

China dominated 2016 PCT applications

Chinese companies are continuing their onward march in patent applications, with ZTE Corporation ranking as the biggest filer of international applications in 2016.

ZTE overtook Chinese rival Huawei Technologies as the biggest filer of Patent Cooperation Treaty (PCT) applications last year, according to the World Intellectual Property Organization (WIPO). US-based Qualcomm claimed third position.

US-based applicants dominated international patent filings in 2016, lodging 56,595. But they were swiftly followed by applicants from Japan (45,239) and China (43,168), which has posted double-digit growth each year since 2002.

If this current trend continues, China will overtake the US within two years as the largest user of the PCT system, according to WIPO.

"In an interlinked, knowledge-based global economy, creators and innovators are increasingly relying on intellectual property to promote and protect their competitive edge around the world," commented WIPO director general Francis Gurry.

"China-based filers are behind much of the growth in international patent and

trademark filings, making great strides in internationalising their businesses as the country continues its journey from 'Made in China' to 'Created in China'."

In total, Asia accounted for 47.4 percent of PCT applications, just short of the combined share of Europe (25.6 percent) and North America (25.3 percent).

China recorded extraordinary growth (+44.7 percent), while Italy (+9.3 percent), Israel (+9.1 percent), India (+8.3 percent) and the Netherlands (+8 percent) also saw strong growth rates.

In contrast, Canada (-17.3 percent) saw a substantial decline in filings for the second consecutive year. This was linked to declining applications from BlackBerry and Nortel.

Jordan has joined the PCT, taking the agreement's contracting states to 152 in number. The country deposited its instrument of accession to the PCT on 9 March. Residents of Jordan will be entitled to file international applications from 9 June.

The PCT launched in 1978 with 18 contracting states. Last month, WIPO published its three millionth international patent application under the treaty.

The logo for eprint features a large, stylized '@' symbol in white, followed by the word 'print' in a bold, white, sans-serif font. A checkmark is integrated into the end of the word 'print'. A registered trademark symbol (®) is located to the right of the logo.

Your IP Firm for the Caribbean & Latin America

MAIN OFFICE

Edificio Alvasa, Barrio Tournón,
frente al Periódico La República
P.O. BOX 713-1000. San José,
Costa Rica

Tel: (506) 2256-4056

Fax: (506) 2256-4043

Email: info@eprint.com

PTAB upholds Acorda patents despite hedge fund manager challenge

Hedge fund manager Kyle Bass has lost a US Patent Trial and Appeal Board (PTAB) inter partes review that sought to invalidate four patents belonging to Acorda Therapeutics.

The patents relate to Acorda's Ampyra drug, which is aimed at improving walking for adults with multiple sclerosis.

Bass filed the claim through his Coalition for Affordable Drugs, and argued that all four patents should be held invalid as unpatentable.

But in its 9 March decision, the PTAB said that it was "not persuaded" by Bass's arguments and he had not "demonstrated by a preponderance of evidence the challenged claims are unpatentable on the instituted grounds".

Ron Cohen, president and CEO of Acorda, said: "The court decision reflects the merits of the case we presented and the validity and strength of our intellectual property for Ampyra."

"Medical innovation depends on the recognition of valid intellectual property claims. [We] will continue to defend the validity of our intellectual property rights for Ampyra."

These four patents, as well as another relating to Ampyra, have also been challenged in the US District Court for the District of Delaware, but the court has yet to issue its decision.

Trusted Knight's anti-malware patent protection expires

The US Court of Appeals for the Federal Circuit has determined that Trusted Knight's anti-malware patent claims were correctly invalidated due to indefiniteness.

The case originated at the US District Court for the District of Delaware, where Trusted Knight sued IBM for patent infringement.

According to the patent, the software improves upon other anti-malware software by preventing form grabbing and hook-based keyloggers in a way that "does not depend on the detection of malware at all".

But the district court ruled in January 2016 that a claim limitation, "in response to the software key logging through the API stack to an internet communication port", was indefinite.

