

High Court: Genes Can't Be Patented

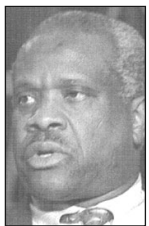
BY JESSE J. HOLLAND
Associated Press Writer

WASHINGTON — The Supreme Court ruled Thursday that companies cannot patent parts of naturally-occurring human genes, a decision with the potential to profoundly affect the emerging and lucrative medical and biotechnology industries.

The high court's unanimous judgment reverses three decades of patent awards by government officials. It throws out patents held by Salt Lake City-based Myriad Genetics Inc. on an increasingly popular breast cancer test brought into the public eye recently by actress Angelina Jolie's revelation that she had a double mastectomy because of one of the genes involved in this case.

Justice Clarence Thomas, who wrote the court's decision, said that Myriad's assertion — that the DNA it isolated from the body for its proprietary breast and ovarian cancer tests were patentable — had to be dismissed because it violates patent rules. The court has said that laws of nature, natural phenomena and abstract ideas are not patentable.

"We hold that a naturally occurring DNA segment is a product of nature and not patent



Thomas

eligible merely because it has been isolated," Thomas said. However, the court gave Myriad a partial victory, ruling that while naturally-occurring DNA was not patentable, synthetically-created DNA could be patented. The court said that synthetically created DNA, known as cDNA, can be patented "because it is not naturally occurring," Thomas said.

Patents are the legal protection that gives inventors the right to prevent others from making, using or selling a novel device, process or application. The U.S. Patent and Trademark Office has been awarding patents on human genes for almost 30 years, but opponents of Myriad Genetics Inc.'s patents on the two genes linked to increased risk of breast and ovarian cancer say such protection should not be given to something that can be found inside the human body.

The company has used its patent to come up with its BRACAnalysis test, which looks for mutations on the breast cancer predisposition gene, or BRCA. Those mutations are as-

sociated with much greater risks of breast and ovarian cancer. Women with a faulty gene have a three to seven times greater risk of developing breast cancer and also have a higher risk of ovarian cancer.

Jolie revealed last month that her mother died of ovarian cancer and that her maternal grandmother also had the disease. She said she carries a defective BRCA1 gene that puts her at high risk of developing breast and ovarian cancers, and her doctor said that the test that turned up the faulty gene link led Jolie to have both of her healthy breasts removed to try to avoid the same fate.

The court's ruling on synthetic DNA leaves the door open for future genetic patent work for companies like Myriad, lawyers said.

Thomas noted there are still ways for Myriad to make money off its discovery. "Had Myriad created an innovative method of manipulating genes while searching for the BRCA1 and BRCA2 genes, it could possibly have sought a method patent," he said. And he noted that the case before the court did not include patents on the application of knowledge about the two genes.

Lawmaker:

Terrorists Change Tactics After Leaks

BY KIMBERLY DOZIER
AP Intelligence Writer

WASHINGTON — The chairman of the House Intelligence Committee said Thursday that terrorists are already changing their behavior after leaks about classified U.S. data gathering programs, but he offered no details.

Rep. Mike Rogers, R-Mich., said it's part of the damage from disclosures by National Security Agency contractor Edward Snowden of two NSA programs, which collect millions of telephone records and track foreign Internet activity on U.S. networks. Snowden fled to Hong Kong in May and has granted some interviews since then, saying he hopes to stay there and fight any charges that may yet be filed against him.

Rogers said there are "changes we can already see being made by the folks who wish to do us harm, and our allies harm" and that the revelations might also "make it harder to track bad guys trying to harm U.S. citizens in the United States."

