

Zhang vs. Doudna patent ruling: Broad Institute holds patents but University of California may appeal

The US patent office ruled [Feb. 15] that hotly disputed patents on the revolutionary genome-editing technology CRISPR-Cas9 belong to the Broad Institute of Harvard and MIT, dealing a blow to the University of California in its efforts to overturn those patents.

The judges' full [51-page decision](#) explaining their reasoning stated that the Broad had persuaded them "that the parties claim patentably distinct subject matter."

...

The patent board said in its decision that the achievement of the Broad's Feng Zhang in inventing a way to use CRISPR to edit the genomes of mouse and human cells "would not have been obvious" from the invention by [UC biochemist Jennifer Doudna and her chief collaborator Emmanuelle Charpentier] "because one of ordinary skill in the art would not have reasonably expected a CRISPR-Cas9 system to be successful" in those higher-order cells.

[T]he patent decision will likely shape how history views the CRISPR pioneers: now, Zhang will be the scientist who invented the form of CRISPR that has revolutionized humans' ability to make wholesale changes in an organism's blueprint of life, for purposes ranging from [cancer therapy](#) to turning pigs into [organ donors](#) for humans on transplant waiting lists.

UC said it is considering its legal options, including the possibility of an appeal, but it contended that anyone who wants to develop CRISPR-based treatments for human diseases would have to license not only the Broad's patents but also those that UC expects to be awarded. "Ours," Doudna told reporters, "is for the use [of CRISPR] in all cells," including human ones.

The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion, and analysis. Read full, original post: [Broad Institute prevails in heated dispute over CRISPR patents](#)