



U.S. Department of Justice  
Office of the Solicitor General

Acting Solicitor General

Washington, D.C. 20530

February 10, 2011

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

Re: *Association for Molecular Pathology, et al v. Myriad Genetics, et al.*  
(No. 2010-1406)

Dear Mr. Horbaly:

I understand from my discussion with Ms. Pam Twiford that the above case is fully briefed and ready to be calendared, and will likely be set for oral argument during the sitting that takes place between April 4 to 8, 2011. After the case has been calendared, the United States will file an unopposed motion to participate in the oral argument. If that motion is granted, I will personally be presenting the oral argument on behalf of the United States.

If at all possible, I would greatly appreciate the Court calendaring this case as early as possible in that week of April 4 (preferably on that day). I will be arguing the global warming case (*American Electric Power v. State of Connecticut, et al*) in the United States Supreme Court two weeks later, on April 19, and each additional day between these two arguments will assist in my preparations. I will also be supervising several other Supreme Court arguments during the month of April, and will then be arguing the challenges to the Affordable Care Act (the so-called "health care cases" of *State of Virginia v. Sebelius* and *Liberty University v. Geither*) in the Fourth Circuit on approximately May 9.

I have spoken with counsel for both Appellants and Appellees, and they do not object to this request.

I appreciate your consideration.

Sincerely,

Neal Katyal  
Acting Solicitor General  
United States Department of Justice