SYNOPSIS

Many countries have struggled with whether to allow patents on genetic information, including the U.S. In a series of recent decisions, U.S. courts have considered whether Myriad Genetics can patent DNA sequences and methods of testing pertaining to breast cancer. These decisions have sharply curtailed the availability of gene patents inside the U.S.

In her presentation, Professor Kumar will discuss the U.S. Supreme Court’s recent decisions in *Alice Corp. v. CLS Bank International* and *Association for Molecular Pathology v. Myriad*. She will explain how these cases have limited patentable subject matter, particularly for innovations related to the human body. Professor Kumar will further discuss how these decisions recently forced the Court of Appeals for the Federal Circuit to invalidate many of Myriad’s patents pertaining to BRCA 1 and BRCA 2 testing. This decision invalidated both claims on genetic material, as well as claims on methods of conducting genetic testing.

Though these court decisions will financially harm some biotechnology companies, Professor Kumar argues that there are two major benefits. First, patients will now have expanded access to genetic testing, due to the fact that multiple companies can now offer the testing at a reduced price. Second, Professor Kumar maintains that Asian companies will have greater opportunity to expand into the U.S. market. For example, a Chinese company could obtain a gene patent in China and offer testing in China. It would acquire exclusive data on which mutations are linked with disease, and could use that information to offer a unique genetic test inside the U.S.

ABOUT THE SPEAKER

Sapna Kumar is an Associate Professor at the University of Houston Law Center, where she teaches classes in patents, administrative law, and property. In 2013, she was the recipient of the University of Houston’s Teaching Excellence Award and was voted “Faculty of the Year.” She is the author of several important law review articles, including *Life, Liberty, and the Pursuit of Genetic Information*, Alabama Law Review; and *Synthetic Biology: The Intellectual Property Puzzle* (with Arti Rai) Texas Law Review. She is also an expert in the International Trade Commission (ITC). Professor Kumar is a graduate of the University of Chicago Law School, where she was a staff member on the Chicago Law Review. She was a Faculty Fellow at Duke Law School, where she was affiliated with Duke University’s Center for Genome Ethics Law & Policy. Prior to entering academia, Professor Kumar practiced intellectual property litigation in Chicago at Kirkland & Ellis LLP and at Pattishall McAuliffe. She also clerked for the Hon. Kenneth Ripple on the U.S. Court of Appeals for the Seventh Circuit.

REGISTRATION

There is no registration fee for this seminar but seats are limited. To register, please click here and you will receive an automated message upon submission. For enquiries, please contact Alexandria at Tel: 6601 2693 or email us at clemail@nus.edu.sg

Closing date: 12 January 2015, Monday

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