

Patents Court and Patents County Court Judgments on Validity and Infringement for 2012

Date	Parties	Citation	Subject matter and patents	Judge upheld?	Infringed?	Valid?	Appealed?
20/02/12	Nokia GmbH v ICom GmbH & Co, KG	[2012] EWHC 225	Mobile telephony EP 1 018 849	Floyd J	Claims as amended not essential to standards in issue	No - anticipated and/or obvious, although certain amendments possible	
22/03/12	Teva UK Ltd and ors v AstraZeneca AB	[2012] EWHC 655	Sustained release formulation of quetiapine EP 0 907 364	Arnold J	NA	No - obvious	
22/03/12	Regeneron Pharmaceuticals and Bayer Pharma AG v Genentech Inc	[2012] EWHC 657	Use of VEGF antagonists EP 1 506 986	Floyd J	Yes	Yes	
18/04/12	Wagner International AG and ors v Earlex Ltd	[2012] EWHC 984	Paint spray guns EP 0 596 939	Floyd J	No	No - obvious, and added matter	
25/05/12	Unilever plc v S.C. Johnson & Sons Inc.	[2012] EWPC 19	Automated cleansing sprayer GB 2 389 547 GB 2 403 169	HHJ Birss QC	NA	169 No - one claim anticipated and other obvious 547 Yes in part	
13/06/12	Sudarshan v Clariant	[2012] EWHC 1569	Pigment manufacturing process EP 1 170 338	John Baldwin QC	Yes	No - anticipated as to product claims, obvious as to use claims	
13/06/12	Smith & Nephew Plc v Convatec Technologies Inc	[2012] EWHC 1602	Wound dressing EP 1 343 510	HHJ Birss QC	NA	Conceded not as granted, but held yes as amended	
04/07/12	HTC Europe Co. Ltd v Apple Inc.	[2012] EWHC 1789	User Interfaces EP 1 168 859 EP 2 098 948 EP 2 964 022 EP 2 059 868	Floyd J	859 Yes 948 No 022 Yes 868 No	859 No - obvious 948 Not as to claims in issue - obvious and excluded subject matter 022 No - obvious, some claims anticipated 868 Yes	
11/07/12	Generics (UK) Limited t/a Mylan v Yeda Research and Development Co. Ltd & anr	[2012] EWHC 1848	Glatirimer acetate EP 0 762 888	Arnold J	Yes	Yes	Yes
12/07/12	Schenck Rotec GmbH v Universal Balancing Ltd	[2012] EWHC 1920	Balancing weights for rotors EP 1 520 161	HHJ Birss QC	Yes	Yes	
19/07/12	Vernacare Ltd v Environmental Pulp Product Ltd	[2012] EWPC 41	Disposable washing bowls GB 2 446 793	HHJ Birss QC	Yes, by two versions, but not by another	Yes	
26/07/12	Barry Liversidge v Owen Munford Limited & anr	[2012] EWPC 33	Medical injector EP 2 067 496	HHJ Birss QC	No	No - added matter and anticipation	
27/07/12	Virgin Atlantic Airways Ltd v Jet Airways (India) [& anr & other actions]	[2012] EWHC 2153	Aircraft Seating EP 1 495 908 ¹ EP 2 272 711 EP 2 289 734	Floyd J	Yes as to '734 as to some designs, otherwise no	Yes x 3	
27/07/12	Bos GmbH & Co KG v Cobra Automotive Products Division Limited	[2012] EWPC 38	Security net installation EP 0 649 778	HHJ Birss QC	No	No - obvious	
09/11/12	Molnlycke v BSN	[2012] EWHC 3157	Wound dressings EP 855, 921	Floyd J	No	Yes	

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

Court of Appeal Judgments on Validity and Infringement in 2012

Date	Parties	Citation	Subject matter and patents	Judge upheld?	Infringed?	Valid?
20/01/12	Apimed Medical Honey Limited v Brightwake Limited	[2012] EWCA 5	Medical dressings comprising gelled honey EP 1237561	No	NA (Parties having settled)	Yes
24/01/12	MMI Research Ltd v Cellxion Ltd & ors	[2012] EWCA 7	Method for breaking through GSM network security EP 1051053 ²	No	NA	No - obvious
07/03/12	Gedeon Richter plc v Bayer Schering Pharma AG	[2012] EWCA 235	Pharmaceutical combination of ethinylestradiol and drospirenone for use as a contraceptive EP 1380301 EP 1598069	Yes	NA	Yes as to '301 when amended Claims 1 and 19 of '069 obvious but claim 6 valid
24/04/12	Mölnlycke Health Care AB v Brightwake Limited	[2011] EWCA 602	Wound dressing EP 0633757	No	NA (Parties having settled)	Yes
02/05/12	ConvaTec Ltd & ors v Smith & Nephew Healthcare Ltd & ors	[2012] EWCA 520	Wound dressing EP 0927013	Yes	No	Yes, in part
10/05/12	Nokia OYJ v ICom GmbH & Co, KG	[2012] EWCA 567	Mobile telephony EP 1841268	Yes	Yes as to A2 device	Yes
05/09/12	Eli Lilly v Human Genome Sciences Inc	[2012] EWCA 1185	Neutrokin- α polypeptide and mAbs ³ EP 0939804	No	NA	Yes, as to all claims
10/10/12	Medimmune v Novartis	[2012] EWCA 1234	Antibody production EP 2055777	Yes	N/A	No - obvious
10/12/12	Novartis v Generics	[2012] EWCA 1623	Rivastigmine UK 2203040	Yes	N/A	No - obvious
14/12/12	Smith & Nephew Plc v Convatec Technologies Inc	[2012] EWCA 1638	Wound dressing EP 1343510	Yes	NA	Conceded not as granted, but held yes as amended

² 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

³ Consideration of issues not addressed in Eli Lilly v Human Genome Sciences Inc [2010] EWCA 1903 but opened for consideration in the view of the reversal of that judgment in Eli Lilly v Human Genome Sciences Inc [2011] UKSC 51