The US Supreme Court held in *Nautilus v Biosig Instruments* that a patent is indefinite "if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable

Inside IPPro Patents

ISSUE026 22 March 2017



Latest News

Technology Properties has won a new claim construction at the US Court of Appeals for the Federal Circuit

Page 4

Latest News

The UKIPO is soliciting bids for research into the effectiveness of the UK's IP enforcement framework

Page 5

Latest News

US Congress should address patent venue questions rather than the judiciary, Kraft Foods has argued

Page 5

Patent Profile

Google to update Street View, MIT eyes Amblyopia treatment, Cellectar targets tumors and IBM looks out for sunbathers

Page 6

OIN Interview

The Open Invention Network has welcomed automobile maker Daimler into the Linux patent partnership. Keith Bergelt explains

Page 8

Novozymes Interview

Its recent win in China reaffirms Novozymes' confidence in the country's patent system, as Thomas Stenfeldt Batchelor explains

Page 10

IP Conferences

Don't miss your hardcopy of IPPro Patents, which is available at all of the biggest intellectual property conferences

Page 12

Industry Appointments

Comings and goings at Dentons, Ropes & Gray, Munger, Tolles & Olson and the UK IP Office

Page 13

certainty, those skilled in the art about the scope of the invention".

The Federal Circuit ruled on 7 March that the term "in response to" does not "apprise the public of what is still open to them", and creates "a zone of uncertainty which enterprise and experimentation may enter only at the risk of infringement claims".

"Trusted Knight has failed to inform with reasonable certainty those skilled in the art about the scope of its invention", the Federal Circuit said.

Pro-unitary patent motion passes

Political support for the EU unitary patent system is growing in Spain, where a non-binding motion asking the government to begin talks to join has been passed.

The non-legislative proposal was filed in February by the Spanish Socialist Workers' Party (PSOE) and approved on 7 March, without change.

PSOE said it was "necessary to reconsider the position of the Spanish government", as

超凡CHOFN®

Prompt
&
Pragmatic

- C H O F N -

China's One-Stop IP Services

500+ Professionals

200+ Patent Attorneys & Engineers

280+ Trademark Attorneys

40+ Litigators

15 Offices in 13 Chinese Cities



Stephen Yang
Patent Attorney/Managing Partner



Xiangyun Jin
Patent Attorney/Managing Partner



Binglin Li
Patent Attorney/Managing Partner



Tingxi Huo
Trademark Attorney/Managing Partner

Chofn Intellectual Property

– Website: <http://en.chofn.com/> | Tel: +86-10-6213 9699

– E-mail: patent@chofn.cn; trademark@chofn.cn

– Offices: Beijing, Chengdu, Hangzhou, Shenzhen, Chongqing, Guangzhou, Changsha, Wuhan, Suzhou, Nanjing, Tianjin, Qingdao and Shanghai



Technology Properties wins new claim construction on appeal

Technology Properties has won a new claim construction at the US Court of Appeals for the Federal Circuit, but the decision is unlikely to affect the outcome of the case.

The patent infringement appeal came from the US District Court for the Northern District of California.

Technology Properties asserted an oscillator patent against Huawei, ZTE, Samsung, LG and Nintendo in five separate complaints.

All of the parties stipulated non-infringement, but Technology Properties appealed against the district court's claim construction.

On appeal, the Federal Circuit consolidated all five cases.

Technology Properties argued that the district court erred in its construction that the "entire oscillator" must include the limitation "whose frequency is not fixed by any external crystal".

But the Federal Circuit disagreed, upholding the district court's construction in one respect.

The California district court also held that construction of 'entire oscillator' must include the limitation that does not require a control signal.

The Federal Circuit said that this statement does not "disclaim an entire oscillator receiving a command input for any purpose".

"Every time the patentee mentioned a 'control signal' or 'command input,' it did so only in the context of using a command input to modify the frequency of the CPU clock."

"We hold that an 'entire oscillator' is one 'that does not require a command input to change the clock frequency,'" the Federal Circuit said.

While the court said this minor modification "likely does not affect the outcome" of the case, "because the parties stipulated to non-infringement under the district court's construction, the proper course of action is for us to vacate and remand".

it is only one of two EU member states that remain outside of the system.

Spain and Italy were early critics of the unitary patent, going as far as to launch lawsuits to prevent it from being implemented.

They ultimately failed at the Court of Justice of the EU.

Italy joined the system in 2015, leaving Spain outside of the system. Poland pulled out in 2013.

