

Knoepfler Lab Stem Cell Blog

Building stem cell bridges

Blog readers investigate BioGatekeeper, the Yamanaka patent challenger

Posted on [August 19, 2014](#)

The readers of this blog never cease to amaze me. What an informed, energetic, bright group.

Within just days they may have collectively shed some light on an intriguing mystery in the stem cell field surrounding this question:

Who is trying, via the name BioGatekeeper, Inc., to nullify Yamanaka's patent on cellular reprogramming to produce induced pluripotent stem (iPS) cells?

This past week the mysterious organization BioGatekeeper, Inc. filed [a challenge](#) to the Yamanaka Patent. The basis of the challenge is the assertion that cellular reprogramming was supposedly obvious based on pre-existing art, in this case meaning previous work and intellectual property (IP) on cellular reprogramming by others.

More specifically, BioGatekeeper focused on one other patent as the leverage for its argument to cancel the Yamanaka Patent: the Whitehead Institute Patent on reprogramming (aka The Whitehead Patent). The Whitehead Patent pre-dated Yamanaka's. Like Yamanaka's, the Whitehead Patent also focused on reprogramming of cells to pluripotency.

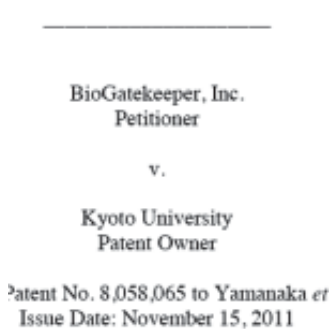
The Whitehead Institute [has indicated](#) that it has no involvement in BioGatekeeper.

A logical question then is why the people behind BioGatekeeper, whoever they might be, chose to focus on the Whitehead Patent as the driving force in their argument? That remains unclear at this time.

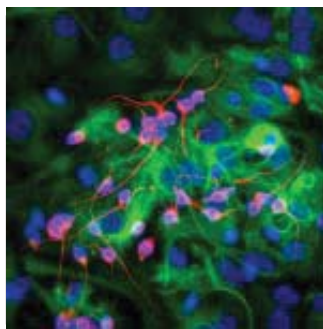
Kyoto Exhibit 2009 <i>BioGatekeeper v. Kyoto University</i> IPR2014-01286

Who might be behind BioGatekeeper? The most logic candidates would be those who have been involved in cellular reprogramming over the years, particularly in the early days even before iPS cells. Read on on Page 2!

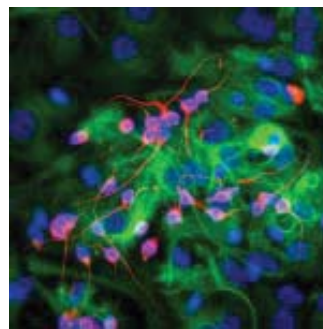
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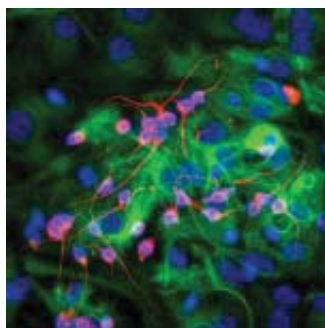
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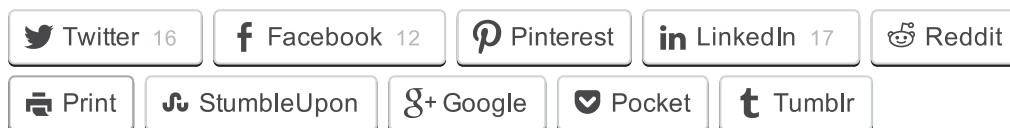


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 RONGXIANG XU, MEBO INTERNATIONAL, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN FRANCISCO - CIVIC CENTER COURTHOUSE

RONGXIANG XU, an individual; and
 MEBO INTERNATIONAL, INC.
 Plaintiffs,
 vs.
 SHINYA YAMANAKA; an individual; and
 DOES 1-50, inclusive,
 Defendants.

Case No.: **CGC-13-531266**
Unlimited Civil
 COMPLAINT FOR:
 (1) SLANDER OF TITLE
 (2) DEFAMATION
 (3) NEGLIGENT INTERFERENCE WITH
 PROSPECTIVE ECONOMIC
 ADVANTAGE
 (4) CALIFORNIA UNFAIR COMPETITION
 [CALIFORNIA BUSINESS &
 PROFESSIONS CODE § 17200, et seq.];
 AND
 (5) TRADE LIBEL

Indeed, there have also been many others who were deeply interested in reprogramming in addition to Yamanaka and had various types of IP in this arena. Some focused on defined factors, but others explored distinct approaches.

