

Viewpoint: What was right and what was wrong with the CRISPR patent decision

The [CRISPR patent dispute](#) between the University of California, Berkeley, and the Broad Institute [is finally over](#). ... In plain English: Broad researcher Feng Zhang's CRISPR patents were sufficiently inventive over the UC Berkeley's patent applications with Jennifer Doudna and Emmanuelle Charpentier.

Many scientists disagree with the decision, believing that it fails to comport with how molecular biology is actually practiced. I agree with them. But that doesn't make the Federal Circuit's decision wrong. In fact, I think its decision is absolutely correct.

The reason has to do with standards of review — the standards courts use to weigh evidence, limit their authority, and make decisions.

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This doesn't mean I agree with the patent office's interpretation of the science. In its original decision, the patent office wrote that moving previous gene-editing systems from bacteria to eukaryotic cells suffered from numerous problems: ...

These problems were real and shouldn't be discounted. But, as I wrote in [article for EMBO Reports](#) last year, they were widely known to scientists at the time who could have solved each with a road map of solutions...As a matter of patent law, however, this experimental road map isn't enough — it does not provide, in patent parlance, a “reasonable expectation of success.”

Read full, original post: [The CRISPR patent decision didn't get the science right. That doesn't mean it was wrong](#)