Supreme Court ruling threatens value of many biotech patents

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On June 27, the Supreme Court spooked the industry by declining to hear an appeal from Sequenom, a California company that markets a prenatal test based on screening fetal DNA. A lower court had ruled that Sequenom couldn't patent the test because it was based on a natural biological process.

Now that the Supreme Court won't hear the case, the prior ruling stands — to the dismay not just of Sequenom, but of startups and giants across the life sciences. They fear that their inventions may not be worth all that much after all and that judges will invalidate a slew of life science patents by picking apart an invention to find the naturally occurring biological process that inspired it.

However, according to biotech patent lawyer Kevin Noonan, courts are unlikely to invalidate patents based on truly novel discoveries, such as CRISPR-Cas9 gene editing. The CRISPR technology harnesses a naturally occurring process, but it's "so revolutionary," Noonan said, "that even the Supreme Court wouldn't overrule it."

Read full, original post: The Supreme Court decision that's shaking up biotech