

Implications loom large in human gene patent case before US Supreme Court (w/ video)

April 12 2013

A [human gene patenting case before the U.S. Supreme Court next week](#) could have major implications for biotechnology research and the public interest in the nation's patent system, according to a University of Michigan expert.

Shobita Parthasarathy, associate professor at the Ford School of Public Policy, whose expert declaration on behalf of the plaintiffs was heavily cited by the district court that initially reviewed the case, says that major issues at stake include the basic question of whether [human genes](#) are considered products of nature.

"If they are, then according to the U.S. law, they can't be patented," she said. "In addition, there are major policy issues at stake. As the patent system has grown, it has become clear that it has mixed results for innovation, for society, for our values and for the economy."

The case began in 2009 when a coalition of scientists, physicians and patient advocacy groups represented by the [American Civil Liberties Union](#) filed suit against biotech company Myriad Genetics and the U.S. [Patent and Trademark Office](#), challenging the patentability of genes linked to breast and ovarian cancer.

These groups alleged that Myriad's patents are invalid under Supreme Court precedent because they are "products of nature" and that they limit

patient access to testing, increase health care costs, jeopardize testing quality, interfere with [research collaboration](#) and privatize what once were public goods.

"In the breast cancer case, for example, a gene patent allows one company to control all genetic testing for [breast cancer](#) in the United States," Parthasarathy said.

"What I hope is that we've started an ongoing discussion about how the [patent system](#) serves the public interest because this is only one out of many controversies that are going on regarding patents on life-forms, patents on essential medicines and patents on information and communication technologies like the iPad."

The Supreme Court is expected to hear the case on April 15. Parthasarathy expects to attend and is available for media interviews before or after the session.

Provided by University of Michigan

Citation: Implications loom large in human gene patent case before US Supreme Court (w/ video) (2013, April 12) retrieved 11 May 2024 from <https://phys.org/news/2013-04-implications-loom-large-human-gene.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--