

From: Sheogorath [e-mail redacted]  
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To: 2014\_interim\_guidance  
Subject: Interim Eligibility Guidance public feedback

Hello,

Please find attached my view on the direction patent law was going in back in early 2012. You can prevent this.

Yours faithfully, Sheogorath.

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I'm an Autistic auto-didact cognoscente of UK copyright law.

# The Consequences of Gene Patenting.

As I sit in this sundrenched yard surrounded by razor wire topped fences, I often wonder what exactly it was that caused my imprisonment. Now, I know the media are saying that I should never have been born and everything is all my parents' fault, but I can't really credit that opinion. You see, my parents created me during an act of love, never foreseeing what the possible consequences would be. To be honest, who could?

No, if I think about it, it must be the fault of Myriad Genetics. If they hadn't had some of their gene patents enforced in 2011, they might not have subsequently gone out and bought up other gene patents or sued other companies to gain theirs. They might never have gone to court many times to have their view of the patents process upheld, and they might not have gained a patent on a lot of the genes that are in my body. Nevertheless, that is what they did, and my case is the result of it. It seems like only yesterday that my parents and I stood in a courtroom in our smartest clothes, as the verdict that led to me being here was handed down.

# # #

Foreperson of the Jury, on the charges of patent infringement, how do you find?

We find the defendants guilty, your honor.

I remember the judge closing her eyes momentarily and giving a heavy sigh before she said, "Very well. Mr. and Mrs. Greenberg, I fine you both \$1.5 million dollars, the minimum allowable under the law. Also, as the products of any type of IP infringement must always be destroyed, your son, Jonathan, will be taken from here to a place of confinement. He will be held there for a period of no longer than three months, unless a stay pending appeal is filed, then he will undergo a lethal injection before his remains are cremated.

I don't remember anything but a buzz of noise after that, except the sensation of somebody supporting me as I was led away, then the coolness of a cell bunk beneath me. It was to be another week before the news sank in fully, that I'd been given the death penalty as punishment for a crime I hadn't even committed!

# # #

That was nearly a year ago now. My parents appealed of course, arguing that when the 'product of infringement' is a living human being, can it really be right to so casually destroy them? Unfortunately, their appeals always failed, meaning they had to send them to higher and higher courts for more and more money. They always say to me that it's not about the money because I'm their son and they love me very much, but I can tell that they worry about how they're going to afford the next trial if it comes to that. Well, yesterday was my parents' final appeal before they can no longer afford it, and I just know they lost again, I just know it.

Now a corrections officer is approaching me as I sit in the yard, his face carefully blank.

Prisoner 288476!

Yes, sir? I can't help squeaking as I jump to my feet. My throat has gone dry. This is it!

Come with me, the warden wants to see you.

Yes, sir. I reply before trudging after the officer, dread filling me. I want to go even slower, but I know that if I do, I'll be punished for it. Although what value that lesson will have so soon before my death, I don't know.

Name and number to the warden, prisoner!

288476, Jonathan Greenberg, sir.

Ah, yes. Greenberg. Thank you, Mr. Salvatore. You may leave us now.

Yes, sir. The officer exits the room, quietly pulling the door closed behind him.

Excuse me, sir. Is this about the appeal?

Actually, Greenberg, it is. It was cancelled because of a recent change in the law.

At Warden Shepherd's words, the tears start to roll down my face and I can feel nothing outside of myself. The final appeal was cancelled. First the law wants me dead, and now it has just denied me the last hope of justice I had held.

What *is* the matter, Greenberg? Aren't you happy?

I almost laugh bitterly and sardonically at that. How can I be happy when I'm about to lose my life and my parents' last chance of saving it is gone? I manage to choke out.

I don't think you understand, Greenberg. The change in the law isn't about the appeals process, it's about gene patents. The week before your appeal was due to begin, Pennsylvania State University went to court to challenge the patents on the basis that not only do genes occur in nature and are unpatentable as a result, the patents themselves were held on something which has prior art in the DNA in natural organisms. Then your case was cited as an extreme example of why gene patents shouldn't exist, and as a result, they've officially been abolished so that no more young people find themselves in the position you were in. After all, we can't let business interests lead to the destruction of the human race as ever greater numbers of people require gene therapy, can we?

I suppose not, sir, I murmur, my ears singing as I struggle to process this rapid change in my fortunes.

You might also be pleased to learn that IP law itself is under review, and decisions about the disposition of products of infringement will be made on a case by case basis from now on. The most important thing, though, is that because there are no gene patents anymore, your parents have officially committed no crime. Therefore, you're free to leave as soon as they arrive to collect you.

This time when I collapse, it is because of the surge of happiness and relief which overwhelms me.

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