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IP File

July 8, 2015

### **Federal Circuit's Latest Patent Subject Matter Decision in Ariosa v. Sequenom Renders Many Biotech Patents at Risk**

**By:** Dan Liu

On June 12, 2015, the Federal Circuit issued its decision in *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*,<sup>[1]</sup> finding that Sequenom's patent claiming methods of using cell-free fetal DNA ("cffDNA") for prenatal diagnosis test is patent ineligible under 35 U.S.C. § 101. The Sequenom's patent is directed to a revolutionary finding that there is cffDNA in the blood stream of a pregnant woman. The presence of cffDNA in maternal blood samples provides a safer, cheaper, and faster alternative to the conventional invasive methods to determine fetal genetic abnormalities, such as Down Syndrome. Several popular prenatal diagnosis tests, including Sequenom's MaterniT21 and Ariosa's Harmony, embody Sequenom's discovery.

**TAGS:** 35 U S C 101, Ariosa v Sequenom, cffDNA, Federal Circuit, inventive concept, Mayo Collaborative Services v Prometheus Laborites Inc, natural phenomenon, patent eligibility, Patent Litigation, patent-ineligible, Supreme Court