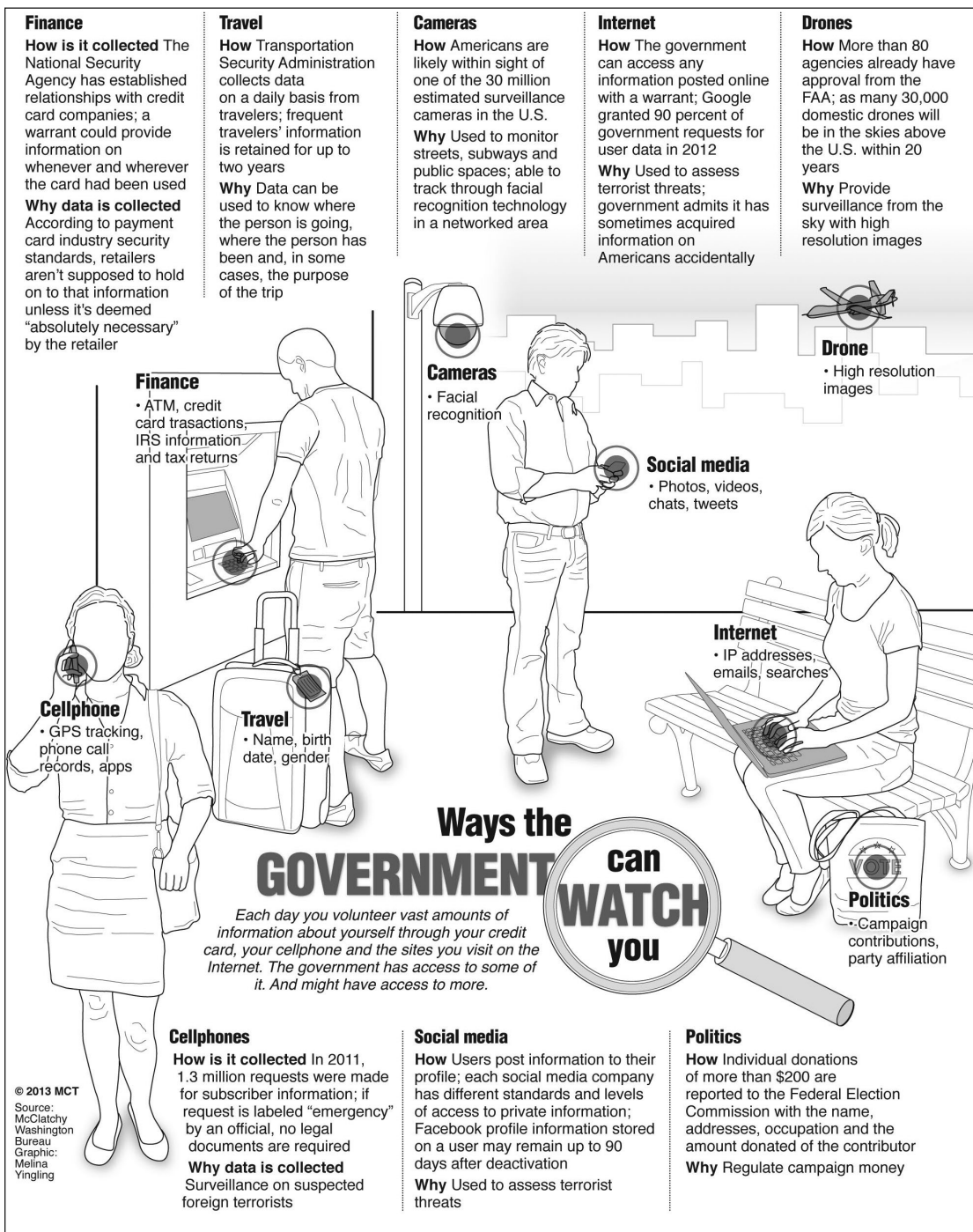
The ranking Democrat on the committee, Rep. C.A. Dutch Ruppersberger of Maryland, said he's concerned that Snowden fled to Hong Kong, a part of China, "a country that's cyberattacking us every single day."

"It seems unusual that he would be in China and asking for the protection of the Chinese government ... but we're going to investigate," Ruppersberger said.

"He's obviously now decided that he wants to relay information about foreign-type (intelligence) collection," Rogers said. "Clearly, we're going to make a thorough scrub of what his China connections are," or whether he has a connection to any other foreign government, the congressman added.

Rogers and Ruppersberger spoke to reporters after a closed committee briefing with the NSA's director, Gen. Keith Alexander, who said he hopes to declassify details of dozens of attacks disrupted by the programs. Alexander said officials don't want to "cause another terror attack by giving out too much information."

Officials have thrown out widely varying numbers of the attacks they say the broad surveillance of Americans' phone and online usage has thwarted. On Wednesday, Alexander said dozens have been stopped. Ruppersberger said the surveillance "has thwarted 10 possible terrorist attacks," then amended that number to be in line with Alexander's statement. In the initial days after the disclosures of the programs, officials cited one case.



Mangled Facts, Secrecy Brew Confusion About NSA

WASHINGTON (AP) — Wondering what the U.S. government might know about your phone calls and online life? And whether all of this really helps find terrorists? Good luck finding solid answers.

Americans trying to wrap their minds around two giant surveillance programs are confronted with a mishmash of leaks, changing claims and secrecy. Members of Congress complain that their constituents are baffled — and many lawmakers admit they are, too.

Adding to the confusion and suspicion, those defending the programs — from President Barack Obama to the nation's spy chief to lawmakers — have sometimes mangled the facts.

Questions that could help sort things out often get the same answer: "That's classified."

"It's very, very difficult, I think, to have a transparent debate about secret programs approved by a secret court issuing secret court orders based on secret interpretations of the law," said Sen. Mark Udall, D-Colo., a long-time champion of privacy rights.

