

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

---

THE ASSOCIATION FOR MOLECULAR  
PATHOLOGY,  
THE AMERICAN COLLEGE OF MEDICAL  
GENETICS,  
THE AMERICAN SOCIETY FOR CLINICAL  
PATHOLOGY,  
THE 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, AND KATHLEEN RAKER,  
*Plaintiffs-Appellees,*

v.

UNITED STATES PATENT AND TRADEMARK  
OFFICE,  
*Defendant,*

and

MYRIAD GENETICS, INC.,  
*Defendant-Appellant,*

and

**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,  
*Defendants-Appellants.***

---

2010-1406

---

Appeal from the United States District Court for the Southern District of New York in case no. 09-CV-4515, Senior Judge Robert W. Sweet.

---

**O R D E R**

---

On March 26, 2012, the Supreme Court of the United States vacated this court's judgment and remanded the case to this court for further proceedings in light of *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S.Ct. 1289 (2012).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The court's opinion of July 29, 2011, is vacated, the mandate of this court issued on September 23, 2011, is recalled, and the appeal is reinstated.

(2) The parties are requested to file simultaneous supplemental briefs, not exceeding 20 pages, not later than June 15, 2012, addressing the following issue: What is the applicability of the Supreme Court's decision in *Mayo* to Myriad's isolated DNA claims and to method claim 20 of the '282 patent?

(3) An original and eleven copies of supplemental briefs shall be filed, and two copies of each brief shall be served on opposing counsel.

(4) Briefs of amici curiae will be entertained, limited to 15 pages and due not later than June 15, 2012, and any such amicus briefs may be filed without consent and leave of court but otherwise must comply with Federal Rule of Appellate Procedure 29 and Federal Circuit Rule 29. The United States is expressly invited to file an amicus brief.

(5) Oral argument will be held at 10:00 a.m. on July 20, 2012.

FOR THE COURT

April 30, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: Gregory A. Castanias, Esq.  
Christopher A. Hansen, Esq.