

Who owns who?

Percy vs Goliath is here. You really need to pay attention.



Dr Ah Kahn Syed

Sep 1

Two completely unrelated stories crossed my path this week and I am going to join them for you. Before I do this I need to warn you in advance - **if you read this you will not be able to unread it**. So, if you want a comfy quiet life in blue pill pharma utopia, please hit the back-button now. For the rest of you who wish to pass through the one-way door...

Remember this guy?



No, I don't mean Christopher Walken (fantastic actor, btw). I mean the person he represents in the film [Percy vs. Goliath](#) - Percy Schmeiser.

It's a really important film/legal case/story/history. For those in the #mousearmy who were paying attention we were discussing it back in January when the Moderna patent for the origin of SARS-Cov-2 first came up.



Jikky Kjj 🐱 @JikkyKjj · Jan 16, 2022

Not relevant to anything of interest?

#CTCCTCGGCGGGCACGTAG

What if a virus is contaminated by a patented gene in the same way that **Percy Schmeiser's** crops were (that it was now ruled Monsanto owned)?

@chrismartenson @RandPaul @RepThomasMassie

↪ 47

♡ 213

If you can't be bothered to watch the film (you really, really should but I can't make you), [here is an article](#) to introduce you to what Monsanto did to Percy and why it matters to every person on earth. You can also look it up on wikipedia - but wikipedia sucks so don't give them the traffic. In the meantime, and for the purposes of this article I'm going to spell it out to you:

Percy vs Monsanto is a seminal Canadian Supreme Court ruling that a recipient of a patented product is under licensure to the patent owner, irrespective of whether the recipient consented to receive the product.

Seminal is the most appropriate word to use here as you'll see soon. Put simply, Percy claimed that his crop was contaminated by Monsanto seed (which he never used). He lost his livelihood of self-grown seed and that of generations of his family before him because, as a result of the ruling, he could never use that contaminated seed again. He "won" because the court didn't make him pay Monsanto but he actually lost because he could not continue to farm and his life's work was taken away from him.

Now we get to the two **completely unrelated** 😊 stories from this week. For my picture-reading followers I have displayed them side-by-side with a big red line to separate them, as you can see.

Moderna sues Pfizer/BioNTech for patent infringement over Covid vaccine

PUBLISHED FRI, AUG 26 2022-8:33 AM EDT | UPDATED FRI, AUG 26 2022-11:43 AM EDT

REUTERS

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KEY POINTS

- Moderna alleges Pfizer and its German partner BioNTech copied technology that was developed years before the pandemic.
- Early in the pandemic, Moderna said it would not enforce its Covid-19 patents. In March this year, Moderna said it expected companies to respect its intellectual property rights.
- Patent litigation is not uncommon in the early stages of new technology.

bioRxiv posts many COVID19-related papers. A reminder: they have not been formally peer-reviewed and should not guide health-related behavior or be reported in the press as conclusive.

New Results

Follow this preprint

Pre-exposure to mRNA-LNP inhibits adaptive immune responses and alters innate immune fitness in an inheritable fashion

Zhen Qin, Aurélie Bouteau, Christopher Herbst, Botond Z. Igyártó

doi: <https://doi.org/10.1101/2022.03.16.484616>

This article is a preprint and has not been certified by peer review [what does this mean?].

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Abstract

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The big red line is there to show that these are **totally separate** stories, agreed? On the left you have the sudden rush from [Moderna to sue Pfizer](#) for patent infringement over the mRNA technology in the “Pfizer vaccine”. And on the right we have a [new preprint](#) last week (the Qin paper) which shows how wonderfully effective a new mRNA-LNP formulation for the flu vaccine is in a mouse model.

Call me cynical but once this article goes live I have a suspicion that this pre-print might disappear so just in case here it is in its full PDF glory.



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Now, what drew my attention to this was this throwaway line in the “author’s summary” - which is like a second abstract (not sure why the first abstract wasn’t enough).

Candida albicans decreased. We also detected a general neutropenia in the mRNA-LNP exposed mice. Interestingly, mice pre-exposed to mRNA-LNPs can pass down the acquired immune traits to their offspring. In summary, the mRNA-LNP vaccine platform induces long-term immunological changes that can affect

Ignoring the neutropenia elephant in the room (yes, person who has been coughing for 6 months and is constantly ill that's you....) that is one big old throwaway line. It made me go "WTF" on telegram today, and that's always a bad sign:

"Mice pre-exposed to mRNA-LNPs can pass down the acquired immune traits to their offspring"

I mean, WTF?