One scientist exploring reprogramming approaches not involving defined factors, Dr. Rongxiang Xu, has been interested in the idea of natural reprogramming for a long time. Last year he went so far as to sue ([here](#) and [here](#)) Yamanaka and the Nobel Prize Foundation (image at left) for not giving him a Nobel Prize too. A blog reader has indicated that Xu's suit against Yamanaka **was dismissed** with prejudice, while the suit

against Nobel was also dismissed but has been appealed ([see page 8 here](#)).

Xu, who is now a surgeon living the Los Angeles (LA) area, reportedly argued in the suit that his work should have earned him a Nobel Prize too via a natural kind of reprogramming through regenerative nutrients. I'm still a little unclear on how that reprogramming would work frankly at the molecular and cellular levels.

Xu reportedly has a product called moist exposed burn ointment (MEBO; there is also a company by the same name), being developed by a botanical drug company in the LA area called Skingenix. Some blog readers have suggested possible people or companies who might be behind BioGatekeeper and one notion they raised was that Xu might have a role in BioGatekeeper.

Why?

In the Xu suits filed against Yamanaka and the Nobel Committee, the plaintiffs [were represented by the Ardent Law Group](#) (hat tip to commenter [Shinsakan](#)). Interestingly, the same legal team is also now representing BioGatekeeper in challenging the Yamanaka Patent. Is this shared law group a meaningful connection or just a random coincidence?

I contacted Ardent and they said due to confidentiality they could not provide any details on BioGatekeeper. I also flat out asked them, politely of course, in a follow up with Dr. Xu was involved or not and got no reply. They and their client(s) in this case have left things muddled.



What do we know?

As it turns out BioGatekeeper, Inc. was founded about two weeks ago as a corporation in Nevada (see screenshot above; another hat tip to blog reader Shinsakan). You can find the incorporation information [here](#) if you simply plug in "BioGatekeeper" into the Nevada Secretary of State website search box. The sole person named in the filing as a BioGatekeeper party is **Jonathan Zhu**, listed as President and every other position of the company.

Who is Jonathan Zhu?

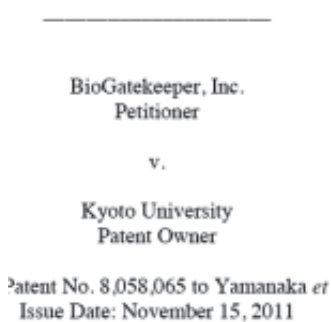
Blog reader “anonymous stem cell repairman” figured out that when MEBO filed [their first patent](#), the law firm of Wilson Sonsini Goodrich & Rosati of Palo Alto, CA handled it. On this law firm’s website today [is listed an attorney](#) named **Jonathan Zhu**. Could this be the same Jonathan Zhu who is listed by Nevada as the one setting up BioGatekeeper? Or just another coincidence?

What do you think of all of this?

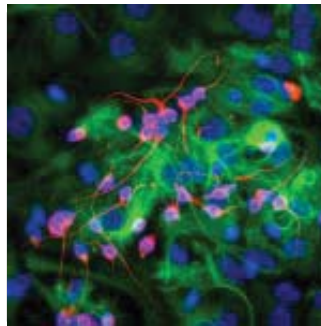
Xu and MEBO in theory could have nothing to do with BioGatekeeper, but the investigating done by the readers of this blog have surprisingly quickly revealed some connections that are at least interesting to consider. It is also possible that other parties may be involved as well and that they are collectively behind the BioGatekeeper entity. I have some ideas about other potential folks who might be behind the BioGatekeeper moniker and have contacted those, but without a clear resolution from as to their involvement or lack thereof at this point.

Stay tuned.

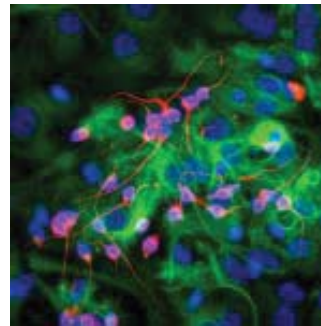
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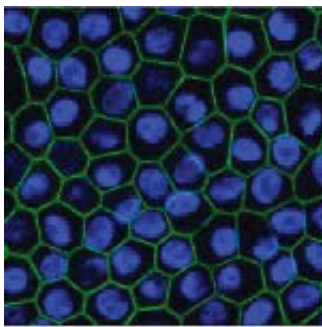
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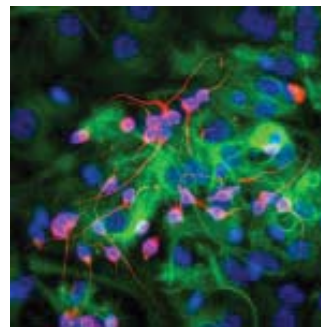
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