40 Years Ago: Firm Wins Supreme Court Case That Helped Launch Biotech Industry

On June 16, 1980, the U.S. Supreme Court issued a landmark decision in Diamond v. Chakrabarty, holding for the first time ever that a living, genetically-altered microorganism constituted patentable subject matter.

A predecessor firm of Banner Witcoff represented the inventor before the Supreme Court in this seminal case, which is widely credited for contributing to the rise of the modern biotechnology industry. While it may not be well-known outside the intellectual property and biotech fields, the Court's decision in this case has incentivized numerous breakthroughs in medical therapies, the development of bioengineered plants and food, and the issuance of thousands of patents.

The case deals with patent rights an inventor, Dr. Ananda M. Chakrabarty, had sought for a genetically engineered microorganism that breaks down crude oil. The U.S. Patent and Trademark Office rejected his patent claim on the ground that living organisms are not patentable. The Supreme Court, however, disagreed, holding that a patent may be obtained on "anything under the sun that is made by man."

Banner Witcoff attorney Dale H. Hoscheit, who served on the legal team in this case, said, "It was an honor to be involved in such a pivotal case that is celebrated and remembered four decades later."

He added, "Although the Court's decision focused on a relatively narrow issue, it created important protections for biotechnological inventions that impact the daily lives of so many, whether through medical innovations or genetically engineered crops."

Click here to read an article, written by former Banner Witcoff attorneys, summarizing the case and highlighting its significance. The article was published in 2005 for the 25th anniversary of the

Court’s decision.

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