

Patents: Review of the Year

References

- 1 Thaler v Comptroller-General of Patent, Designs and Trade Marks [2023] UKSC 49
- 2 Sandoz Ltd & Teva Pharmaceutical Industries Ltd v Bristol-Myers Squibb Holdings Ireland Unlimited Co [2023] EWCA Civ 472
- 3 Interdigital Technology Corp v Lenovo Group Ltd [2023] EWHC 1578 (Pat)
- 4 Optis Cellular Technology LLC v Apple Retail UK Ltd [2023] EWHC 1095 (Ch)
- 5 [2022] EWHC 2847 (Pat)
- 6 [2023] EWHC 2571 (Pat)
- 7 [2023] EWCA Civ 105
- 8 Coflexip SA & Anor v Stolt Comex Seaway MS Ltd & Ors [2000] EWCA Civ 242
- 9 [2023] EWCA Civ 758
- 10 [2022] EWHC 561 (Pat)
- 11 [2023] EWHC 1495 (Pat)
- 12 [2023] EWCA Civ 105 at [81]
- 13 [2023] EWCA Civ 841
- 14 Improver v Remington [1990] FSR 181
- 15 Actavis v Eli Lilly [2017] UKSC 48
- 16 [2023] EWHC 1950 (Pat)
- 17 [2023] EWHC 2616 (Pat)
- 18 [2019] EWHC 63 (Pat)
- 19 [2019] EWHC 126 (IPEC)
- 20 [2021] EWHC 1377
- 21 [2022] EWHC 2197 (Pat)
- 22 [2023] EWCA Civ 841
- 23 Sycurio Ltd (formerly Semafone Ltd) v PCI-Pal plc [2023] EWHC 2361 (Pat)
- 24 [2023] EWHC 1950 (Pat)

- 25 [2016] EWHC 1517 (Pat)
- 26 [2023] EWHC 23 (Pat)
- 27 [2023] EWHC 23 (Pat)
- 28 [2023] EWHC 23 (Pat)
- 29 See Actavis v ICOS [2019] UKSC 15
- 30 Mills & Rockley (Electronics) Ltd v Technograph Printed Circuits Ltd [1972] RPC 346
- 31 See Inhale Therapeutic Systems v Quadrant Healthcare [2002] RPC 41
- 32 [2023] EWCA Civ 438
- 33 Emson v Hozelock [2020] EWCA Civ 871
- 34 [2023] EWHC 2615 (IPEC)
- 35 [2022] EWHC 1316 (Pat)
- 36 [2023] EWCA Civ 880
- 37 [2008] UKHL 49
- 38 [2023] EWCA 637
- 39 Sandoz & Teva v Bristol-Myers Squibb [2022] EWHC 822 (Pat)
- 40 Sandoz & Teva v Bristol-Myers Squibb [2023] EWCA Civ 472
- 41 [2018] UKSC 56
- 42 [2021] EWCA Civ 1279
- 43 [2023] EWCA Civ 472
- 44 [2023] EWHC 611 (Pat)
- 45 [2023] EWHC 2571 (Pat)
- 46 [2022] EWHC 822 (Pat)
- 47 [2014] EWHC 3916 (Pat) as upheld on appeal [2016] EWCA Civ 1089
- 48 [2023] EWHC 2571 (Pat)
- 49 FibroGen Inc v Akebia Therapeutics Inc [2021] EWCA Civ 1279
- 50 [2023] EWHC 1836 (Pat)
- 51 Nokia v Oppo [2023] EWHC 23 (Pat)

52 Aerotel v Telco [2006] EWCA Civ 1371

53 HTC v Apple [2012] EWHC 1789 (Pat)

54 Emotional Perception AI Ltd v Comptroller-General of Patents, Designs and Trade Marks [2023] EWHC 2948 (Ch)

55 BL/O/542/22

56 [2023] EWHC 611 (Pat)

57 [2023] EWHC 1495 (Pat)

58 [2023] EWHC 854 (Pat)

59 [2023] EWHC 2591 (Pat)

60 [2017] EWHC 711 (Pat) 63 [2023] EWHC 1578 (Pat)

61 [2023] EWHC 1583 (Pat) (final public version) and [2023] EWHC 539 (Pat) (initial public version)

62 [2023] EWHC 1095 (Ch)

63 [2023] EWHC 1578 (Pat)

64 [2023] EWHC 1095 (Ch)

65 Calculated from the date the SEPs were first asserted, rather than from the date of first use of the patented technology as in InterDigital

66 [2023] EWHC 1095 (Ch) paragraph 364 (iii)

67 [2022] EWCA Civ 1411

68 [2021] EWHC 2564 (Pat)

69 InterDigital Technology Corporation & Ors v OnePlus Technology (Shenzhen) Co & Ors [2022] EWCA Civ 166

70 [2023] EWHC 1912 (Pat)

71 [2023] EWHC 2249 (Pat) and [2023] EWHC 2250 (Pat)

