

U.S. Supreme Court

DIAMOND v. CHAKRABARTY, 447 U.S. 303 (1980)
447 U.S. 303

DIAMOND, COMMISSIONER OF PATENTS AND TRADEMARKS
v.
CHAKRABARTY.

**CERTIORARI TO THE UNITED STATES COURT OF CUSTOMS AND
PATENT**

APPEALS.
No. 79-136.

Argued March 17, 1980.

Decided June 16, 1980.

Facts of the case

After genetically engineering a bacterium capable of breaking down crude oil, Ananda Chakrabarty sought to patent his creation under Title 35 U.S.C. Section 101, providing patents for people who invent or discover "any" new and useful "manufacture" or "composition of matter." On appeal from an application rejection by a patent examiner the Patent Office Board of Appeals affirmed, stating that living things are not patentable under Section 101. When this decision was reversed by the Court of Customs and Patent Appeals, Diamond appealed and the Supreme Court granted certiorari.

Question

Is the creation of a live, human-made organism patentable under Title 35 U.S.C. Section 101?

CONCLUSION

Yes. In a 5-to-4 decision, the Court explained that while natural laws, physical phenomena, abstract ideas, or newly discovered minerals are not patentable, a live artificially-engineered microorganism is. The creation of a bacterium that is not found anywhere in nature, constitutes a patentable "manufacture" or "composition of matter" under Section 101. Moreover, the bacterium's man-made ability to break down crude oil makes it very useful.