Ruling by U.S. Court of Appeals for the Federal Circuit unanimously affirms invalidation of patents which threatened the practice of personalized medicine

February 18th, 2014: Raleigh, NC - SmartGene, Inc. is pleased to announce that the United States Court of Appeals for the Federal Circuit has unanimously affirmed a ruling from the U.S. District Court for the District of Columbia, invalidating two patents which were being used to threaten the practice of personalized medicine.

The controversy started when Advanced Biological Laboratories (“ABL”), the owner of U.S. patents 6,081,786 and 6,188,988, sued SmartGene, Inc. (“SGI”) in the Eastern District of Texas in September 2007, alleging infringement of both patents. ABL alleged that its patents read broadly on methods and computer systems used to guide therapeutic decision-making, including even HIV genotyping and drug resistance assessment. SGI succeeded in having the case dismissed from Texas and ultimately won a comprehensive ruling in March 2012 at the U.S. District Court for the District of Columbia. The District Court found all claims of both patents to be invalid, for claiming subject matter ineligible for patent protection under Section 101 of the Patent Act. ABL’s request for reconsideration by the District Court was denied. ABL then appealed the ruling to the U.S. Court of Appeals for the Federal Circuit. On January 24th, 2014, the three judge panel at the Court of Appeals unanimously affirmed the ruling in SGI’s favor.

“We are happy that the Court of Appeals has unanimously affirmed the comprehensive victory which SGI won in 2012 at the District Court,” said David Ellis, President of SmartGene, Inc. “After more than six years of effort, we are satisfied to have succeeded in removing the threat of these patents from the landscape of personalized medicine. We recognize the significant efforts made over several years by Professor Robert Shafer, to educate the community about the dangers of patents such as these being enforced by ABL, prior to their being invalidated by our actions.”

About SmartGene, Inc.
SmartGene, Inc. provides web-based suites of functionality to facilitate gene sequence-based analysis for a variety of clinical, medical research, and veterinary applications. Discover more at www.smartgene.com.