72 Regulation (EC) no 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products

73 Newron Pharmaceuticals SpA v Comptroller-General of Patents, Trade Marks and Designs [2023] EWHC 1471 (Ch)

74 Yeda Research & Development Co Ltd v Comptroller General of Patents [2010] EWHC 1733 (Pat)

75 Merck Serono SA v Comptroller-General of Patents, Designs and Trade Marks [2023] EWHC 3240 (Ch)

76 C-443/17 - Abraxis Bioscience

77 C-673/18 – Santen

78 C-130/11 - Neurim Pharmaceuticals (1991)

79 Neurim Pharmaceuticals (1991) Ltd v Comptroller-General of Patents [2011] EWCA Civ 228

80 21 O 12030-23

81 [2022] EWHC 708 (Ch)

82 [2023] EWCA Civ 11

83 138 S Ct 2129 (2018)

84 Eli Lilly & Co v Teva Pharmaceutical Industries Ltd [2023] EWHC 68 (Ch)

85 Arrow Generics Ltd. v Merck & Co Inc [2007] EWHC 1900 (Pat)

86 Fujifilm Kyowa Kirin Biologics Company Ltd v AbbVie Biotechnology Ltd [2017] EWHC 395 (Pat) and Glaxo Group Ltd & Ors v Vectura Ltd [2018] EWHC 3414 (Pat)

87 [2023] EWHC 2616 (Pat)

88 In this context “significant” means cumulatively sufficient to warrant the intervention of the court

89 [2023] EWHC 803 (Ch)

90 Thaler v Comptroller-General of Patents, Designs and Trade Marks [2023] UKSC 49

91 [2023] EWHC 1535 (Pat)

92 Kigen (UK) Ltd v Thales Dis France SA [2023] EWHC 313 (Pat)

93 [2023] EWHC 1912 (Pat)

94 Panasonic v Xiaomi [2023] EWHC 2871 & [2023] EWHC 2872

95 InterDigital Technology Co v OnePlus Technology (Shenzhen) Co [2023] EWCA Civ 166

96 [2020] EWCA Civ 1562

97 [2022] EWHC 2121 (Pat)

98 Autostore v Ocado [2023] EWHC 716 (Pat)

99 Regulation (EC) no 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations

100 Lux Traffic Controls Ltd v Pike Signals Ltd [1993] RPC 107

101 [2023] EWHC 408 (Pat)

102 Force India Formula One Team Limited v 1 Malaysia Racing Team Sdn Bhd [2012] RPC 29 and Mars UK Limited v Teknowledge Limited [2000] FSR 138

103 Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure

104 Mayne Pharma Pty Ltd v Debiopharm SA [2006] EWHC 164 (Pat)

105 [2023] EWHC 1098 (Pat)

106 [2023] EWHC 1836 (Pat)

107 [2022] EWHC 955 (Pat)

108 [2023] EWHC 2571 (Pat)

109 Sycurio v PCI-PAL [2023] EWHC 2361 (Pat)

110 [2023] EWHC 2163 (Pat)

111 [2023] EWCA Civ 73

112 Siemens Gamesa Renewable Energy A/S v GE Energy (UK) Ltd [2022] EWHC 3034 (Pat)

113 Siemens Gamesa Renewable Energy A/S v GE Energy (UK) Ltd [2023] EWHC 254 (Pat)

114 [2023] EWHC 138 (Pat)

115 Case number: UPC_CFI_239/2023; order reference: ORD_581189/2023 (main proceedings: ACT_549536/2023; application number: ACT_574494/2023)

116 Case number: UPC_CFI_14/2024; order reference: ORD_584907/2023 (main proceedings: ACT_459916/2023)

117 Case number: UPC_CFI_222/2023 and CoA_472/2023 (main proceedings: ACT_578710/2023)

118 Case number UPC_CFI_1/2023; order reference: ORD_560432/2023 (main proceedings: ACT_459505/2023)

119 Case number: UPC_CFI_177/2023; order reference: ORD_557761/2023 (main proceedings: ACT_552758/2023)

120 Case number: UPC_CFI_182/2023 (main proceedings: ACT_528738/2023)

121 Case numbers: UPC_CFI_2/2023 (main proceedings: ACT_459746/2023) and UPC_CFI_17/2023 (main proceedings: ACT_459996/2023)

122 At the time of writing, the outcome of that appeal is still pending

123 Case number: UPC_CFI_214/2023 (main proceedings: ACT_545571/2023)

124 Case number: UPC_CFI_292/2023 (main proceedings: ACT_567009; order reference: ORD_596193/2023)

125 Case numbers: UPC_CFI_240/2023 (main proceedings: ACT_549550/2023) and UPC_CFI_241/2023 (main proceedings: ACT_549585/2023; order reference: ORD_552793_2023)

126 Case number: UPC_CFI_329/2023 (main proceedings: ACT_574133/2023; order reference: ORD_575902/2023)

127 App_546231/2023

128 App_545443/2023

129 App_562298/2023

130 App_583953/2023

131 App_587276/2023 and App_587328/2023

132 App_543819/2023