

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNIVERSITY OF UTAH,

Plaintiff,

v.

MAX-PLANCK-GESELLSCHAFT zur FORDERUNG der WISSENSCHAFTEN e.V., a corporation organized under the laws of Germany; MAX-PLANCK-INNOVATION GmbH, a corporation organized under the laws of Germany; WHITEHEAD INSTITUTE FOR BIOMEDICAL RESEARCH, a Delaware corporation; MASSACHUSETTS INSTITUTE OF TECHNOLOGY, a Massachusetts corporation; ALNYLAM PHARMACEUTICALS INC., a Delaware corporation; and ROBERT L. CARET, President of the University of Massachusetts in his official capacity; JAMES R. JULIAN, Executive Vice President and Chief Operating Officer of the University of Massachusetts, in his official capacity; CHRISTINE W. WILDA, Senior Vice President for Administration, Finance & Technology and University Treasurer of the University of Massachusetts, in his official capacity; and JAMES P. MCNAMARA, Executive Director, Office of Technology Management of the University of Massachusetts, in his official capacity, their predecessors and successors in office,
Defendants.

Civil Action No. 1:11-cv-10484

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S CLAIMS
FOR CORRECTION OF INVENTORSHIP UNDER 35 U.S.C. § 256**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, Defendants Max-Planck-Gesellschaft zur Förderung der Wissenschaften, Max-Planck-Innovation, Whitehead Institute for Biomedical Research, Massachusetts Institute of Technology, Alnylam Pharmaceuticals, Inc., Robert L. Caret, James R. Julian, Christine M. Wilda, and James P. McNamara (collectively, “Defendants”) hereby move the Court for summary judgment on Counts II and III of plaintiff University of Utah’s (“UUtah”) Corrected Third Amended Complaint, Dkt. No. 133.

For the reasons set forth in Defendants’ Memorandum in Support of Defendants’ Motion for Summary Judgment on Plaintiff’s Claims for Correction of Inventorship Under 35 U.S.C. § 256, based on the deposition admissions of UUtah’s alleged omitted inventor, Dr. Brenda Bass, UUtah cannot prove by clear and convincing evidence that Dr. Bass is entitled to be named as a joint inventor of U.S. Patent Nos. 7,056,704, 7,078,196, 8,329,463, 8,362,231, 8,372,968, 8,445,237, 8,765,930, 8,778,902 , 8,796,016 or 8,853,384. There is no genuine dispute as to any material fact relating to UUtah’s claims, and Defendants are entitled to summary judgment on Counts II and III.

Request for Oral Argument

Pursuant to Local Rule 7.1(D), counsel for Defendants hereby requests oral argument on this Motion.

Respectfully submitted,

Max-Planck-Gesellschaft zur Förderung der
Wissenschaften e.V.; Max-Planck-Innovation
GmbH; Whitehead Institute for Biomedical
Research; Massachusetts Institute of
Technology; and Alnylam Pharmaceuticals, Inc.

By their attorneys,

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By their attorney,

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Dated: March 31, 2015

Certificate of Service

I, Scott McConchie, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on March 31, 2015.

/s/ Scott McConchie

Scott McConchie