

IN BRIEF

Gelsingers, UPenn settle suit

The lawsuit brought by Jesse Gelsinger's father and family members against several gene therapy researchers and administrators at the University of Pennsylvania (UPenn; Philadelphia, PA) was settled early in November. The wrongful death lawsuit, filed in September this year (*Nat. Biotechnol.* 18, 1136, 2000), was triggered following Gelsinger's death a year earlier while he participated in a gene therapy clinical trial (*Nat. Biotechnol.* 17, 1153, 1999). Although the settlement amount remains confidential, the family praised the university for "taking seriously the need for research universities to improve the conditions under which clinical research is conducted" and said that this attitude "meant a great deal in resolving this case." As part of the negotiations, the family also dismissed claims against UPenn bioethicist Arthur Caplan and former medical dean William Kelley. *JF*

Corixa buys Coulter

On October 16, Corixa (Seattle, WA) agreed to purchase Coulter Pharmaceutical (S. San Francisco, CA) in an all-share deal worth \$900 million. The merger creates an integrated immunotherapeutics company with two cancer therapies near to market and a number of others in clinical development. The crux of the deal was Coulter's cancer therapeutic Bexxar, a monoclonal

antibody-based radiotherapy for non-Hodgkin's lymphoma that is currently under FDA review. But the deal was not of desperation: Corixa has two other phase III products and has been strategically acquiring during the past 2 years—purchasing functional genomics skills via GenQuest (Seattle, WA), autoimmune products through Anergen (Redwood City, CA) (*Nat. Biotechnol.* 17, BE14), and adjuvant expertise and a manufacturing plant through Ribi ImmunoChem (Hamilton, MT). However, investors appeared concerned at the price Corixa paid for Coulter, with Corixa's share price falling around 18% following the news. *LF*

Monsanto IPOs again

On October 20, after a century-long metamorphosis, Monsanto Company (St. Louis, MO) raised \$723 million through an initial public offering of 38,033,000 shares at \$20 each. Formed in 1901 as a chemical company, Monsanto originally emerged on the New York Stock Exchange on October 10, 1929, opening with 500,000 shares at 76 cents—equivalent to \$7.20 today. An agriculture division was not created until 1960, and struggled until the 1969 launch of Lasso herbicide—the predecessor of 1976's Roundup; biotechnology became a focus in 1981. Since then, Monsanto acquired pharmaceutical concern GD Searle (Skokie, IL) in 1985, spun off its chemical business

Solutia (St. Louis, MO) in 1997, and merged with Pharmacia & UpJohn (Peapack, NJ) in April this year (*Nat. Biotechnol.* 18, 141). The resulting Pharmacia Corporation (Peapack, NJ) absorbed Searle and its pipeline, making Monsanto an entirely agricultural subsidiary. *AB*

Affymetrix infringes

On November 10, a US federal jury declared that Affymetrix's (Santa Clara, CA) GeneChip microarrays infringe upon patents held by Oxford Gene Technology Limited (OGT; Oxford, UK), but more trials will be necessary before damages can be properly determined. In April, a UK High Court ruled that Affymetrix did not have claim to the technology through its July 1998 collaboration with Beckman Coulter (Fullerton, CA) (*Nat. Biotechnol.* 18, 477), but on November 2 a UK Court of Appeal found that Beckman's license to these "Southern Patents" was transferred when Affymetrix acquired Beckman's microarray business in June 1999. Now, OGT CEO Andy Millar says "We anticipate 17-months-worth of back-royalties for infringement damages, which will be tripled if we are successful in our appeal that Affymetrix's infringement was indeed willful." OGT has also filed to appeal the UK appellate decision, while Affymetrix has filed a patent invalidation lawsuit against OGT. *AB*

Research collaborations

Company 1	Company 2	\$ (million)	Details
Danisco A/S (Copenhagen)	Genencor (Palo Alto, CA)	20	A four-year deal to discover, develop, and produce new bioingredients including proteins, enzymes, and peptides, that have increased functionality. Denencor, which brings its application technology and global market reach to the table, will give \$20 million to Genencor for R&D efforts
American Home Products (AHP; Madison, NJ)	Targeted Genetics (Seattle, WA)	5	A deal to develop gene therapy to treat hemophilia A and possibly B. Targeted Genetics will receive \$5 million upfront and up to \$15 million over the next 3 years to develop adeno-associated viral vectors for clinical trials and commercial production. AHP, which will keep global marketing rights to resulting products, will provide technical expertise and manage clinical trials.
Rosetta Inpharmatics (Kirkland, WA)	Gemini Genomics (Cambridge, UK)	*	A 50/50 joint venture to identify and characterize sets of genes associated with common human disease. Rosetta's expertise in large-scale gene expression profiling will analyze RNA from Gemini's clinical populations to identify associations between disease-causing genes. The companies will jointly own intellectual property arising from this collaboration.
Nanogen (San Diego, CA)	Children's Hospital of Philadelphia (Philadelphia, PA)	*	A deal to develop high-accuracy genetic diagnostic tests for childhood diseases arising from SNPs in genes found to have pseudogenes as well as a variety of mutations. The hospital will provide laboratory resources, collaborative expertise, and product revenue in exchange for non-exclusive access to Nanogen's electronic DNA microarray technology.
Human Genome Sciences (HGS; Rockville, MD)	Dow Chemical (Midland, MI)	*	An agreement to develop a drug for the treatment of B-cell malignancies, such as chronic lymphocytic leukemia, multiple myeloma, and non-Hodgkin's lymphoma. Dow's bifunctional chelation agents are capable of radiolabeling HGS' B Lymphocyte Stimulator protein to target and kill cancerous B-cells.

*Financial details not disclosed

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