

## **Case summary**

### **Issue(s)**

Kymab Ltd ("Kymab") alleges that the relevant patents are invalid for insufficiency because they did not enable the ordinary skilled person to work the claimed invention across the breadth of the claims.

### **Facts**

The patents are concerned with biotechnology, and in particular the production of human antibodies using transgenic mice. By the priority date, the potential uses of antibodies (also known as immunoglobulins) for treating human disease had been well recognised, and a number of different antibodies had been developed and approved for such use. The patents describe a technique for making such antibodies.

Regeneron appealed the decision of Henry Carr J that European Patent (UK) No 1 360 287 and its divisional European Patent (UK) No 2 264 163 ("the 287 patent" and "the 163 patent" respectively) are invalid. Kymab cross-appealed against the judge's finding that its various strains of transgenic mice would infringe claims 5 and 6 of the 287 patent and claim 1 of the 163 patent if those patents had not been invalid.

Regeneron's appeal was allowed by the Court of Appeal. Kymab's cross-appeal was dismissed.