"Maintaining [Spain's] opposition to the unitary patent system ... will seriously undermine the competitiveness of our companies and our innovation process once this system comes into force," PSOE argued.

The motion is non-binding, so the Spanish government does not need to respond.

PSOE is reportedly expected to take further action if no response is forthcoming.

Spain's ruling People's Party does not have a firm majority and the main opposition, PSOE, is a minority.

Broadcom accuses LG of patent infringement in US court

Broadcom has accused South Korean electronics company LG of patent infringement.

The complaint, filed in the US District Court for the Central District of California on 3 March, alleged that LG infringed five Broadcom patents relating to semiconductor components, decoder systems, video graphics and video recording.

LG infringed the patents through sale of LED and smart TVs, according to Broadcom.

Broadcom said in the complaint that its "continued success" depends on its research and development, in which it invested \$2.7 billion in 2016 alone.

"Broadcom relies on the patent system as an important part of its intellectual property programme to protect the valuable technology and inventions resulting from this research and development."

"As of 30 October 2016, Broadcom Limited had approximately 27,640 US and other patents and approximately 3,020 US and other pending patent applications."

Broadcom added: "The infringing activities by [LG] have caused and will continue to cause irreparable injury to Broadcom for which there exists no adequate remedy at law."

Former Poet employee stands accused of trade secret theft

Biofuel producer Poet has accused an engineering firm and a former employee of stealing its trade secrets.

Poet lodged a lawsuit in the US District Court for the District of South Dakota on 6 March against Nelson Engineering and its CEO, Jerry Baker.

They stand accused of misappropriating trade secrets for delayed dilution, a technology that allows Poet to achieve increased ethanol production from each fermenter in the process, in contravention of non-disclosure agreements.

"Poet has invested significant time and money into developing proprietary technology and processes that contribute to our long-standing success as an industry leader," said president and COO Jeff Lutt. "We will do whatever necessary to protect our intellectual property from unauthorised use by others."

According to the lawsuit, Nelson Engineering's hydrolysis utilisation technology sounds "exactly" like delayed dilution, which Baker worked on during his time at Poet between 2005 and 2006.

Poet was alerted to the theft when Nelson Engineering began offering the hydrolysis utilisation technology to its competitors, according to the complaint.

Nelson Engineering has not responded publicly to the allegations.

IP consultants staunchly defend software patents

The quality of a software invention, rather than its mode of implementation, should be the litmus test for patent protection, according to two intellectual property consultants.

IP and innovation consultant Ania Jedrusik and former Qualcomm chief patent counsel Phil Wadsworth argued that patents are the strongest form of protection for the huge research and development expenditure associated with developing software-related inventions, in an article published in February's edition of WIPO Magazine.

Challenging criticisms that software inventions are not costly to develop and that awarded patents are often low quality, they unpicked the alternatives, including copyright, which "only safeguards against the literal copying of the source or object code", and trade secrets, whose very secrecy makes them inappropriate for standardised technologies that facilitate interoperability.

"While copyright and trade secrets are complementary forms of protection, they do not provide the same benefits as patents nor the same incentives to invest in the underlying innovation," they wrote.

As to quality, Jedrusik and Wadsworth argued that "the decision to employ an invention using software or hardware is often a design choice that should be left to technical experts, not circumscribed by patent laws".

They explained: "The quality of an invention, rather than its mode of implementation, should be the litmus test for patent protection ... Relying on a distinction between software-related and non-software-related inventions to justify discriminatory treatment frustrates the purpose of patent law and could hamper technological progress."

It should be left to examiners to decide whether an invention is worthy of patent protection, Jedrusik and Wadsworth argued.

"Patent examiners are empowered to consider whether the proposed invention represents a technical step forward. The focus should be on ensuring that examiners have the right tools to make that evaluation, not on excluding software-related inventions from patent protection."

UKIPO launches enforcement study

The UK Intellectual Property Office (UKIPO) is soliciting bids for research into the effectiveness of the UK's IP enforcement framework.

This "builds on a commitment made in the UKIPO's Enforcement Strategy launched in May 2016".

According to the UKIPO: "The IPO Enforcement Strategy contains a commitment to comprehensively review all existing methods of legal recourse for IP infringement to ensure they are effective, proportionate and consistent across all IP rights."

