

Johns Hopkins wins biotech patent case in federal court

[WASHINGTON] A US federal appeals court last week affirmed a lower court decision that a biotechnology company willfully infringed on patents held by Johns Hopkins University of Baltimore, Maryland.

Johns Hopkins and two licensees had sued the Seattle company, CellPro, for patent infringement in CellPro's development and sale of a device that separates stem cells from blood and bone marrow. The invention underlying the device was discovered by Curt Civin, an oncologist at Johns Hopkins.

In July 1997, a federal district court upheld a jury verdict that the company had willfully infringed university-held patents on the invention. Last week, the US Court of Appeals for the Federal Circuit in Washington agreed, opening the way for the university and its licensees to receive \$7.2 million in damages that the jury awarded. They are also asking for CellPro to pay \$8 million in legal fees. The lower court is expected to rule on these costs in the autumn.

The case drew broad attention in the biomedical research community last year when CellPro asked the government to exercise "march in" rights under a 1980 technology transfer law to force Johns Hopkins to license the invention to CellPro. Harold Varmus, the director of the National Institutes of Health, refused to do so.

UN biodiversity chief to step down from post

[LONDON] Calestous Juma, executive secretary of the United Nations biodiversity convention, is to step down when his current contract ends in October. The departure was a surprise to most of the convention's member countries.

The departure, which Juma attributed to personal reasons, will be a blow to the convention where Juma is held in high regard by both developed and developing countries. It will also affect talks on an international protocol on the safety of genetically modified organisms. The talks resumed in Montreal this week, and are at a precarious stage. Juma's successor has yet to be announced.

Scientist suspended in modified food scare

[LONDON] A leading research scientist was suspended, and is shortly to retire from his job, following his involvement in a controversial television documentary that claimed that genetically modified potatoes damaged the immune system of rats. The

documentary made headline news in Britain and reinforced concerns about the safety of genetically modified food.

The Rowett Research Institute, a government nutrition research laboratory in Aberdeen, suspended Arpad Pusztai, an authority on lectins, and withdrew its press release explaining the claim when a closer look at the data revealed that the experiment to which it referred had not yet been performed.

Human genome venture hires former NCI boss

[WASHINGTON] The company set up by Craig Venter, president of The Institute for Genomic Research (TIGR), and equipment supplier Perkin-Elmer to sequence the human genome more quickly and cheaply than the US government will be called the Celera Genomics Corporation.

TIGR has announced that Celera has hired Samuel Broder, a former director of the National Cancer Institute, as executive vice-president and chief medical officer.

The company has leased a 120,000 square-foot office building in Rockville, Maryland, two miles from TIGR, where 30 employees have been plotting strategy since early this month. The office building — now being partially converted to laboratories — will house 300 to 400 employees within two years, says Michael Knapp, a company spokesman.

Saxony goes to court to claim reactor costs

[MUNICH] The state of Saxony is to sue the German federal government over its decision, confirmed last month, not to help pay for the decommissioning of the former East Germany's only nuclear research reactor.

The reactor was built in 1957 at the Centre for Research in Rossendorf, Saxony. It was closed in 1991, shortly after the country's reunification, on the recommendation of Germany's science council, the Wissenschaftsrat. The research ministry of Saxony estimates the total costs of decommissioning to be DM400 million (US\$222 million) over the next decade.

The federal government has in the past contributed 80 to 90 per cent of the costs of decommissioning research reactors in West Germany. But it argues that it has no financial responsibilities for decommissioning nuclear facilities in east Germany.

A research ministry spokesman says Saxony will continue to finance the decommissioning as planned, but hopes that the courts will order the federal government to reimburse its costs.

Biotech pioneer to pay up over insider trading

[SAN FRANCISCO] Alejandro Zaffaroni, the biotechnology pioneer who founded four companies and headed the pharmaceutical corporation Syntex, has agreed with friends and family members to pay the US government \$1.85 million in returned profits and penalties for insider trading.

The charges stemmed from a flurry of profitable share deals that occurred just before Glaxo announced its acquisition of Zaffaroni's California-based company Affymax in January 1995.

Douglas Schwab, Zaffaroni's lawyer, said many of the purchases were made by family members who learned about the sale to Glaxo early because of a telephone call made by Zaffaroni, 75, to his 80-year-old sister explaining why he would have to miss her birthday party in Uruguay.

Three friends also bought large blocks of Affymax shares in the weeks before the deal was announced.

Zaffaroni was not accused of intentionally passing on inside information for his friends' gain or of trading illegally.

Indian astronomers reach deal on satellites

[NEW DELHI] India's radioastronomers have reached a time-sharing agreement with the US telecommunication company Iridium to protect their \$17 million Giant Metre-wave Radio Telescope near Pune from harmful radio interference from Iridium's satellites.

The agreement, reached after a year of negotiations, was announced on 13 August by Vijay Kapahi, director of the National Centre for Radio Astronomy. It means that Iridium is likely to obtain a government licence to launch a mobile phone service in India next month.

The deal follows similar agreements with US and European astronomers (see *Nature* 394, 607; 1998).

Fleming's penicillin mould goes under the hammer

[LONDON] A fragment believed to be grown



from the mould that Sir Alexander Fleming used to discover penicillin was sold at the London auction house Christie's last week for £8,050 (US\$13,000). The specimen (left) was sold in a circular dish inscribed by Fleming himself in 1954, a year before he died at the age of 74.