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EuResist letter of support to Robert Shafer

As HIV researchers and regular users of the Stanford HIV Drug Resistance Database we support the US patent reexaminations initiated by Robert Shafer in the field of computer-based therapy assessment.

Robert Shafer, Stanford University, is offering free webservices for anti-HIV therapy selection on his HIVdb website. The services include a database comprising HIV resistance data and interpretation software for predicting viral resistance and clinical outcome based on genotype. HIVdb is one, if not the, major resource for improving computer-based anti-HIV therapy in the world and a major motor for research in the field. It needs to continue to be freely available in an unrestricted fashion. Anything else would severely hamper progress in the field of personalized anti-HIV therapy selection and, in the end, be detrimental to the patients.

Around the turn of the century, US patents 6,081,786 and 6,188,988 have been granted. These patents assert a broad monopoly on the use of computer programs, databases and expert rules to guide the diagnosis of and therapeutic regimens for "most chronic diseases." To any researcher in the field it is clear that the patent claims are obvious and lack any plausible depth and specificity.

We believe that patenting medical knowledge and high-tech systems should at least be subject to the deepest up-to-date analysis by qualified scientists and matter of high specificity.

It is our firm believe that the two patents cited above are grossly unjust and need to be revoked; and we sense a widespread unanimity in the scientific community about this issue. That this view is not only commonsense but also legally justified is supported by the fact that a respective patent application was rejected in 2006 by the European Patent Office.

Last year, Robert Shafer has handed in partitions to reexamine the two patents with the goal of invalidating them. We strongly support his stand and feel that by this action he is doing great service to the scientific community. If he is successful that would mean that scientific progress in the field of computer-based therapy selection has been taken off an unjust leash and that the patent granting process has proven advancement to more appropriately handling high-tech patents that have to be scrutinized according to different standards than classical old-tech patents.

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