

July 29, 2011

Mr. Jan Horbaly
Clerk
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Re: *AMP v. PTO*, 2010-1406 (argued April 4, 2011; opinion issued July 29, 2011)

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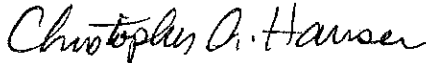
Dear Mr. Horbaly:

I am writing on behalf of plaintiffs/appellees. We received a copy of a letter dated July 27, 2011 sent by counsel for defendants concerning one of the plaintiffs, Dr. Harry Ostrer. Defendants asked that the letter be circulated to the panel before whom the appeal was then pending. Subsequently, the Court issued its opinion in the case. Nevertheless, because defendants' letter contains factual inaccuracies, plaintiffs feel compelled to respond.

Dr. Ostrer is leaving NYU at the end of August. He has accepted a position on the staff of Albert Einstein College of Medicine and Montefiore Medical Center as Professor of Pathology and Genetics. His primary appointment is in Pathology. In his new role, he will be Director of Genetic and Genomic Diagnostics at Montefiore Medical Center. The Montefiore laboratories have the same immediate capability to do BRCA1/2 gene sequencing and Dr. Ostrer continues to wish to engage in the sequencing but cannot do so as a direct result of the actions of defendant Myriad. Defendants' assertion that he will not offer clinical testing is simply wrong. His standing has thus not changed.

If the defendants' letter has been or will be circulated to the members of the panel (Judges Lourie, Bryson, and Moore), please circulate this letter as well. Thank you.

Sincerely,


Christopher A. Hansen

cc: all counsel