

THE edit

MARCH 2022

ers
GENOMICS

Your connection
to CRISPR/Cas9



Welcome back to our second issue of The Edit.

As you know the world of CRISPR is in constant motion.

Here we'll provide innovation highlights, offer predictions for what's next and delve into the always-interesting patent battle. Read on for the insider take...



“You have to be ready for the unexpected.”

Emmanuelle Charpentier

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

WHAT'S NEW WITH US?



ERS Genomics continues to grow...

Our presence in China is now enhanced by <http://ersgenomics.cn/> and we have established a formal mainland Europe presence with new hire, **Ralph Vogelsang**. Wherever you are in the world, we have someone nearby. [Click here](#) to see who your point of contact is.

UPDATE IN LICENSES CONTINUES APACE

We keep saying it, if you want to use CRISPR/Cas9 technology, you need a CVC license...

New licensees include:

Japan SLC, Nippon Gene and GenOway

On that note:

DO YOU have news about how you have used our gene editing IP? And, would you like to share your story?

Contact marketing and we can work on a case study with you.

LATEST UPDATES

LICENSEE UPDATE 02/2022

The CVC CRISPR/Cas9 portfolio has continued to expand rapidly and now includes nearly 100 issued and allowed patents globally with 80 applications pending. Notable issuances since our last update include Chinese patent no. 2017105856905 covering methods and compositions for use of CRISPR/Cas9 in eukaryotes [details here](#), as well as multiple issuances in Israel. [Check here](#) for the latest list of issued patents.

BIG PICTURE

It's a rare week that passes without CRISPR in the headlines. Last month, almost every list highlighting innovation of 2021 and predictions for 2022 had at least one gene-editing reference.

Some of the bigger stories of last year include GABA-enriched **tomatoes**, a **cure for sickle cell**, **HIV treatment** and so many more incredible innovations.

For the future, we predict a lot of stories around precision medicine featuring CRISPR mediated gene editing.

We also foresee future news highlighting the use of CRISPR/Cas9 against climate change challenges. Work is already in progress.

UPDATE ON U.S. PATENT INTERFERENCES

Interference No. 106,115

– CVC/Broad:

28 February 2022: US PTAB ruled that the Broad Institute and Harvard will retain its intellectual property over the use of CRISPR-Cas9 gene editing in eukaryotes. US PTAB confirmed that its decision regarding priority of invention was focused on single-guide CRISPR/Cas9 systems in eukaryotic cells and has no impact on any of CVC's granted US foundational patents that cover compositions and uses of CRISPR/Cas9 in all settings, including eukaryotic cells.

US Interference No. 106,127

– CVC/Toolgen:

The motion phase has concluded and it is expected that oral argument will be ordered in the coming months.

US Interference No. 106,132

– CVC/Sigma:

Currently still in motion phase.



EUROPEAN OPPOSITIONS UPDATE

EP'811: The European Patent Office (EPO) rejected arguments filed in opposition to European patent No. EP2800811 and affirmed the patentability of the inventions described. The claims of the patent are directed to the widely-used single-guide CRISPR-Cas9 gene editing system and cover uses in both cellular and non-cellular settings, including use in bacteria, plants, animals, and cells from vertebrate animals such as humans. Appeal of the OD (Opposition Division) decision continues and it is expected that a final determination will be pending in 2022.

EP'902: EP3241902 was revoked following oral proceedings at the EPO on April 12 and 13, 2021. This patent claimed compositions and methods for chimeric Cas9 applications. The OD decision provided optimism for continued prosecution of these claims which we are pursuing in multiple divisional applications.

EP'400: On 2/21/2022 The OD heard oral argument on EP3401400 which currently covers generic guide compositions and CRISPR mediated cleavage in eukaryotes, early indication is that these claims will be maintained in Europe subject to potential appeal by opponents.

IN CONCLUSION :

If you follow CRISPR news, you'll have seen the most recent decision regarding priority of invention between the Broad and CVC. While you might have read creative interpretations of this ruling, the truth is less dramatic. **For ERS and our licensees there are no changes, and it is business as usual.** To reiterate and elaborate – this ruling has no impact on any of CVC's granted US foundational patents that cover compositions and uses of CRISPR/Cas9 in all settings, including eukaryotic cells. If you have concerns that you want to talk through, please contact michael.larciero@ersgenomics.com. Michael will answer any questions you might have about your patents with ERS.

The CVC portfolio of patents covering CRISPR/Cas9 gene editing remains the essential global intellectual property for the practice of this transformative technology. Although multiple licenses may continue to be needed in some jurisdictions your investment in a license from ERS continues to grow in value as the portfolio continues to expand. On that note, we wish you every success with your CRISPR/Cas9 initiatives.

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