

PUBLICATION

US Supreme Court rejects personalised medicine claims

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On 20th March 2012 the US Supreme Court issued a surprisingly unanimous decision in *Mayo Collaborative Services v Prometheus Laboratories, Inc.*, holding that method claims that involved administering a drug to a patient and determining the therapeutic effect were not patentable subject matter. The court specifically held that the correlations between the drug being administered and the concentrations of certain metabolites in the patient's blood were a "law of nature", and thus not directly patentable. The claimed processes, while not natural laws themselves, did not sufficiently transform the nature of what was being claimed, and were thus also not patentable. Although *Mayo* arguably did not have as high a profile as the *Bilski* case two years ago, the *Mayo* decision has the potential to wreak far greater havoc on the US patent community.

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