"This research supports this and aims to construct a snapshot of the current UK enforcement framework for each IP right which may include the identification of discrete areas where improvements or updates are necessary and add to the evidence base."

The research will be split into two phases, with the first focusing on the development of evaluation criteria to assess the processes needed to enforce IP rights and the consequences of infringement.

The second phase will focus on identifying recommendations for changing the enforcement framework.

The tender process launched on 13 March with a deadline of 24 April for applications.

Supernus secures settlements with generics manufacturers

Supernus Pharmaceuticals has settled with drug makers Actavis and Zydus, securing a significant delay in the release of their generic versions of Trokendi XR capsules for partial onset seizures and primary generalised tonic-clonic seizures.

Actavis, a subsidiary of Teva Pharmaceuticals, and Zydus sought approval to market generic versions of Trokendi XR, prompting patent infringement complaints from Supernus.

The settlements bind Actavis and Zydus to release dates for their generic versions in 2023, or earlier, under certain circumstances.

Supernus said in statement that it will continue its "vigorous enforcement of its patent rights" for the drug, which expire in 2027.

EPO patent grants up 40 percent thanks to efficiency drive

The European Patent Office (EPO) granted a record number of patents in 2016, with 96,000 issued.

According to the EPO, the record number of patent grants was the result of productivity and efficiency measures.

US applicants topped the charts with more than 40,000 applications filed in 2016, contributing 25 percent of applications at the EPO, although this figure was down 5.9 percent from 2015.

German applicants followed in second place with 25,000 applications.

There was also a record number of patent applications filed in 2016, with inventors and their representatives lodging 296,000.

The EPO said this is "an indicator of the growing demand for patent protection from businesses worldwide".

Patent applicants were mainly for medical technology, with digital communications and computer technology following closely in second and third.

According to the EPO, Philips, Huawei, Samsung, LG and United Technologies dominated applications.

The EPO said that the rise in applications was partly due to new working practices of expediting grants on applications, which are already in good order at an early stage.

Kraft: It's Congress's call

US Congress should address patent venue questions rather than the judiciary, Kraft Foods has argued in its brief to the Supreme Court.

The brief, which was filed in early March, argued that TC Heartland's argument should be "addressed to Congress, which has been actively considering detailed proposals to change patent venue".

TC Heartland wants the Supreme Court to rule that the patent venue statute is the sole regulation governing where infringement suits can be filed, which would bring so-called 'forum shopping' to an end in the US. But Kraft argued that TC Heartland's question has already been answered by a 2011 statute that it "barely acknowledges".

"The undefined term 'resides' or 'residence' appears in venue statutes throughout the US code and the lack of a statutory definition had left courts struggling to ascertain the residence of an individual, an unincorporated business or a corporate plaintiff. The definitions adopted in 2011 answered all of those questions, for all venue statutes. And

Heartland no longer disputes that under the 2011 definition, it resides in Delaware, where this suit was brought."

Kraft argued that, instead, TC Heartland contends that Congress meant to leave patent infringement cases out of the statute. "Congress meant to define 'residence' for all venue purposes except patent-venue purposes."

"The text, history, and structure of the venue statutes all refute that argument."

"Ultimately TC Heartland and its amici are just arguing that, as a policy matter, corporations should enjoy a dramatically broader venue privilege in patent-infringement cases than they enjoy in other cases."

Kraft added: "That argument should be addressed to Congress, which has been actively considering detailed proposals to change patent venue."

The case is set for argument in the Supreme Court on 27 March.



Sun, see and Street View

Google to update Street View, MIT eyes Amblyopia treatment, Cellectar targets tumors and IBM looks out for sunbathers with new form of sunscreen

Google

Google has developed a new technology that will allow users to annotate images for Street View data.

The US patent (0069121) covers a technology that promises to allow the addition of three-dimensional annotations on the street view platform that move along with the user and provide additional information.

MIT

The Massachusetts Institute of Technology (MIT) has developed a new way of treating visual impairment, specifically amblyopia.

Amblyopia, otherwise known as lazy eye, arises during infancy and early childhood and occurs when inputs to the visual cortex from the two eyes are poorly balanced. It results in decreased vision in an otherwise normal eye and may lead to binocular vision, which includes limited depth perception and the inability to view three-dimensional images.

