

Patents Court and Patents County Court Judgments on Validity and Infringement for 2011

Date	Parties	Citation	Subject Matter and Patents	Judge	Infringed?	Valid?	Appealed?
14/01/11	Apimed Medical Honey Limited v Brightwake Limited	[2012] EWCA 5	Medical dressings comprising gelled honey EP 1237561	HHJ Fysh QC	No	No - obvious	Yes - reversed on validity [2012] EWCA 5
14/02/11	Datacard Corporation v Eagle Technologies Limited	[2011] EWHC 244	Card printers EP 1458572 EP 1534530	Arnold J	Yes x 2	No x 2 as to claims in issue - '572 obvious and AM '530 obvious	
25/02/11	Mölnlycke Health Care AB v Brightwake Limited	[2011] EWHC 376	Wound dressing EP 0633757	HHJ Birss QC	No	No as to claims in issue - obvious	Yes - reversed on validity [2012] EWCA 602
07/03/11	MMI Research Ltd v Cellxion Ltd & ors	[2011] EWHC 426	Method for breaking through GSM network security EP 1051053 ¹	Floyd J	NA	Yes	Yes - reversed - [2012] EWCA 7
17/03/11	Gedeon Richter plc v Bayer Schering Pharma AG	[2011] EWHC 583	Pharmaceutical combination of ethinylestradiol and drospirenone for use as a contraceptive EP 1380301 EP 1598069	Floyd J	NA	Yes as to '301 when amended Claims 1 and 19 of '069 obvious but claim 6 valid	Yes - upheld [2012] EWCA 235
14/04/11	H. Lundbeck A/S v Norpharma and anr	[2011] EWHC 907	Chemical process for manufacture of a pharmaceutical intermediate EP 1118614	Floyd J	Yes	No as to claims in issue - obvious	
16/06/11	Nokia OYJ v IPCom GmbH & Co, KG	[2011] EWHC 1470	Mobile telephony EP 1841268	Floyd J	Yes as to A1 & A2 devices, no as to B-G devices	Yes	Yes - upheld [2012] EWCA 567
24/09/11	Cephalon, Inc v Orchid Europe Ltd	[2011] EWHC 1591	Pharmaceutical - modafinil formulation EP 0731698 EP 0966962 EP 1088549	Floyd J	No x 3	No x 3 - obvious	
05/07/11	Medimmune Limited v Novartis Pharmaceuticals UK Limited & anr	[2011] EWHC 1669	Antibody production EP 0774511 EP 2055777	Arnold J	No x 2	No x 2 as to claims in issue - obvious in view of loss of priority	Yes as to '777 - upheld [2012] EWCA 1234
15/07/11	Select Healthcare (UK) Limited v Cromptons Healthcare Limited and anr	[2011] EWHC 1830	Patient slide sheets GB 2 433 244 B.	Kitchin J	No	No - obvious	
15/07/11	Ranbaxy (UK) Limited v AstraZeneca AB	[2011] EWHC 1831	Pharmaceutical - magnesium esomeprazole with a high optical purity EP 1 020 461	Kitchin J	No	NA - Infringement heard as a preliminary issue	

¹ Same patent as previously in issue between the same parties in MMI Research Ltd v Cellxion Ltd & ors [2009] EWHC 0418 and [2009] EWHC 1938

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27/07/11	Convatec Limited & ors v Smith & Nephew Healthcare Limited & anr	[2011] EWHC 2039	Wound dressing EP 0927013	HHJ Birss QC	No	Yes, in part	Yes - upheld [2012] EWCA 520
30/09/11	Generics (UK) Ltd v Novartis AG	[2011] EWHC 2403	Pharmaceutical - Rivastigmine UK 2203040	Floyd J	Conceded	No - obvious	Yes - upheld [2012] EWCA 1623
15/12/11	Sandvik Intellectual Property AB v Kennametal Uk Limited & anr	[2011] EWHC 3311	Oxide coated cutting tool EP 0603144	Arnold J	Yes, as to some articles only	No - insufficient, and as to some claims only, obvious	
21/12/11	Omnipharm Ltd v Merial	[2011] EWHC 3393	Flea treatments. EP 0881881 UK 2317564	Floyd J	Conceded that some did not	Yes as to 881 as amended No as to 564 - insufficient	

Court of Appeal Judgments on Validity and Infringement in 2011

Date	Parties	Citation	Subject matter and patents	Judge upheld?	Infringed?	Valid?
20/01/2011	Nokia GmbH v ICom GmbH & Co, KG	[2011] EWCA 6	Mobile telephony EP 0 540 808 EP 1 186 189	Yes	Yes x 2	No x 2 - '808 obvious, '189 anticipated and obvious, amendment to latter refused
23/02/2011	Virgin Atlantic Airways Ltd v Delta Airways, Inc	[2011] EWCA 163	Aircraft Seating EP 1 495 908 ²	Not as to summary judgment	Possibly, to be determined at full trial	NA
29/03/2011	Gemstar-TV Guide International Inc and ors v Virgin Media Limited and anr	[2011] EWCA 302	Electronic programming guide EP 1 337 049 EP1 613 066	Yes	NA	No x 2 - anticipated
29/03/2011	Shutz (UK) Ltd v Werit (UK) Ltd	[2011] EWCA 303	Intermediate bulk containers EP 0 734 947	Yes as to validity, not as to infringement	Yes	Yes
08/04/2011	Merck Sharp & Dohme Corp v Teva UK Ltd	[2011] EWCA 382	Ophthalmic formulations of timolol and dorzolamide for the treatment of glaucoma EP 0 509 752	Yes	NA	No - obvious

² Same patent as previously in issue in Virgin v Premier [2009] EWHC 26, [2009] EWCA 1062, [2009] EWCA 1513