

GMO-using Fake Meat Company Impossible Foods' EU Patent Revoked

Company's US patents are now being challenged.

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The European Patent Office (EPO) has [revoked](#) an EU [patent](#) held by Impossible Foods, maker of the Impossible Burger. In the US, Impossible's fake meat products are manufactured with GMO yeast-derived soy leghemoglobin, a controversial ingredient that makes the fake meat look as if it's bleeding, like undercooked real meat, and that we have [argued](#) may not be safe to eat.

Following the EPO's decision, another fake meat company, Motif FoodWorks, has [filed](#) a suite of new petitions with the US Patent and Trademark Office challenging US patents held by Impossible Foods over the use of heme proteins (such as that present in soy leghemoglobin) in meat alternatives, as it defends itself against Impossible's accusations of patent infringement, according to Food Navigator USA.

Fake meat industry "a flop"

The news about Impossible's patent fights comes in the wake of an article by Bloomberg describing the rapid decline in the fake meat industry, which it branded "a flop". The article is [titled](#), "Fake meat was supposed to save the world. It became just another fad".

Impossible shares, the article [said](#), are currently trading at around \$12 – about half the price during its last fundraising round. And more recently Bloomberg has [reported](#) that Impossible is preparing to lay off about 20% of its staff, following another round of cuts in October when about 6% of its staff got laid off.

The latest patent wars will only add to the industry's woes.

Impossible patents

Motif FoodWorks [said](#) that many of the claimed inventions in Impossible's patents are obvious and already disclosed in prior art, which means they cannot be patented. Motif added that the EPO's decision to revoke Impossible's patent "affirms our belief that Impossible's patents are invalid and never should have been issued in the first place".

Impossible Foods [told](#) Food Navigator USA that its plans to launch its full range of products in the EU have not changed. Its soy leghemoglobin "fake blood" product is currently being evaluated for EU use by the European Food Safety Authority (EFSA).

The EPO-revoked patent is not on soy leghemoglobin itself. It is a broad patent on food products containing iron complexes such as heme-containing proteins, combined with flavour precursor molecules.

Twisted logic

The EPO's reasoning has not yet been published online, but GMWatch has long argued that GMO developers cannot tell patent offices that their product is novel, non-obvious, and has an inventive step – all requirements for a patented invention – yet tell regulators and the public that the same product is natural, nature-mimicking, or able to arise in nature or from natural breeding. The GMO developers can't have it both ways; if one of these statements is true, the other must be false. If it's patented, it can't be natural, and if it's natural, it can't be patented.

The UK government is currently deregulating a subclass of GMOs that it claims could have arisen through "[traditional processes](#)". Earlier drafts used the wording "natural processes", but government amendments changed "natural" to "traditional". It is possible that the change of wording is intended to avoid GMO developers running into difficulties with patent offices over whether their products are genuine inventions.

The [opposition](#) to the EU patent, filed by the law firm Reiser & Partner Patentwälte mbB in Germany, alleges that Impossible's claimed invention is not novel, lacks an inventive step, fails to sufficiently describe the invention, and extends beyond the application as originally filed.

However, a spokesman for Impossible Foods [told](#) Food Navigator USA that the EPO's decision was not made on the basis of lack of novelty and that the review compared Impossible's patent against its own prior invention. The spokesman is not quoted as addressing the alleged lack of inventive step.

Impossible is appealing against the EPO's decision.

GMWatch will update readers on the reasoning of the EPO, once it is published, and its potential relevance to GMOs that are claimed to be natural or nature-mimicking.

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