

# Perspectives on Gene Patents

AUTM Annual Meeting  
March 1, 2008



## **Gene Patents: A Controversial Topic**

- On the one hand, patenting and licensing can induce the investment necessary to bring a quality product to market
- On the other hand, critics argue that genetic patents have impacted medical care
- The public debate ranges from the sensible to the sensational

## Even a NY Times Bestselling Novel

- “Next,” by Michael Crichton (2006)
  - Thriller based on genetic engineering run amok
- In an Author’s Note, Crichton makes five recommendations:
  - Stop patenting genes
  - Establish guidelines for use of human tissues
  - Ensure data about gene testing is public
  - Avoid bans on research
  - Rescind the Bayh-Dole Act

## ...and Subsequent Legislation

- H.R. 977, “Genomic Research and Accessibility Act”
- The gist is to add the following new section to 35 U.S.C.10:

**“Sec. 106. Prohibition on patent of human genetic material**

“Notwithstanding any other provision of law, no patent may be obtained for a nucleotide sequence, or its functions or correlations, or the naturally occurring products it specifies.”.

## **Tech Transfer Practitioners Need To...**

- Understand the debate and the very real issues on both sides
- Work toward creative solutions that minimize negative impacts on patient care, while still providing sufficient incentives for companies to develop new, useful and high-quality products

# Today's Agenda

- An empirical perspective
- A clinical perspective
- An industry perspective
- A technology transfer perspective
- Open discussion

## **Our Panelists**

**Wayne Grody**

**Director, Diagnostic Molecular Pathology  
Laboratory, UCLA Medical Center**

**Lori Pressman**

**Private Consultant**

**Mark Rohrbaugh**

**Director, Office of Technology Transfer,  
National Institutes of Health**

**James Weseman**

**Director of Intellectual Property  
InVivoScribe Technologies, LLC**

**Wendy Streit  
(Moderator)**

**Director, Policy, Analysis & Campus  
Services, OTT, University of Calif.**