

**7 June 2010**

**MEDIA RELEASE**

***Cancer Patients Challenge Human Gene Patenting***

In an Australian first, Cancer Voices Australia together with law firm Maurice Blackburn and Yvonne D'Arcy, a Brisbane woman with breast cancer, today launch legal action in the Federal Court against four biotech companies to challenge a patent over human genetic material.

The case will focus on the patent over a gene mutation known as BRCA1 which is associated with an increased risk of breast and ovarian cancer. The legal team will argue that the patent held by companies including Myriad Genetics Inc and Melbourne-based Genetic Technologies Ltd (known as **Patent 686,004**) is invalid.

In March this year a Federal District Court in New York ruled that patents were improperly granted, including the BRCA1 mutation, but no such ruling exists to protect patients in Australia.

"This is a test case in which Cancer Voices Australia strongly believes. There are ethical and moral issues surrounding the commercialisation of human body material. We are pleased to put our name to this important legal question in the interests of people affected by cancer", Executive Officer John Stubbs said.

"Cancer diagnosis is a time of stress for all people affected by cancer. We want control over our disease and treatment options. Patents have the potential to increase the cost of treating all cancers and perhaps denying a vital pathway to good treatment outcomes." he added.

The test case is supported by patent law expert Professor Luigi Palombi from Australian National University and will be run on a pro bono basis by Maurice Blackburn partner Rebecca Gilson and barristers David Catterns QC and Peter Cashman.

According to one of the solicitors, Rebecca Gilson, "the patent owner has a right to prevent people from studying and testing for the gene mutation, so gene patents can stifle research, the development of treatments, and access to diagnostic testing,"

'This important issue must be clarified,' said John Stubbs, 'and we believe strongly that this legal challenge is necessary to resolve the matter once and for all'

Media: John Stubbs Executive Officer 0407075525