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Judge Backs Obama Order on Stem Cells

A federal judge on Wednesday threw out a lawsuit by scientists challenging U.S. government funding of embryonic stem-cell research, a victory for Obama administration efforts to expand this area of study.

The ruling by U.S. District Judge Royce Lamberth follows an April federal appeals-court finding that the National Institutes of Health acted properly when it implemented an executive order by President Barack Obama easing funding restrictions on such research.

In 2010, Judge Lamberth issued a surprise ruling that halted government funding for the research. On Wednesday, however, he reached the same conclusion as the appeals court.

Mr. Obama's order sought to ease restrictions put in place by former President George W. Bush in 2001. Mr. Bush had limited the research to a small number of then-existing cell lines.

The plaintiffs, scientists James Sherley and Theresa Deisher, contended that Mr. Obama's loosening of embryonic stem-cell funding rules had unfairly diverted money away from adult stem-cell research, their specialty. They also argued the NIH was increasing demand for newly derived embryonic cells and the destruction of embryos.

Judge Lamberth said the NIH reasonably

concluded that the law didn't prohibit research projects, such as embryonic stem-cell research, that don't directly involve embryos.

Alan Leshner, chief executive of the American Association for the Advancement of Science, said he was "very pleased" with the ruling. "Judge Lamberth's injunction last year threatened to cause real harm to researchers in this field," Mr. Leshner said.

Alliance Defense Fund senior counsel Steven Aden, one of the lawyers for the scientists, suggested the legal fight wasn't over. "We're evaluating all of our options for appeal," he said.

NIH Director Francis Collins said stem-cell research has the potential to save lives, and the ruling "will help ensure this groundbreaking research can continue to move forward."

In his order dismissing the suit, Judge Lamberth suggested it was up to the president to decide whether to put federal money toward such research. "That policy question is not answered by any congressional law, and it has fallen on three presidential administrations to provide an answer," he said.

Write to Maya Jackson Randall at Maya.Jackson-Randall@dowjones.com and Mark H. Anderson at mark.anderson@dowjones.com

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