

# Knoepfler Lab Stem Cell Blog

Building stem cell bridges

## Challenge could cancel Yamanaka iPS cell patent

Posted on [August 14, 2014](#)

I Googled BioGatekeeper, but freakishly, it has zero Google hit results.

What the heck? There is also no registered business in the states of Massachusetts or California with that name nor any SEC filings for a company of that name.

I'm currently digging into who's behind BioGatekeeper.

One possibility mentioned to me is that it is part of the Whitehead Institute, which also has a cell reprogramming patent ([U.S. Pat. No. 7,682,828](#)) mentioned extensively in the Yamanaka Patent challenge document. However, this seems **not to be the case** as Matt Fearer, Whitehead Director of Communications and Public Affairs, told me this:

*"Whitehead Institute has absolutely no affiliation with 'BioGatekeeper,' and, in fact, no one involved in intellectual property here has ever heard of any entity known as BioGatekeeper."*

The basis of the request to cancel the Yamanaka Patent is that the work would have been obvious based on the literature and the pre-existing Whitehead patent and method:

*such claimed method in the Yamanaka patent would have been obvious to one of ordinary skill in the art, because a variety of pluripotent genes were already known in the art, and it would have been obvious for one of ordinary skill in the art to introduce such other known pluripotent genes in the Whitehead method.*

How serious is this challenge?

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| Kyoto Exhibit 2008<br><i>BioGatekeeper v. Kyoto University</i><br>IPR2014-01286 |
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An anonymous legal guru had this take on the patent challenge 'The instant patent dispute

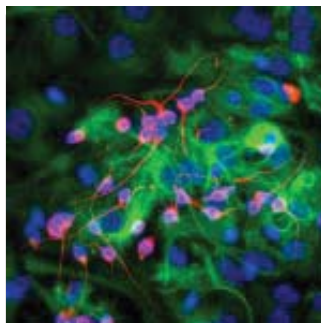
over Shinya's claim #1 will turn on whether the diminution of his combinatorial approach to a walk through an already well-paved park instead of an expedition in outer space will render his patent invalid.'

It seems there is a reasonable chance that this effort could lead to canceling the key claim of the Yamanaka patent.

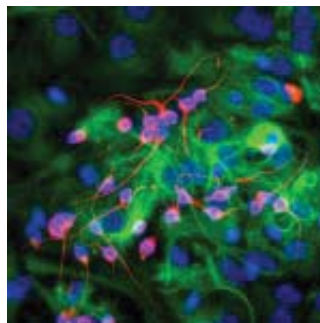
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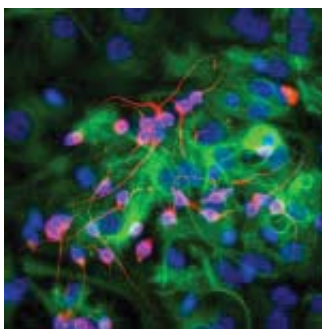
Blog readers investigate BioGatekeeper, the Yamanaka patent challenger



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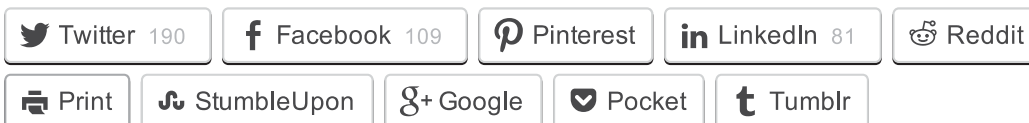


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