

## Who invented CRISPR gene editing: Broad Institute v University of California patent battle intensifies

The University of California (UC) has fired another legal salvo in the prolonged patent battle over CRISPR, the revolutionary gene-editing technology that has spawned a billion-dollar industry.

UC leads a group of litigants who contend that the U.S. Patent Trial and Appeal Board (PTAB) wrongly sided with the Broad Institute in Cambridge, Massachusetts, and two partners...in February when [it ruled](#) that the Broad group invented the use of CRISPR in eukaryotic cells. After that ruling, UC moved the battleground to the U.S. Court of Appeals for the Federal Circuit.

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The essential legal question is whether the Broad's patent application is a novel, patentable invention, or whether it was "obvious" in the sense that "anyone skilled in the art"...would have a "reasonable expectation of success" of using the CRISPR system to edit genes in eukaryotic cells.

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[Jacob Sherkow, an intellectual property attorney at the New York Law School in New York City said] "While there were some interesting chestnuts in its brief—such as UC pointing out that the PTAB virtually ignored some important patents pending at the time [the Broad] patent was filed—I don't think that's going to be enough to win the day [for] UC."

**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion, and analysis. Read full, original post: [Ding, ding, ding! CRISPR patent fight enters next round](#)**