



***Last year, TrialSite published “A Familyman’s Battle Against the Forefront of the Capitalist Medicine: the Case of Errant Gene Therapeutics,” which depicted Patrick Girondi, an ex-commodity trader who grew up in Chicago’s tough southside in a rags to riches story—transforming into biotech entrepreneur driven by the calling to save his son Rocco—versus a polished, well-funded venture called Bluebird Bio. As it turned out in 1992, Girondi’s son Rocco (age 2 at the time) was diagnosed with the inherited blood disorder Thalassemia, a disease in which an individual’s body can’t generate enough hemoglobin. Those with moderate to severe cases often necessitate frequent blood transfusions and can result in an early death. After the diagnosis, Mr. Girondi retired from his lucrative trading career and dedicated his life to finding a cure for his son and others sharing this condition. He set out on a new pathway, learned the bio business and eventually founded Errant Gene Therapeutics, which licensed cutting-edge gene therapy from Memorial Sloan Kettering. Now before a tough but seemingly fair judge in Manhattan, at the heart of this the case are two very different claims. On the plaintiff side, it is claimed that Bluebird Bio conspired***

***with Memorial Sloan Kettering to fraudulently usurp the intellectual property licensed to Errant Gene Therapeutics in a tale right out of Wall Street's "Greed is Good" meets the biotech shark tank. On the other hand, the defendant argues that Memorial Sloan Kettering became increasingly concerned that Errant Gene Therapeutics didn't have the financial wherewithal to live up to an onerous drug development partnership agreement. As it turned out, Errant Gene Therapeutics signed up for what appeared to read like an adhesion contract for anybody familiar with standard drug development timelines. Regardless, the defendant argues they did nothing wrong and that Memorial Sloan Kettering simply desired to get its full patent rights back and collaborate with a partner with the financial means to develop the gene-based therapy. Now the legal clash unfolds in a fascinating, COVID-19 era via accessible online web video in front of a veteran New York City judge with claims of damages in the hundreds of millions of dollars.***

*TrialSite News* followed the fascinating first day's proceeding and will follow up with commentary after the case is complete. Interestingly, at the end of today's interactions, **Judge Barry Ostrager** issued a surprising and somewhat jolting statement declaring to the parties that this was not a nontrivial case and that the parties should seriously considering seeing a mediator during these proceedings. Was Judge Ostrager sending a signal to the defendants to settle?

The case has now been picked up by the mainstream media as Andrew Martin writing for *Bloomberg* introduces this matter to a far larger audience spanning from Wall Street and the Biotech cluster in Boston to Silicon Valley.

Check out the article and keep an eye out for more news concerning this pivotal legal case pitting the independent entrepreneur or what Bluebird essentially considered an eccentric, or worse, lone operator against what some might consider representation from the medical industrial complex.

**Call to Action:** Check out Mr. Martin's piece in *Bloomberg*.