11200 Rockville Pike, Suite 302
Rockville, Maryland 20852
USA

American Society for Biochemistry and Molecular Biology, Office of Public Affairs

**ASBMB RESPONDS TO SUPREME COURT DECISION IN GENE PANTENTING CASE**

Today, the Supreme Court ruled in the case of *Association for Molecular Pathology v. Myriad Genetics Inc.* The court voted unanimously to overturn Myriad's patents on the naturally occurring DNA fragments containing the BRCA1 and BRCA2 genes, while in the same ruling upheld the patents on forms of the genes never found in nature.

The American Society for Biochemistry and Molecular Biology applauds the Supreme Court for overturning the patents on the isolated BRCA1 and BRCA2 genes. The sequences and structures of genes, whether in the context of the genome or in isolation, and sequences derived from genomic DNA, such as messenger RNA and protein, are naturally occurring and should not be eligible for patenting. However, the ASBMB is disappointed that the patents on complementary DNA, or cDNA, were upheld. The ASBMB believes that the BRCA1 and BRCA2 cDNAs are an obvious derivation of their respective mRNAs, do not represent novel inventions and should not be eligible for patent protection.

"The work of the scientist is to investigate and isolate products from nature to better study them, and hopefully provide useful information that improves human health," said ASBMB President Jeremy Berg. "For companies that undertake such pursuits, they can recoup their expenditures through patenting and licensing their discoveries. Patents require the invention or isolation of a product not found in nature and not an obvious derivation of natural compounds. Patents on natural products, and the obvious derivations thereof, stifle innovation and allow an entity to monopolize common information to the detriment of the public."

The patents on the cDNA versions of BRCA1 and BRCA2 make important scientific tools unavailable to researchers and may slow progress in developing new tools for diagnosing heritable breast cancer. However, striking down Myriad's patents on genomic DNA is an important victory toward improving breast-cancer diagnostics. This new line of research may eventually lead to more effective methods for identifying those with mutations predisposing people to breast cancer, improving outcomes and saving lives.