

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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,

09 Civ. 4515 (RWS)

Plaintiffs,

ECF Case

v.

UNITED STATES PATENT AND TRADEMARK
OFFICE; 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,
in their official capacity as Directors of the University
of Utah Research Foundation,

NOTICE OF
PLAINTIFFS'
MOTION FOR
SUMMARY JUDGMENT

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment; Plaintiffs' Rule 56.1 Statement of Material Facts; the Declaration of Daniel B. Ravicher, dated August 26, 2009, and Exhibits 1-4 annexed thereto; the Declaration of Daniel B. Ravicher, dated August 26, 2009, and Exhibits 5-7 annexed thereto; the Declaration of Sir John E. Sulston, PhD, dated August 17, 2009, and the exhibit annexed thereto; the Declaration of Wayne W. Grody, MD, PhD, dated August 24, 2009, and the exhibit annexed thereto; the Declaration of Debra G.B. Leonard, MD, PhD, dated August 24, 2009, and

the exhibit annexed thereto; the Declaration of Christopher Mason, PhD, dated August 20, 2009, and the exhibit annexed thereto; the Declaration of Myles W. Jackson, PhD, dated August 18, 2009, and the exhibit annexed thereto; the Declaration of Elizabeth Swisher, MD, dated August 19, 2009, and the exhibit annexed thereto; the Declaration of Mildred Cho, PhD, dated August 17, 2009, and the exhibit annexed thereto; the Declaration of Shobita Parthasarathy, PhD, dated August 24, 2009, and the exhibit annexed thereto; the Declaration of Susan Love, MD, dated August 24, 2009, and the exhibit annexed thereto; the Declaration of Mark Sobel, dated August 14, 2009; the Declaration of Madhuri Hegde, PhD, dated August 13, 2009, and the exhibit annexed thereto; the Declaration of Michael S. Watson, PhD, dated August 18, 2009; the Declaration of Wendy Chung, MD, PhD, dated July 30, 2009, and the exhibit annexed thereto; the Declaration of John R. Ball, dated August 12, 2009; the Declaration of Roger Hubbard, PhD, dated August 19, 2009, and the exhibit annexed thereto; the Declaration of John Scott; the Declaration of Jeffrey Kant, MD, PhD, dated August 17, 2009, and the exhibit annexed thereto; Declaration of Haig H. Kazazian, Jr., MD, dated August 17, 2009, and the exhibit annexed thereto; the Declaration of Arupa Ganguly, PhD, dated August 18, 2009, and the exhibits annexed thereto; the Declaration of Harry Ostrer, MD, dated August 11, 2009, and the exhibits annexed thereto; the Declaration of David Ledbetter, PhD, dated August 20, 2009, and the exhibit annexed thereto; the Declaration of Ellen T. Matloff, MS, dated August 12, 2009, and the exhibit annexed thereto; the Declaration of Elsa W. Reich, MS, dated August 21, 2009, and the exhibit annexed thereto; the Declaration of Barbara A. Brenner, dated August 7, 2009; the Declaration of Judy Norsigian, dated August 17, 2009; the Declaration of Lisbeth Ceriani, dated August 13, 2009; the Declaration of Runi Limary, dated August 10, 2009; the Declaration of Genae Girard, dated August 9, 2009; the Declaration of Patrice Fortune, dated August 12, 2009;

the Declaration of Vicky Thomason, dated August 8, 2009; the Declaration of Kathleen Raker, dated August 8, 2009; and on all the prior proceedings and matters of record in this case, plaintiffs 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, 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, and Kathleen Raker 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, September 30, 2009, or as soon thereafter as counsel can be heard, for an order granting summary judgment in favor of the Plaintiffs pursuant to Federal Rule of Civil Procedure 56.

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
August 26, 2009

Respectfully submitted,

/s/ Christopher A. Hansen
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Association for Molecular Pathology, et al. v. United States Patent and Trademark Office, et al.,
09 Civ. 4515 (RWS)

DECLARATIONS IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

	<u>Declarations</u>
	Declaration of Daniel B. Ravicher with attached Exhibits 1-4
	Declaration of Daniel B. Ravicher with attached Exhibits 5-7
A.	Declaration of Sir John E. Sulston, PhD with attached Exhibit 1
B.	Declaration of Wayne W. Grody, MD, PhD with attached Exhibit 1
C.	Declaration of Debra G.B. Leonard, MD, PhD with attached Exhibit 1
D.	Declaration of Christopher Mason, PhD with attached Exhibit 1
E.	Declaration of Myles W. Jackson, PhD with attached Exhibit 1
F.	Declaration of Elizabeth Swisher, MD with attached Exhibit 1
G.	Declaration of Mildred Cho, PhD with attached Exhibit 1
H.	Declaration of Shobita Parthasarathy, PhD with attached Exhibit 1
I.	Declaration of Susan Love, MD with attached Exhibit 1
J.	Declaration of Mark Sobel
K.	Declaration of Madhuri Hegde, PhD with attached Exhibit 1
L.	Declaration of Michael S. Watson, PhD
M.	Declaration of Wendy Chung, MD, PhD with attached Exhibit 1
N.	Declaration of John R. Ball
O.	Declaration of Roger Hubbard, PhD with attached Exhibit 1
P.	Declaration of John Scott
Q.	Declaration of Jeffrey Kant, MD, PhD attached Exhibit 1
R.	Declaration of Haig H. Kazazian, Jr., MD attached Exhibit 1
S.	Declaration of Arupa Ganguly, PhD with attached Exhibits 1-7
T.	Declaration of Harry Ostrer, MD with attached Exhibits 1-2
U.	Declaration of David Ledbetter, PhD with attached Exhibit 1
V.	Declaration of Ellen T. Matloff, MS with attached Exhibit 1
W.	Declaration of Elsa W. Reich, MS with attached Exhibit 1
X.	Declaration of Barbara A. Brenner
Y.	Declaration of Judy Norsigian
Z.	Declaration of Lisbeth Ceriani
AA.	Declaration of Runi Limary
BB.	Declaration of Genae Girard
CC.	Declaration of Patrice Fortune
DD.	Declaration of Vicky Thomason
EE.	Declaration of Kathleen Raker