US Supreme Court Holds Human Gene Patent Claims Are Invalid

June 18, 2013

By Joseph M. Manak

On June 13, 2013, the United States Supreme Court published its decision in Ass'n For Molecular Pathology et al. v. Myriad Genetics, Inc., Slip Op. No. 12-398 (S.Ct. June 13, 2013), which reversed the U.S. Court of Appeals for the Federal Circuit's decision with respect to the patentability of isolated DNA gene sequences. The Supreme Court held that the patent claims at issue extended to DNA in its natural form and, thus, were not subject to protection under the U.S. patent laws. The high Court stated that although Myriad found an important and useful gene, "Myriad did not create anything" and that "separating that gene from its surrounding genetic material is not an act of invention."