

## Discussion Questions for *The Genome Defense*

1. The ACLU's case challenging gene patenting was brought nearly twenty-five years after these patents started to issue on human DNA in the United States—so long that many in the industry, even some judges, felt that it was too late to reject the practice. Why is this relevant in a legal case and do you agree with Chris Hansen's response to those arguments?
2. Though the issues surrounding gene patenting were known to advocates like Lori Andrews for years before the ACLU became involved, they were not generally known to the public. When the ACLU decided to bring this suit, its team chose *BRCA* as the focal point knowing it would get the most traction in the public eye. What role did public perception ultimately play in the case?
3. Why did the patent bar react so strongly and negatively to the case? Did you find any of their objections, exemplified by blog posts by people like Kevin Noonan and Gene Quinn, to be persuasive? Can you think of any other arguments they could have made?
4. How large a role did individual patients play in the case? How did their stories enhance the legal arguments and issues? Did learning their stories influence the way you felt about the case?
5. Every legal case involves teamwork, and *AMP v. Myriad* was no exception. Was any single person indispensable in bringing and winning the case? What did you think about Dan Ravicher's role in it? Was he justified in feeling overshadowed by the ACLU?
6. Genetic counselors played an important part in the case, both as plaintiffs and advisors to some of the patients. Do you know anyone who has met with a genetic counselor? How was their experience? Under what circumstances would you want such a consultation?
7. In the beginning, Myriad seemed to have an advantage in the case: its patents were validly issued by the Patent Office and the company was represented by one of the largest and most powerful law firms in the country. Did you think there were any obvious missteps in Myriad's defense, or was the ACLU's legal case simply stronger?
8. One of the striking things about *AMP v. Myriad* is how differently various courts and judges reacted to the case. What do you think of a legal system that is so dependent on the personal views and backgrounds of individual judges? Is it possible for judges to be truly impartial?
9. Why was the issue of "standing" so important in the case? What was special about Harry Ostrer that gave him alone standing to pursue the case? Do you think the case might have turned out differently if any other single plaintiff had been the one to have standing?

10. Ultimately, the compromise position proposed by the U.S. solicitor general forms the basis for the Supreme Court's ruling. Were you surprised by the significant divisions within the federal administration over gene patenting? Can you think of other legal issues that might generate similar controversies within the government?
11. Was there a villain in this case? Did you find yourself agreeing with Myriad at any point in the book?
12. What tangible results emerged from the decision in *AMP v. Myriad*? What do you imagine might happen if, as proposed by some senators, the ruling is overruled by congressional legislation?