

BlueBird Fails to Axe Patents in Dispute Over \$2 Million Drugs

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A US Patent and Trademark Office administrative tribunal quashed bluebird bio Inc.'s efforts to cancel two patents its multi-million dollar drugs LentiGlobin and Zynteglo are accused of infringing.

Sloan Kettering Institute for Cancer Research's US Patent Nos. [7,541,179](#) and [8,058,061](#) covering blood disorder treatments aren't obvious or anticipated by prior inventions, the Patent Trial and Appeal Board ruled in [two decisions](#) issued Monday. Errant Gene Therapeutics, which claims rights to Sloan Kettering's patents, [sued](#) bluebird in 2021 for infringement in the US District Court for the District of Delaware where the case is ongoing.

Zynteglo costs [\\$2.8 million per patient](#) and treats beta thalassemia, an inherited blood disorder that robs the body of oxygen. LentiGlobin treats sickle cell disease and costs patients less than \$2.1 million, according to a 2019 bluebird [investor](#) presentation. .

Administrative Patent Judge Sheridan K. Snedden authored the decisions which were joined by Administrative Patent Judges James A. Worth and Cynthia M. Hardman.

Paul Hastings LLP represents bluebird. Fox Rothschild LLP represents Sloan Kettering.

The cases are [bluebird bio Inc. vs. Sloan Kettering Inst. for Cancer Rsch.](#) , P.T.A.B., IPR2023-00070, 4/22/24 and [bluebird bio Inc. vs. Sloan Kettering Inst. for Cancer Rsch.](#) , P.T.A.B., IPR2023-00074, 4/22/24 .

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