MIT's US patent (0065598) describes methods of retinal inactivation of at least one retina to treat this type of visual impairment.

The invention relates to an MIT discovery that in subjects with one amblyopic weak eye, temporarily inactivating the retina with an inactivator can enable full functional recovery.

IBM

IBM has developed a new form of sunscreen that will allow users to increase their vitamin D production, while simultaneously protecting themselves from the sun.

The US patent (0065498) describes additives in the sunscreen, used to enhance vitamin D production.

According to IBM, conventional sunscreen uses zinc oxide particles to block all UV rays, but this results in simultaneous blocking of the UV light, which is necessary for vitamin D production.

Cellectar Biosciences

Cellectar Biosciences has been granted a composition of matter patent for optical imaging phospholipid drug conjugates in Japan. The Japanese patent (6073961) covers uses in intraoperative tumor imaging, in vitro and in vivo.

Jim Caruso, president and CEO of Cellectar, said that the patent represents "the unique properties and varied utility" of the company's phospholipid drug conjugates platform.

"The additional global patent protection provides us with unique opportunities for partnerships to further explore the clinical utility of our technology and enhance the value of the platform."

Have a patent we should shout about? Let us know via:
barneydixon@blackknightmedialtd.com



**FILING
ANALYTICS**

Grow your business by gaining insight into case flows between IP firms or applicants

-  Trace patent filings covering more than 56,000 firms across 33 countries
-  Ensure your business development and travel planning is focused and efficient with access to the latest reciprocity intelligence
-  Spot workflow trends and take advantage of opportunities before your competitors

Your most powerful market and competitor analysis tool in IP

To create an account or to download a law firm report visit www.filinganalytics.io



Developed and managed by

PRACTICE INSIGHT
we provide transparency

A member of the IPH Group ASX: IPH

+49 (0)89 89 05 788 - 0



customer@practiceinsight.io



www.practiceinsight.io



Non-aggressive acceleration

The Open Invention Network has welcomed automobile manufacturer Daimler into the Linux patent protection partnership. Keith Bergelt explains

How will Daimler joining the Open Invention Network contribute towards patent non-aggression between car manufacturers and third parties?

Historically, the automotive industry has designed and manufactured their platforms, from the ground up, in partnership with their tier-one suppliers. This has meant that as new innovations have occurred, there has been a great deal of backward engineering at very basic levels of the automobile, which has resulted in slower innovation and development times.

Automotive Grade Linux (AGL), stewarded by the Linux Foundation, with participation from numerous automotive brands, will become the foundation for automobiles for years to come. While it will begin by providing a basic platform for automotive entertainment and connectivity, it will eventually expand to provide management of advanced automotive systems. Participating automotive manufacturers will benefit from using this remarkable open source platform because they will be able to focus the vast majority of their innovation and customisation efforts on the systems that interact and delight consumers.

In order for this to work, automotive manufacturers will need to share the base, platform technology—and avoid the patent wars that have recently consumed the computing and mobile industries. Daimler joining the Open Invention Network (OIN) is very significant because it has a storied past of innovation and patenting their advancements.

By joining OIN, Daimler is recognising the shared values and benefits provided by open source and Linux, and pledging to a royalty-free cross licence for software lower in the technology stack. By joining Toyota, Ford and Hyundai-KIA as part of OIN, with more automakers and suppliers expected to join, the disruption caused by patent lawsuits should be impaired.

Will having this kind of historically renowned company promote further inclusion in OIN?

Daimler invented the automobile. It is the largest premium car company and the largest international truck and bus manufacturer. Numerous automobile manufacturers and their tier-one suppliers closely observe what actions Daimler takes from an engineering and industry perspective.

As the largest patent non-aggression organisation in history, OIN is very pleased with Daimler joining. We believe that Daimler's participation will increase the comfort level for other automotive companies to come forward and participate in OIN.

Do you think we'll see other car manufacturers follow suit and head towards open source software? Specifically, those innovating in the intelligent/self-driving car space?

Yes, we do. As AGL matures to become the platform for the majority of automobiles, designing intelligent automobile capabilities and features should become much easier because there will be a base platform that all of the different systems and components can use to communicate amongst each other. In fact, by leveraging AGL and participating in OIN, we expect the development of better, intelligent/self-driving cars to reach the market faster than many estimates.

