An official website of the United States Government.

PUBLIC SUBMISSION

Comments Submitted by Breast Cancer Action

Posted by the **Patent and Trademark Office** on Sep 7, 2021

View More Comments 62 (/document/PTO-P-2021-0032-0002/comment)

View Related Comments 145 (/docket/PTO-P-2021-0032/comments)

Share

Comment

Breast Cancer Action (BCAction) is a national, grassroots education and advocacy organization and we are writing to you on behalf of people living with and at risk of breast cancer. We support and continue to advocate for the protection of existing laws and Supreme Court decisions that prohibit patents on laws of nature, natural phenomena, and abstract ideas. Weakening those laws would endanger public health, impede scientific research, and imperil our ability to recover fully from the COVID-19 pandemic.

Today's laws against patenting abstract ideas, laws of nature, and natural phenomena are critical to supporting the development of innovative fields of research such as precision medicine and genetic testing. For example, public access to the genetic sequence of the virus responsible for COVID-19 made it possible for researchers and companies to develop and commercialize a wide variety of diagnostic tests and vaccines at unprecedented speed. The result has been more access, more competition, and more innovation. By contrast, when severe acute respiratory syndrome (SARS) emerged in 2003, the Supreme Court had not yet clarified the legal prohibition on patenting genetic sequences. Because pharmaceutical and biotechnology companies raced to get patents on the virus and its genetic sequence, the U.S. Centers for Disease Control and Prevention was forced to defensively file its own patent applications to protect patients' access to essential medicine and researchers' access to essential tools.

Likewise, we must keep the ban on patenting abstract ideas, laws of nature, and natural phenomena to ensure that innovative treatments and diagnostic tests remain affordable and accessible to the people who need them. In the mid-1990s, Myriad Genetics was granted patents on the BRCA 1 & 2 genes, which are associated with an increased risk of breast and some other cancers. Instead of advancing research and medicine, gene patents allowed holders to block studying, testing, or even looking at the patented genes. The company had the sole right to examine how likely patients were to get cancer based on the genetic material in their bodies. In 2009, BCAction was proud to join the American Civil Liberties Union as a plaintiff in the case against Myriad Genetics, making us the only breast cancer organization to do so. We stood up because human gene patents stifle desperately needed research and innovation in breast cancer, and create real harm for women at risk of and living with the disease. After the Supreme Court clarified the law

against patenting naturally-occurring gene sequences in 2013, competitors quickly developed and commercialized more affordable and comprehensive tests that have saved countless lives.

As these examples show, scientific researchers, health care providers, and patients depend on access to abstract ideas, laws of nature, and natural phenomena. We oppose changing the law that ensures public access to them because doing so would threaten future innovation, healthy competition, and affordable access to quality health care that people desperately need now more than ever.

Krystal Redman, DrPH

Attachments 1

image

Download (https://downloads.regulations.gov/PTO-P-2021-0032-0069/attachment_1.png)

Comment ID

PTO-P-2021-0032-0069

Tracking Number

kta-weqs-q2io

Comment Details | **Submitter Info**

Document Subtype

Comment(s)

Received Date

Sep 6, 2021

Page Count

1

Your Voice in Federal Decision Making