The authors scoot around this by suggesting there are some quasi-epigenetic mechanisms by which offspring can inherit some traits from parents, but I don't think they apply here. It's a really tenuous link. Here is the diagram explaining the situation:

What the experiment shows is this:

By the 2nd-4th litter¹ of the originally injected (transfected) mice, the effect of the RNA injected via lipid nanoparticles is persistent, provided the original injection (transfection) was in the maternal line.

There is only one rational conclusion from this experiment, ignoring the bluster about epigenetics and various other tenuous stuff from the authors, and that is:

The RNA injected into the original mice was incorporated into the genome in the oocytes of the maternal line of mice.

And yes, we know that the following events happen with the LNP-mRNA technology

- (1) The LNP are biodistributed to the ovaries²
- (2) The LNP are transfectant agents and therefore will transfect any tissue in which they are biodistributed³
- (3) The SARS-Cov-2 vaccine mRNA is reverse transcribed (from RNA into DNA)⁴

Which means that the Qin paper has just confirmed the (4) in this list, that is:

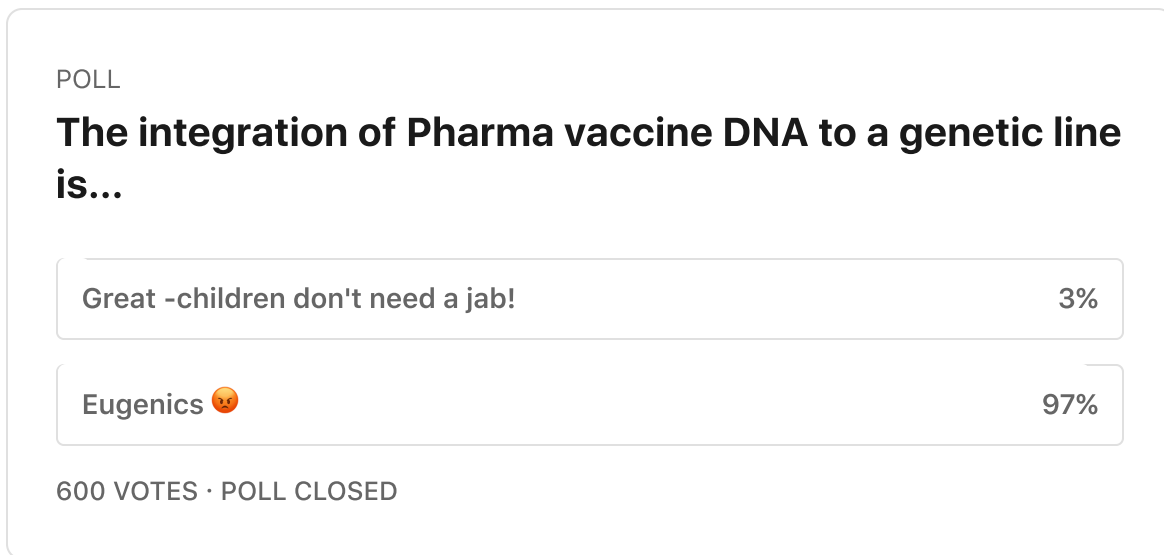
(4) Biodistribution of LNP-mRNA to the ovaries results in transfection of oocytes that result in integration of cDNA into the progeny genome

In plain English, the LNP transports the mRNA to the ovaries, then to the eggs (oocytes) and because of reverse transcription that same mRNA becomes integrated into the genetic material of the offspring, and their offspring, and their offspring... well you get the gist. The only way this effect can be seen in subsequent generations is if the mRNA/cDNA given to the original recipient is being expressed in the DNA/genome of the offspring.

So, now we are going to get opposing opinions. In one camp will be the “lucky mice children, they didn’t need to get the vaccine because it was already in their DNA”. In the other camp will be “those children did not consent to receive artificial patented DNA that nobody knows the long term effects of, this is eugenics”.

Just for fun, I’ve included a poll so you can do a clicky thing and say which camp you’re in...

(I have not included a substack poll before so have no idea how this will go..)



OK, so I hope you are with me so far and have understood the following, but I'll recap anyway:

The Qin paper shows that the vaccine RNA included in a lipid nanoparticle (LNP), which is known/intended to go to the ovary, can get into the genetic line and produce the intended effect in 3-4 litters (at least) of the resulting mice.

