, 2009, from the url <http://www.alumni.utah.edu/u-news/june06/nyc.htm>.

8. Annexed hereto as Exhibit 6 is a print out of the content available on the world

wide web as of August 24, 2009, from the url <http://www.alumni.utah.edu/chapters/new-york>.

9. Annexed hereto as Exhibit 7 is a print out of the content available on the world wide web as of August 24, 2009, from the url <http://www.tco.utah.edu/Documents/Term%20Sheet.doc>.

10. Annexed hereto as Exhibit 8 is a print out of the content available on the world wide web as of August 24, 2009, from the url <http://www.genomeweb.com/print/673303>.

I declare, pursuant to 28 U.S.C. §1746, under penalty of perjury under the laws of the United States, that the foregoing is true and correct to the best of my knowledge and belief.



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Daniel B. Ravicher

Executed on August 26, 2009