What impact are outsiders like Apple and Google having on car manufacturing? Are they attracting the kind of attention for which the Open Invention Network was formed, and perhaps Daimler, as a company not traditionally associated with Linux, joined?

Google has been a participant in OIN since 2006, and has been a board member since late-2013. Their participation in OIN, and extensive use of Linux and other open source software, has been a key factor in the rapid adoption and use of Linux. Additionally, they have been trailblazers in the intelligent automobile segment. As such, Google's self-driving module may well be adopted by select automakers and run on the AGL operating system in the near to medium term.

As non-traditional automobile companies and suppliers begin to focus on the intelligent automotive industry, there has been speculation that the behaviour of some bad actors, in terms of patent aggression and usury licensing fees, may follow them into this industry. We see the automobile manufacturers looking to mitigate these issues. One of the ways they are doing so is by joining OIN.

As classically perceived computing and mobile companies begin to enter the intelligent automotive market, and begin engaging with automotive manufacturers, we would welcome their participation in OIN. This would help demonstrate a commitment to innovation and positive behaviour. Additionally, it would provide them access to a valuable portfolio of IP. **IPPro**



Daimler is recognising the shared values and benefits provided by open source and Linux, and pledging to a royalty-free cross-licence for software lower in the technology stack

Keith Bergelt, CEO, Open Invention Network



派特恩
CHINA PAT

CHINA PAT INTELLECTUAL PROPERTY OFFICE

(Beijing Head Office)

