

THE
edit
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ers
GENOMICS

Your connection
to CRISPR/Cas9



Welcome to The Edit. We're delighted to share our company news and patent portfolio highlights with you. This quick read will keep you up to date on new patents and global expansion.

And, it wouldn't be comprehensive company news without an account of the ongoing patent interferences and oppositions...



“ This is transformative technology that allows the recoding of life and editing genes. ”

**Emmanuelle Charpentier,
2020**

**ERS co-founder, patent co-owner,
and 2020 Nobel Prize winner.**

DEMAND FOR LICENSES IS INTENSIFYING!



We expect great things...

As more innovators recognize the brilliance, ease of use and cost efficiency of CRISPR/Cas9, we see our technology being applied in ever expanding ways and in new markets. We have put nearly 100 licenses in place now and some of our most recent new licensees include:

✂ **GenScript** ✂ **Nuvisan** ✂ **Setsuro Tech** and ✂ **Otsuka**.

We're constantly impressed by new applications of CRISPR and always curious to see what's next. On that note, DO YOU have news about how your company is using CRISPR? Would you like to share your story? Contact marketing and we can work on publishing a case study with you.

LATEST UPDATES

LICENSEE UPDATE 08/2021

Since the first patent issued in 2016 the ERS portfolio has continued to expand. ERS now provides rights to 85 issued patents in over 80 countries with over 70 applications still pending globally.

For a full list of our patent portfolio, [click here](#).

RECENT NOTABLE CRISPR/CAS9 PORTFOLIO EVENTS:

For all details on each of the following [click here](#). For a quick summary, read on.

17 January 2020:

Revocation of Broad first EPO patent EP2771468

The Opposition Division found that all claims of the Broad Institute's foundational CRISPR/Cas9 patent were invalid because the Broad Institute was not entitled to its two earliest priority dates and thus the claims lacked novelty in light of prior art. The Broad Institute's appeal the Opposition Division's decision was finally rejected meaning all claims of the Broad Institute's patent remain fully revoked with no option left to overturn this decision.

10 February 2020:

EPO Upholds CVC EP2800811 over opposition

The European Patent Office (EPO) rejected arguments filed in opposition to the CVC group's European patent No. EP2800811 and affirmed the patentability of the inventions described.

19 March 2021:

Revocation of Sigma CRISPR patent EP 3138910 B1

The Opposition Division in Europe revoked EP3138910 B1, part of the Sigma-Aldrich patent portfolio, for lack of inventive step.

13 April, 2021:

Opposition of CVC EP 3241902 in EU

CVC's EPO patent EP3241902 was revoked following oral proceedings. This procedure is ongoing and the claims involved in the filing are expected to survive with modification.

1 June 2021:

Japanese Patent Office Upholds Key CVC CRISPR Patent

The Japanese Patent Office (JPO) rejected arguments filed in opposition to the CVC's second Japanese patent (JP6692856). The JPO re-affirmed the patentability of the inventions, further validating the fundamental value of these patents for use of the CRISPR/Cas9 technology.

UPDATE ON U.S. PATENT INTERFERENCES

U.S. Interference No. 106,115 – CVC/Broad:

initiated in June 2019 and oral arguments are expected in September 2021. A decision might be expected by the end of 2021, subject to the right of any party to appeal the decision.

U.S. Interference No. 106,127 – CVC/Toolgen:

initiated in December 2020 and in the earliest 'motions' phase, expected to conclude sometime in 2023, subject to the right of any party to appeal the decision.

U.S. Interference No. 106,132 – CVC/Sigma:

initiated on June 21, 2021 and expected to conclude sometime in 2023, subject to the right of any party to appeal the decision.



INTERFERENCE OUTCOMES:

Should CVC be recognised as the first to invent in eukaryotes; Broad (or Toolgen, or Sigma) patents involved in the respective interference should be revoked in their entirety. Should Broad (or Toolgen, or Sigma) be recognised as the first to invent in eukaryotes; they will have patents covering use of CRISPR-Cas9 in eukaryotes, while CVC will still hold over 40 granted patents covering use of CRISPR 'in any environment' and 'in a cell'. This means that more than one license will be necessary to obtain full freedom to operate when editing eukaryotic cells with CRISPR/Cas9 in the U.S.

WHAT'S NEXT? 2021 IP OUTLOOK

The ERS CRISPR/Cas9 portfolio continues to expand and we are encouraged by the upholding of CVC patents in both Europe and Japan. We are the only foundational CRISPR/Cas9 patent estate to survive opposition thus far. In the United States, we are optimistic about the ongoing interferences and want to remind our valued licensees that, win or lose, your license to the ERS portfolio will continue to provide access to essential and necessary intellectual property or practicing CRISPR/Cas9.

Lastly, we wish you every success with your CRISPR/Cas9 initiatives!

As always, if you need any additional patent information, **contact us**.