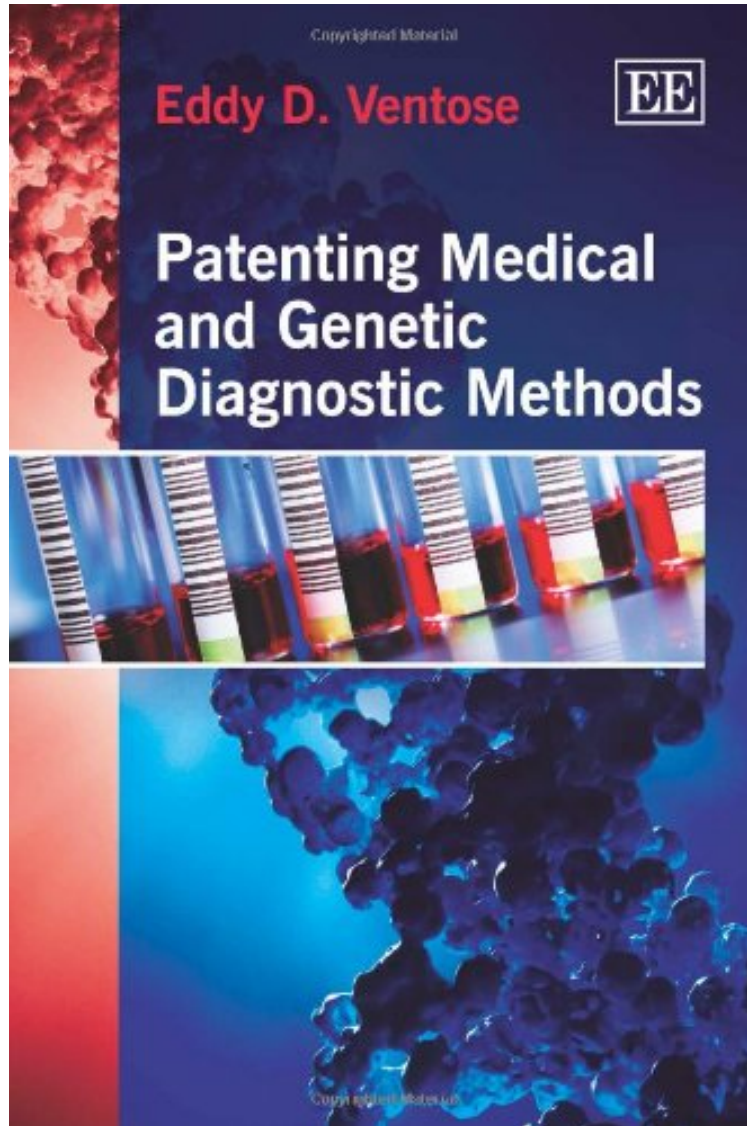


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Patenting Medical and Genetic Diagnostic Methods

Eddy D. Ventose

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Eddy D. Ventose : Patenting Medical and Genetic Diagnostic Methods before purchasing it in order to gage whether or not it would be worth my time, and all praised Patenting Medical and Genetic Diagnostic Methods:

0 of 0 people found the following review helpful. Should new medical procedures be patented?By Phillip Taylor MBESHOULD NEW MEDICAL PROCEDURES BE PATENTED?THIS BOOK LEADS THE DEBATEAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersNew developments in medical procedures, including new diagnostic methods are frequently reported in the press and media. But what is not

widely known is that innovative medical procedures can be patented. Eddy D. Ventose, the author of this carefully researched book lists just some of the methods that are patentable to include for example, methods of treatment dosage regimes and methods of assessing their effectiveness surgical methods and general diagnostic methods. The publishers, Edward Elgar Publishing point out that this is the first book to provide comprehensive coverage and commentary on the patenting of medical procedures. Yes, the book explores and examines the issue of medical and diagnostic methods patented almost exclusively in the United States (where this issue has generated controversy for over a hundred years). The book's content, however, should interest practitioners worldwide, including solicitors, barristers, patent attorneys and agents working in patent and medical law. The book is particularly topical and indeed future-oriented in the wake of the mapping of the human genome in 2000, which has since opened up new avenues of medical research. Such research initiatives will in turn lead to the development of more new medical procedures and ultimately, as observed by at least one commentator, the dawn of a new era of personalized medicine. Ventose traces the legislative history pertaining to these issues, including the decisions of the early courts and considers carefully the jurisprudence of the US Supreme Court on patent eligibility. An authority in this field, the author is a professor of law and a specialist in intellectual property. The book follows and, one can assume, expands upon, the themes first addressed in his doctoral thesis at Oxford University. Obviously the issues dealt with in this book impinge on public policy and a host of ethical considerations, including whether or not it is entirely desirable in principle to patent medical discoveries in the first place. On matters as crucial as this, opinions will inevitably vary, which is why this book will be of abiding interest to a wide readership, not confined to practitioners. For researchers, the tables of cases and of national and international legislation are particularly useful and of course, there's a host of handy references to be gleaned from the bibliography and the footnotes throughout. For anyone involved in intellectual property, medical law or patents, this book should be considered an essential purchase. The publication date is cited as at 2013.

'On the heels of his earlier work *Medical Patent Law - The Challenges of Medical Treatment*, Ventose makes another significant contribution to the literature. In his earlier work, he devoted a chapter to medical patents under US law. In *Patenting Medical and Genetic Diagnostic Methods* he expands that chapter into an entire text. No easy feat, to be sure. Nonetheless, his 'treatment' of the jurisprudential terrain is sophisticated and rigorous. Scholars, practitioners and students seriously interested in the evolution of medical patents under US law will find Ventose's latest work to be invaluable.' - Emir Crowne, University of Windsor, Canada, Law Society of Upper Canada and Harold G. Fox Intellectual Property Moot
This work provides a timely exploration of patent battles over biotechnology, medicine, diagnostic testing, and pharmacogenomics. Such conflicts are critically important at the dawn of a new era of personalised medicine.' - Matthew Rimmer, The Australian National University College of Law and ACIPA, Australia
The debate on the patent eligibility of diagnostic and medical methods has raged recently in the United States and there seemed to be far less certainty about the outcome than in Europe. Gene patents for diagnostic methods clearly stirred the debate, but this is not a new debate. It goes back a century. This book gets to the bottom of the debate and provides an in depth insight, both of the history and of the recent developments. A fascinating tale.' - Paul Torremans, University of Nottingham, UK
This well-researched book explores in detail the issue of patenting medical and genetic diagnostic methods in the United States. It examines decisions of the Patent Office Boards of Appeal and the early courts on the question of whether medical treatments were eligible for patent protection under section 101 of the Patents Act. It then traces the legislative history of the Medical Procedures and Affordability Act that provided immunity for physicians from patent infringement suits. After considering the Supreme Court's jurisprudence on patent eligibility, the book then comprehensively sets out how the Federal Circuit and the Supreme Court have dealt with the issue, paying close attention to the Supreme Court's recent decision in *Bilski and Prometheus*. Being the first book to comprehensively cover patenting medical methods, it will appeal to patent agents, patent attorneys, solicitors and barristers working in patent and medical law worldwide, medical practitioners and healthcare professionals, in-house legal and regulatory departments of pharmaceutical companies. Researchers and managers in the chemical, medical, pharmaceutical and biotechnology industries, as well as academics specializing in medical law or patent law, will also find much to interest them in this book.
Contents: Preface 1. Introduction 2. Initial Determination 3. Legislative Intervention 4. Patent-Eligibility 5. Consideration by the Federal Circuit 6. Consideration by the Supreme Court 7. Conclusions Bibliography Index

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