Tel: +86 10 59797750 +86 10 82621260

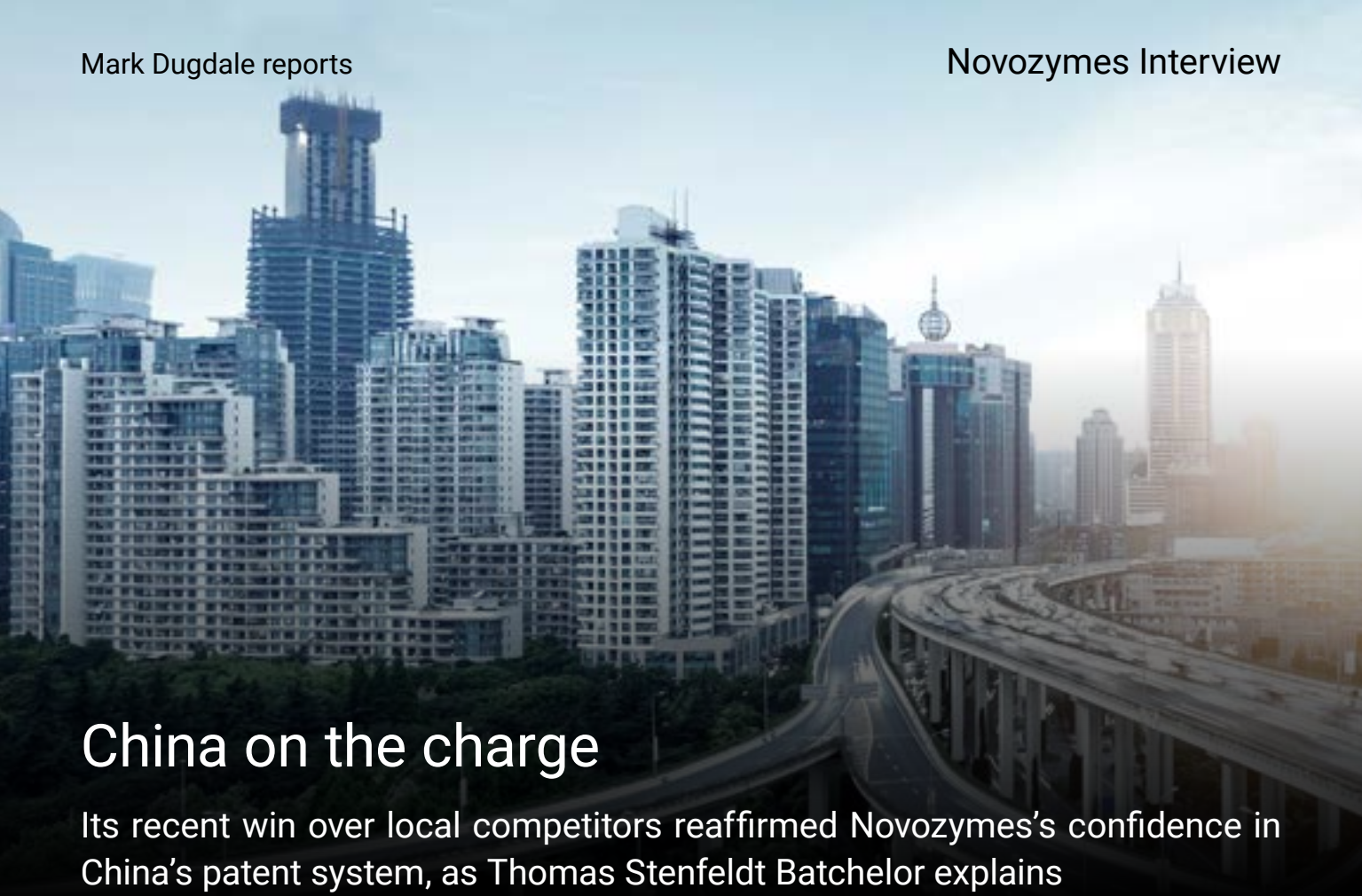
E-mail: intl@china-pat.com

CHINA PAT

INTELLECTUAL PROPERTY OFFICE

CHINA PAT is a full-service IP powerhouse providing clients with high-quality and cost-efficient IP services including patent, trademark and copyright prosecution as well as enforcement, and has been shortlisted by MIP as one of the top ten PCT filing firms worldwide for 5 consecutive years.

- Ranked No.1 worldwide in 2011
- Ranked No.1 worldwide in 2012
- Ranked No. 4 worldwide and No.1 in China in 2013
- Ranked No. 7 worldwide and No.2 in China in 2014
- Ranked as the top Chinese firm filing Hague Agreement international design applications in 2014
- Ranked as the top Chinese firm filing Hague Agreement international design applications in 2015
- Ranked No.5 worldwide and No.2 in China in 2015
- Ranked as the top Chinese firm filing Hague Agreement international design applications in 2016



China on the charge

Its recent win over local competitors reaffirmed Novozymes's confidence in China's patent system, as Thomas Stenfeldt Batchelor explains

The decision of the Supreme People's Court of China in February centered on local competitors copying Novozyme's glucoamylase enzyme technology. What message does this case send to third parties that are planning to misuse your patents?

We have always seen the case against Shandong Longda Bio-Products and Jiangsu Boli Bioproducts as a relatively clear case of patent infringement, but the process towards ultimate success in the Supreme People's Court of China has been long and winding. It initially began in 2011 as an infringement action. When we won that, securing RMB 1.7 million (USD 246,000) in damages, Longda and Boli initiated a parallel court process against Novozymes and the Chinese State Intellectual Property Office (SIPO) seeking to invalidate our patent. They initially succeeded in invalidating the patent and only after two appeals, the case ended up passing scrutiny to be accepted for Supreme People's Court review. In February, we finally succeeded and are now able to proceed with enforcement of the patent infringement that has already been decided.

Part of the reason we invested so much time and energy in this case has been to set an important precedent for the future patent system in China, and to send a signal to potential illegal competition that we are willing and able to protect our proprietary technology via the Chinese patent system. This decision makes it clear to less patent-conscious parties that if they are found to be infringing our rights, we will pursue them through the courts.

Were there any nuances in this litigation that you can share?

Since the invalidation litigation was filed jointly against Novozymes and SIPO have collaborated on arguing the case. We find it encouraging that SIPO chose to fight this case with us based on their belief that

the patent they had granted to us was valid disagreeing with the first instance decision to invalidate the patent.

We found that to be a very strong element of our case, because we weren't single-handedly trying to enforce our rights against the competition.

It was also SIPO that was raising this as a case of principle to defend its view of the Chinese patent system and what is patentable. This lent our case particular weight in the context of the belief that China's patent system is less accustomed to internal challenges to legal rights.

We had the opposite experience—we saw the system working with support from the authorities.

How strong is your patent portfolio in China?

