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Reputed institutes battle over CRISPR technology

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The arguments before the U.S. Court of Appeals for the Federal Circuit involve the race to patent CRISPR technology.



Some of the most well-known research institutions in the world including University of California at Berkeley and the Broad Institute which is affiliated with the Massachusetts Institute of Technology and Harvard University will face off in an appeals court on Monday over the question of who invented the CRISPR technology.

CRISPR or Clustered Regularly Interspaced Short Palindromic Repeats has created a revolution by making it easier to manipulate living organisms. CRISPR-Cas9, a naturally occurring enzyme used by bacteria to rid itself of viruses was discovered decades ago.

According to the news reported by Bloomberg, researchers with UC Berkeley and the University of Vienna were first to find ways to guide molecular scissors to targeted locations on the genome and say their work could be used for any living thing. They filed their patent application in 2012.

The Broad Institute in Massachusetts has said that the UC Berkeley team only showed how the technology would work in a test tube. They said their research team proved CRISPR-Cas9 could work in plants and animals, including humans.

The arguments before the U.S. Court of Appeals for the Federal Circuit involve the race to patent CRISPR technology. By paying an extra $70 fee, Broad got an accelerated review of its patent applications, which were issued while the application from UC Berkeley was still pending.

UC Berkeley has objected this by telling the patent office that its application covered all the work Broad claims to have invented. Last year, the patent office disagreed, saying the inventions were different enough that both could get patents. UC Berkeley appealed to this order and a decision is expected later this year.

UC Berkeley's lawyer Donald Verrilli said in a statement that Broad's team, led by Feng Zhang, were among six groups including UC that used "conventional, off-the-shelf tools to employ CRISPR-Cas9" in plant and animal cells.

UC Berkeley scientist and co-inventor Jennifer Doudna described the patent office ruling after it was released as saying "our patent will be for all tennis balls and Broad's will be for green tennis balls." The reason UC Berkeley objects is because those green tennis balls could be where the money is.

"At the end of the day, there's so much potential with the CRISPR platform to treat so many diseases and have a tremendous effect on the patients," said Samarth Kulkarni, chief executive officers of Crispr Therapeutics AG, which is developing a treatment for sickle-cell anemia.

So far, the patent question hasn't hindered work by companies like Crispr Therapeutics to develop new treatments.

"Our primary focus is to develop therapeutics, so I don't let the intellectual property things distract from the mission," Kulkarni said. Still, "it would be a shame if these IP wars get in the way. There is plenty of room for people to coexist."