

Patent litigation issues surrounding biologics

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It is characteristic of any emerging field of technology that innovators seek to claim as much operating space as possible through patent protection. Biologics patents are no exception but there are downsides to claiming too broadly. Patent law imposes its own constraints and there are special considerations under biotech legislation. The reported UK patent litigation cases provide an insight into the issues that arise with biologics, both in terms of the validity of patents for biologics and their interpretation for the purposes of assessing infringement. Biologic products also raise interesting issues in relation to the rapidly-developing law on supplementary protection certificates-European patent term extensions for medicinal products-reflecting the difficulty of accurately characterizing biologic products. The commercial and regulatory landscape for biosimilar products is such that patent litigation in the UK and Europe is still in its infancy but predictions can be made based on the cases heard by the courts to date and from the uncertainties arising within the framework of legal rules designed to cope with this rapidly developing area of technology.

Biography

Dominic E. Adair completed his degree and Ph.D. at Cambridge University, England, and postgraduate legal studies with distinction from the College of Law. He is a Senior Associate at Bristows, one of London's oldest and most experienced law firms in the field of patent litigation. Bristows won the Managing Intellectual Property 2013 Best Law Firm for contentious patent work in the UK. Dominic was rated as an IP "Rising Star" by Super Lawyers Magazine 2013.

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