

First Instance Patent Court and IPEC Judgments on infringement and validity for 2021

Judgment Date	Parties	Citation	Subject Matter and Patents	Judge	Infringed?	Valid?	Appealed
18 January 2021	Colorplast v Salts Healthcare	[2021] EWHC 3 (Pat)	Ostomy bag EP (UK) 2 854 723	Mr Nicholas Caddick QC (sitting as Deputy High Court Judge)	Yes - if valid but ...	No – obvious	Yes – by Judge
20 January 2021	Illumina Cambridge v MGI Tech	[2021] EWHC 57 (Pat)	DNA Sequencing EP (UK) 1 530 578 EP (UK) 3 002 289 EP (UK) 3 587 433 EP (UK) 1 828 412 EP (UK) 2 021 415	Birss J	578 – yes 289 – yes 433 – yes 412 – yes if valid but ... 415 - yes	578 – yes 289 – yes 433 – yes 412 – no 415 - yes	Yes – by Judge
9 March 2021	Philip Morris v Nicoventures	[2021] EWHC 537 (Pat)	Aerosol generating device EP (UK) 3 398 460 EP (UK) 3 491 944	Meade J	Yes - if valid but ...	No – obvious and added matter	?
25 March 2020	Kwikbolt Ltd v Airbus Operations Ltd	[2021] EWHC 732 (IPEC)	Removeable blind fastener GB 2 455 635	HHJ Hacon	No	Yes	?

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22 April 2021	Claydon v Mzuri and Jeffrey Claydon (third party)	[2021] EWHC 1007 (IPEC)	Improved Seed Drill EP (UK) 2 051 576 GB 2 400 296	HHJ Hacon	296 - yes if valid but ... 576 - no	296 – no – prior use 576 – no - obvious	Out of time for Judge
23 April 2021	Alcon v Actavis, Accord, Pharmathen and Aspire	[2021] EWHC 1026 (Pat)	Use of travaprost for treatment of glaucoma and ocular hypertension EP (UK) 1 920 764	Meade J	N/A (admitted)	Yes	?
26 April 2021	Mitsubishi Electric v Oneplus	[2021] EWHC 1048 (Pat)	Signalling structure in a digital signal EP (UK) 1 925 142	Mellor J	No	N/A	?
26 May 2021	Facebook v Voxer	[2021] EWHC 1377 (Pat)	Telecomm and multimedia management EP (UK) 2, 393 259	Lord Justice Birss	No	No - obvious	?
16 June 2021	Mitsubishi and Sisvel v One Plus	[2021] EWHC 1639 (Pat)	Pilot signals used in telcomms networks EP (UK) 2 254 259 EP (UK) 1 903 689	Mellor J	Yes (essential)	Yes	?
17 June 2021	Add2 v DSpace	[2021] EWHC 1630 (Pat)	Interface Circuit EP (UK) 1 163 622	Meade J	Yes if valid but ...	No - obvious	?

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25 June 2021	Optis v Apple	[2021] EWHC 1739 (Pat)	Radio link control polling for use in wireless communication system EP (UK) 2 229 744	Meade J	Yes – conceded before trial	Yes	?
9 July 2021	Insulet v Roche Diabetes	[2021] EWHC 1933 (Pat)	Insulin pump EP (UK) 1 335 764	Ms Pat Treacy (sitting as a Deputy-Judge of the ChD)	No	No – anticipated and added matter	?
14 July 2021	Nicoventures and BAT v Philip Morris	[2021] EWHC 1977 (Pat)	Electrically heated smoking devices EP (UK) 3 248 483 EP (UK) 3 248 484 EP (UK) 3 248 485 EP (UK) 3 248 486	Marcus Smith J	N/A	No – obvious	?
19 July 2021	Promptu v Sky	[2021] EWHC 2021 (Pat)	Voice recognition TV subscription service EP (UK) 1 290 889	Meade J	Yes if valid but ...	No - obvious	?
29 July 2021	Interdigital v Lenovo	[2021] EWHC 2152 (Pat)	Provision and use of a non-contention channel in wireless communication EP (UK) 2 485 558	HH Hacon	Yes	Yes	?

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29 July 2021	A Ward v Fabcon	[2021] EWHC 2145 (IPEC)	Freight container receiving and tilting device EP (UK) 2 021 268 EP (UK) 2 128 053	HH Melissa Clarke (sitting as High court Judge)	268 – yes 053 - yes but ...	268 – yes 053 – no - added matter	?
8 October 2021	Teva v Bayer	[2021] EWHC 2690 (Pat)	Sorafenib formulation EP (UK) 2 305 255	Mellor J	N/A	No - obvious	?
25 November 2021	Optis v Apple	[2021] EWHC 3121 (Pat)	Method for user equipment to receive control information via a Physical Download Control Channel EP (UK) 2 093 953 EP (UK) 2 464 065 EP (UK) 2 592 779	Meade J	Yes – essentiality conceded	No - obvious	?