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## Court of Appeals Affirms District Court Judgement in Enzo Biochem, Inc. v. Calgene, Inc.

1999-09-01

Hale and Dorr litigators recently won an appeal in favor of our client Calgene, Inc. Calgene made and sold a genetically engineered tomato, which Enzo Biochem, Inc. accused of infringing several patents directed to "genetic antisense". Enzo also brought claims of unfair competition against Calgene and sought to declare a Calgene patent invalid.

After a bench trial, the District Court held Enzo's patent invalid, dismissed Calgene's unfair competition claims and ruled that Enzo had not proved that Calgene's patent was invalid. Enzo appealed the ruling on its patents, but the Federal Circuit affirmed the District Court's holding that Enzo's patents are invalid.

Bill Lee, Jim Quarles, Bill McElwain and Dave Bassett worked on the case at trial and on appeal.