Now - this is the important bit. If we think back to Percy vs Goliath (Schmeiser vs Monsanto) and put these two stories together we can conclude the following:

If a therapeutic patented RNA is injected into a mother, and it is passed to the offspring of that mother, the owner of the patent can claim licensure rights on the offspring.

Yes, I know. That sounds crazy, right. Something like “Big pharma corporations would **never** claim licensure rights on a human”.

In which case this [US Supreme Court decision in 2013](#) was obviously meaningless, because we all trust those lovely fluffy pharma corporations to uphold human rights, obviously, don't we?

The court on Thursday held that human DNA was a "product of nature", a basic tool of scientific and technological work, thereby placing it beyond the domain of patent protection. It struck down patents held by Myriad [Genetics Inc](#), a Utah company, on two genes linked to a higher risk of breast and ovarian cancer.

But it also said that synthetic genetic material could be patented, in a mixed ruling for the biotechnology industry, which has argued that patents are necessary to recoup the billions of dollars it spends on research.

Thank God for that then. So my statement doesn't stand, obviously (but I'll just repeat it here:

If a therapeutic patented RNA is injected into a mother, and it is passed to the offspring of that mother, the owner of the patent can claim licensure rights on the offspring.

And thankfully, because my statement is meaningless inaccurate misinformation then the last piece of the puzzle is also meaningless.

That is, that [Moderna have sued Pfizer](#) for a valueless⁵ lawsuit over a patent for technology that everyone knows was [developed by both companies](#), overnight at the same time. Right?

Unfortunately, there is only one logical conclusion to this. If you have got this far in the article you might have realised it already. If you haven't and the article has depressed you this may be a good time to press the back button. I am going to leave a gap and then produce my one-paragraph conclusion. Feel free to disagree in the comments, but bear in mind that I don't often make predictions. Maybe I'm not good at them. We'll see. In the meantime....



This is the conclusion that you have ventured this far to read:

Moderna are going after the patent rights because they know that the children of mothers who have taken either Moderna or Pfizer mRNA vaccines can be subject to licensure.

In simple terms, Moderna may claim ownership of those children.

The good news? This can be stopped in its tracks. All you have to do is ask anybody that you know, friend, ex-friend or foe, who has received an mRNA therapy, to write to Pfizer or Moderna (whoever's product they took) and request this :

“Please confirm that there will exist no circumstances following receipt of a Pfizer BNT162b2 or Moderna Spikevax mRNA vaccine (or other similar technology vaccination), that patent licensing rights or other means of trespass or claim of ownership - either in part or full - will ever be claimed by the company (or its derivatives or partners or any other related entity) on any human being who has received the said product either directly via administration or via inheritance, knowingly or unknowingly, from a recipient”.

Whichever way the company answers, I will have done my job here.

- 1 Thanks to an eagle-eyed observer I have updated “generation” to “litter” in the article (1/9/22 21:17 GMT). Comment reply [here](#)
- 2 The best resource for this is [TGA FOI 2389 document 6 page 45](#) for which there have been multiple discussions in online fora showing accumulation of LNP in the ovaries of the tested rodents over 48 hours.
- 3 <https://www.invivotransfection.com/lipid-based-transfection/>
- 4 <https://pubmed.ncbi.nlm.nih.gov/35723296/>
- 5 As of the time of writing, Pfizer’s stock price has dropped 20% YTD (\$56.6→\$43.2) and Moderna’s stock price has dropped (\$235→\$132) 43% YTD. This is unlikely if the companies both had an effective and profitable product line. It is clear that the vaccines produced so far have failed to reduce infection rates and therefore cannot be considered successful by investors. When even your [CEO is dumping stock](#), it’s not a good endorsement of your main product line.

197 Comments



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Katherine Watt Writes Bailiwick News Sep 1 Pinned

Thank you for this.

At least one federal case has asked the courts to rule on the Myriad case precedent on patent law (35 USC 101) as it relates to mRNA injections, with respect to the 13th Amendment prohibiting slavery.

The DOD didn’t address the issue in its replies to the plaintiff, and as far as I know the 10th Circuit Court of Appeals hasn’t ruled on the case yet. It’s Robert v. Austin, filed by Attorney Todd Callender and his team.

<https://bailiwicknews.substack.com/p/strategies-for-drawing-out-judicial>

Callender has been raising the alarm about Myriad, the shots, and chattel ownership of humans by patent holders (which include the corporations but also the US government)