



American College of Medical Genetics

Medical Genetics: Translating Genes Into Health®

May 12, 2009

Dear ACMG Member:

As you may already have seen in the media today, ACMG has joined with other associations and individuals as plaintiffs in a lawsuit challenging the validity of patents on human genes. This was a difficult decision for ACMG. We have members who work at Myriad Genetics, which is one of the defendants in the case, and other members who advocate for the patentability of human genes. However, given the ACMG's long-standing *Position Statement on Gene Patents and Accessibility of Gene Testing* (published in 1999, reaffirmed in 2005), which states that human genes are not patentable subject matter because they are naturally occurring substances, the Board of Directors concluded that we had to back up our position with action. The ACLU has agreed to cover all costs of this litigation and any other costs to ACMG directly resulting from this case.

Although the ACMG is against gene patenting in principle, please be aware that existing gene patents remain valid and enforceable property rights and should be treated as such. ACMG views or its actions in this case should not be misconstrued to suggest that you should treat existing gene patents as invalid or to suggest that anyone take any action that infringes any existing patent or license. Nevertheless, we do want you to be aware of our involvement in this case.

We will keep you informed as the case moves forward. Please direct any questions regarding this matter to Mike Watson in the ACMG office.

Sincerely yours,

Bruce R. Korf, MD, PhD, FACMG
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