The nation's spy leaders promise to declassify more information about the programs, but say revealing too much would tip off terrorists and help them escape detection.

Only vague outlines of the two programs that suck up phone records and Internet data have been declassified since the first leaks were published last week in *The Guardian* and *The Washington Post*. There's no website, no book, no investigative report for Americans to turn to for the official facts.

Iran Opposition Weighs Election Boycott

TEHRAN, Iran (AP) — In the end, Iran's presidential election may be defined by who doesn't vote.

Arguments over whether to boycott Friday's ballot still boiled over at coffee shops, kitchen tables and on social media among many liberal-leaning Iranians on the eve of the voting. The choice — once easy for many who turned their back in anger after years of crackdowns — has been suddenly complicated by an unexpected chance to perhaps wage a bit of payback against Iran's rulers.

The rising fortunes of the lone relative moderate left in the race, former nuclear negotiator Hasan Rowhani, has brought something of a zig-or-zag dilemma for many Iranians who faced down security forces four years ago: Stay away from the polls in a silent protest or jump back into the mix in a system they claim has been disgraced by vote rigging.

Which way the scales tip could set the direction of the election and the fate for Rowhani, a cleric who is many degrees of mildness removed from being an opposition leader. But he is still the only fallback option for moderates in an election that once seemed pre-ordained for a pro-establishment loyalist.

"There is a lot of interesting psychology going on. What is right? Which way to go?" said Salman Shaikh, director of The Brookings Doha Center in Qatar. "This is what it means to be a reformist in Iran these days."

Turkish PM Issues Ultimatum To Protesters

ISTANBUL (AP) — Turkey's prime minister issued a "final warning" to protesters on Thursday, demanding they end their occupation of a park next to Istanbul's Taksim Square that has ignited the largest political crisis of his 10-year rule.

Despite the ultimatum by Prime Minister Recep Tayyip Erdogan, thousands of activists camping out in Gezi Park dug in for a potential culmination of their two-week standoff with authorities.

Thousands of protesters also converged on Taksim Square, where the atmosphere was festive.

A musician played on a grand piano set up in the center of the square as protesters danced, while a heavy police presence stood by.

In a sign that efforts were being made to resolve the situation through negotiations rather than a police raid, Erdogan was meeting late Thursday with some representatives of the protesters occupying the park.

Eight artists and two members of Taksim Solidarity, a group that has coordinating much of the Gezi sit-in, were involved in the meeting in Ankara, the state-run Anadolu agency said. It was the first time Erdogan has met directly with representatives of the protesters.

Hillary Clinton Turns Toward Nonprofit World

CHICAGO (AP) — As she considers another White House bid, Hillary Rodham Clinton intends to work in the nonprofit world on issues like improving early childhood education, promoting the rights of women and girls, and finding ways to improve the economy — a set of priorities that could inform a 2016 presidential campaign.

The former secretary of state offered her most extensive description of her post-Obama administration agenda on Thursday since leaving her role as the nation's top diplomat, basking in loud applause from admirers at a Clinton Global Initiative meeting in Chicago. The former first lady, a longtime advocate for women and children, said the foundation would serve as "my home" on a set of public policy initiatives close to her heart.

"What I think we have to be about is working together, overcoming the lines that divide us, this partisan, cultural, geographic (divide). Building on what we know works, we can take on any challenge we confront," Clinton said. Reflecting the entire family's involvement, the foundation has been renamed the Bill, Hillary and Chelsea Clinton Foundation.

Clinton's speech at the start of a two-day annual conference touched on themes that could be part of a future Democratic presidential campaign, with the former New York senator stressing the need for private and public partnerships to tackle issues like economic and educational inequality. She said climate change, "financial contagion" and nuclear proliferation were "too complex and cross-cutting" for any one government to solve alone.

"This can't just be a conversation about Washington. We all need to do our part," she said.

Man Shoots 3 At Business After Argument

ST. LOUIS (AP) — An argument inside a St. Louis home health care business escalated into gun violence Thursday when a man shot three other people before turning the gun on himself, police said.

The shooting occurred at AK Home Health Care LLC, one several businesses inside the Cherokee Place Business Incubator south of downtown St. Louis. The shooter gunned down another man and two women before turning his semi-automatic handgun on himself, Police Capt. Michael Sack said.

Authorities said the shooter either owned or was a co-owner of the business and his three victims were employees.

The victims' names have not been released. Sack said they appeared to be in their early-40s to mid-50s in age. Other details were not available.

"We don't know if this was a thing that carried over into today or was initiated today," Sack said.

An employee of another business in the building heard gunshots and called police.

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