

Press Release
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Cantor Colburn is the #1 Law Firm for Handling Mayo/Myriad Rejections

Hartford, Conn. – Recent Federal cases *Mayo* and *Myriad* have made it more and more difficult for pharmaceutical, biotech and life sciences companies to obtain patent protection for their innovative new drugs, diagnostic tests, or medical procedures. These difficulties have often hampered the ability to get funding for and to implement new drugs and medical innovations. The ability to obtain strong patent protection, notwithstanding the *Mayo* and *Myriad* decisions, has therefore become an important need in the pharma and biotech industries. To that end, [Cantor Colburn LLP](#) is pleased to announce that it is the #1 law firm in the country for handling § 101 rejections on biotech, pharma, and life sciences applications according to patent analytics firm Juristat ([“The Top Firms for Handling Mayo/Myriad Rejections.”](#) by James Cosgrove, August 14, 2017).

“Ever since *Mayo* was decided in 2012, the percentage of § 101 rejections on biotech, pharma, and life sciences applications has been on the rise, from 4.9% before *Mayo* to 8.6% after *Myriad* to 15.7% after *Alice*,” writes Cosgrove. “A total of about 37% of all § 101 rejections in Technology Center 1600, which handles the bulk of these types of applications, now cite either *Mayo* or *Myriad*. This is bad news for applicants, since only 45.2% of applications with either a *Mayo* or *Myriad* rejection ever receive an allowance. However, there are a few firms out there who manage to do remarkably well with Mayo/Myriad rejections despite their generally negative effects on allowance rates.”

Juristat identified the top 10 firms with the highest allowance rates on applications that received *Mayo/Myriad* rejections. To be eligible for inclusion, each firm must have had a minimum of 50 disposed applications with at least one § 101 rejection that cited either *Mayo* or *Myriad*. The percentage given is the percentage of disposed applications with at least one § 101 rejection that cites either *Mayo* or *Myriad* for which there was also a notice of allowance on the application.

Law Firms with the Highest Allowance Rates after *Mayo/Myriad* Rejections:

1. Cantor Colburn
2. Marshall Gerstein & Borun
3. Leydig Voit & Mayer
4. Lathrop & Gage
5. Morrison & Foerster
6. Klarquist Sparkman
7. Myers Bigel
8. Saliwanchik Lloyd & Eisenscheck
9. Oblon
10. Whitman Curtis & Cook

Cantor Colburn is one of the largest intellectual property law firms in the country with a significant practice in the life sciences, chemistry, and materials, including a [Pharmaceutical IP Services Practice Group](#) co-chaired by partner [Anne Maxwell, Ph.D.](#)

“*Mayo* and *Myriad* have been real stumbling blocks for companies seeking patent protection for life science and biotechnology inventions. Obtaining claims to new diagnostic methods has become particularly onerous,” said Maxwell. “Essentially the guidelines promulgated by the patent office after the *Mayo* and *Myriad* decisions virtually guarantee a §101 rejection for claims reciting a product of nature. Fortunately, Cantor Colburn’s experience in dealing with rejections citing *Mayo* or *Myriad* is a great asset to our clients in these fields. We’re giving our life science, biotech, and pharma clients their best shot at protection in these areas. It is very gratifying to see our success in getting proprietary positions for our clients.”

“The success of the Pharmaceutical IP Services Team mirrors the success of the firm overall,” said the firm’s Co-Managing Partner, [Michael Cantor](#). “We tackle demanding and highly technical patent issues, such as overcoming *Alice* rejections for software positions, and similarly difficult objections, and we are pleased to demonstrate positive outcomes for our clients.”

About Cantor Colburn LLP

[Cantor Colburn](#) is the fastest growing U.S. patent firm over the last ten years ([Juristat](#)). Cantor Colburn was #4 for design patents ([Ant-like Persistence](#)), #6 for utility patents ([IP Watchdog](#)), and #7 for trademarks in rankings of U.S. patent and trademark firms ([Ant-like Persistence](#)). Cantor Colburn has been nationally ranked in these categories for more than a decade. The firm’s Litigation Department has also received national recognition. Cantor Colburn is one of the largest intellectual property law firms in the country, with more than 100 attorneys and agents providing counsel to clients around the globe from offices in Hartford, Washington, D.C., Atlanta, Houston, and Detroit. For more information, go to www.cantorcolburn.com.

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