

SmartGene

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Order by Supreme Court of the United States confirms SmartGene's success invalidating patents which threatened the practice of personalized medicine

October 8th, 2014: Raleigh, NC - SmartGene, Inc. today announced that the Supreme Court of the United States has issued an Order, denying the attempt by Advanced Biological Laboratories (“ABL”) to vacate a ruling by the United States Court of Appeals for the Federal Circuit. In that January 2014 ruling, the Federal Circuit had unanimously affirmed a ruling from the U.S. District Court for the District of Columbia, invalidating two patents which threatened the practice of personalized medicine.

ABL, the owner of U.S. patents 6,081,786 and 6,188,988, first sued SmartGene, Inc. 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 for therapeutic decision-making, including HIV genotyping and drug resistance assessment. SmartGene succeeded in having the Texas case dismissed and initiated a proceeding in the United States District Court for the District of Columbia, seeking to invalidate both patents. In a comprehensive ruling in March 2012, 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 appealed the decision to the U.S. Court of Appeals for the Federal Circuit, whose three judge panel unanimously affirmed the District Court's ruling in SmartGene's favor. ABL then petitioned the Supreme Court.

“The Supreme Court's Order denies ABL's attempt to drag this litigation beyond the seven years which have already elapsed,” said David Ellis, President of SmartGene, Inc. “The comprehensive victories won by SmartGene, both at the District Court and Appeals Court levels, now stand irrevocable and thus we have eradicated the threat of these patents for the entire personalized medicine community. We acknowledge the dedicated efforts of Professor Robert Shafer, to educate the community about the dangers of such patents. We extend our thanks to Frederick N. Samuels and Maurice U. Cahn of Cahn & Samuels, LLP and to Daniel B. Ravicher of the Public Patent Foundation for their skilled advocacy on our behalf.”

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.