

# Court of Appeal Patent Judgments on infringement and validity for 2021

Date (judgment)	Parties	Citation	Subject Matter and Patent	Judge Upheld	Infringed	Valid
19 February 2021	IPCOM v Vodafone and Secretary of State for Defence (Intervener)	[2021] EWCA Civ 205	Telecomm channels for subscriber stations  EP (UK) 2 579 666	Yes in part – reversed on Crown use defence	Yes (as amended)	Yes (as amended) – not obvious
11 June 2021	Fiberweb v Geofabrics	[2021] EWCA Civ 854	Trackbed liner (for laying railway tracks)  EP (UK) 2 430 238	Yes	Yes	Yes – not obvious
22 July 2021	Wyeth v MSD	[2021] EWCA Civ 1099	Vaccine formulation designed to avoid aggregation in container  EP (UK) 2 676 679	Yes	N/A	No - obvious

Date (judgment)	Parties	Citation	Subject Matter and Patent	Judge Upheld	Infringed	Valid
24 August 2021	Akebia Therapeutics v Fibrogen and Astellas	[2021] EWCA Civ 1279	Inhibitor used for treatment of anaemia (two patent families)  Family A WO 03/053997 EP 1,463,823 EP 2,289,531 EP 2,298,301  Family B WO 2004/108121 EP 1,633,333 EP 2,322,153 EP 2,322,155	Yes in part	Family A – Yes  Family B – Yes if valid but ...	Family A (823) – Yes – no insufficiency  Family B – No – no insufficiency but nevertheless obvious
17 December 2021	Illumina v MGI	[2021] EWCA Civ 1924	Modified Nucleotides  EP (UK) 1, 530, 578 EP (UK) 3, 002, 289 EP (UK) 3, 587, 433  Dye Compounds and the Use of Their Labelled Conjugates  EP (UK) 2, 021, 415	Yes	MNPs – Yes – finding of infringement not appealed  415 – Yes - finding of infringement not appealed	MNPs - Yes entitled to priority and not obvious  415 – Yes – not obvious