

## Combatants prepping for next skirmish in battle over CRISPR patents

The long-running battle over US patents for CRISPR–Cas9 gene editing continues. On 25 October, the Broad Institute of Cambridge, Massachusetts, filed a fresh set of arguments with the US government to defend a key patent. That action helps to set the stage for a second round of oral arguments in the [unusually vitriolic case](#), which observers expect to take place in early 2018.

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At stake are intellectual-property rights to the use of CRISPR–Cas9 gene-editing tools in eukaryotes, organisms such as plants and animals. This would include applications of the technique to treat human genetic diseases — an approach that has recently entered [cancer clinical trials in China](#), and is potentially the most lucrative application of gene editing.

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[T]he University of California team argued that its patent — which explicitly describes the use of CRISPR–Cas9 gene editing only in non-eukaryotes such as bacteria — rendered applications in eukaryotic cells “obvious” and therefore unpatentable. The Broad countered that the University of California’s invention needed significant and non-obvious tweaks before it could be used in eukaryotes.

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If that decision — which will be discussed during oral arguments in mid-January — becomes final, it will push the Broad’s patent date to a time after the institute’s team published its findings in a scientific article<sup>1</sup>. And that would invalidate the patent application altogether.

**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion, and analysis. Read full, original post: [Bitter CRISPR patent war intensifies](#)**