We made the decision a long time to focus our innovation efforts in China, so this has dictated our patent strategy. We have more 800 granted and pending patent applications in China and include it as a standard country in our selection process. We register basic biotechnology patents, and then more industry-specific patents where we are navigating as Novozymes in a number of different industries, from biotech for agriculture to biofuel. The glucoamylase enzyme patent in question was actually relevant for biofuel and beverage applications.

China patent practice generally dictates narrow interpretations of biotech patents, but there is room for evolution there, particularly as a result of our win in February, which will help us to get more patents, hopefully setting a direction for the future moving closer to global standards.



Biotechnology is a rapidly changing area—is Chinese patent law keeping up?

I think the patent system in China is definitely evolving—our litigation is an example of that. We continue to push for a scope of patentability that matches global standards. Enforceability is also important, and again, our litigation shows that China’s courts can work for patent owners, although final enforcement is still outstanding in our case. It is important to have an efficient legal system to enforce these rights and that’s not only a challenge in China, where the situation is actually improving. We should give credit to an emerging system that is progressing and I do think we see our litigation as a testament to that.

We also believe that the Supreme People’s Court of China’s appreciates the overarching argument for having a well functioning patent system in order to attract international innovation that

benefits Chinese society. The business model of Novozymes is fundamentally driven around sustainability and we try to match our business priorities with the UN’s sustainability goals.

Because the glucoamylase enzyme technology, by design, is a substitute for less sustainable alternatives—its main application is in biofuel—not accepting a patent such as ours would be encouraging innovators to keep away from China, which is attempting to steer toward a sustainable agenda.

A patent is not a monopoly in the negative sense of the word, but a means of encouraging innovation in a market that dearly needs it.

This is reflected in the patent strategy of Novozymes, which is committed to innovation in China. Without adequate patent protection, China would lose this innovation and be a lot worse off. **IPPro**



A patent is not a monopoly in the negative sense of the word, but a means of encouraging innovation in a market that dearly needs it

Thomas Stenfeldt Batchelor, Vice president for IP, regulatory and product safety, Novozymes



Don't miss your copy of IPPro Patents

12th AIPPI Baltic Conference

Latvia

April 2017

11-13

balticaippi2017

China Intellectual Property & Innovation Summit 2017

China

April 2017

20-21

intellectualpropertysummit.com

IACC 2017 Annual Spring Conference

Spain

May 2017

17-19

iacc.org

INTA'S 2017 Annual Meeting

Spain

May 2017

20-24

inta.org

Law firm Dentons is launching a patent prosecution and opposition practice in the UK, following its recruitment of attorneys from Olswang.

The team, led by partner Justin Hill, will join Dentons in May.

The eight-strong team includes counsel Alexander Rees, senior patent attorneys Marie Jansson and Dr Louis Trichard, and patent attorney Gemma Sparrow.

Trainee patent attorney Naznin Sheikh, senior docketing clerk Michael Folan and paralegal Paul McEvaddy will also join the firm.

Dentons UK managing partner Brandon Ransley said: "Our objective as a firm is to build a leading global patent capability. We already have a very strong patent litigation and prosecution practice in the US."

"Clients from North America and Asia increasingly require patent advice in Europe and the arrival of Justin and the team will immediately propel us into a major patent player in this very important market."

Ropes & Gray is putting its patent prosecution business into a brand new firm led by partner Joe Guiliano.

Guiliano will establish the new firm with other Ropes & Gray partners and around 100 employees. It will specialise in intellectual property rights management.

Ropes & Gray chairman Brad Malt said in a statement: "We are restructuring our IP practice groups to a configuration that we believe best serves our clients."

"We remain committed to providing world class IP litigation capabilities, and we will continue offering our industry-leading IP transactions practice to clients."

The new firm will also cover trademark prosecution and patent analysis, strategy and counselling

Guiliano commented: "We're excited to start a new firm that will specialise in IP rights management."

"The new firm will be positioned to offer the kind of specialised, focused counsel on patent prosecution and related matters that our clients have come to expect."

Munger, Tolles & Olson has hired Ginger Anders as of counsel in its Washington DC office.

Anders previously worked at the US Department of Justice where she was assistant to the solicitor general and a deputy assistant attorney general in the office of legal counsel.

She has represented the US before the Supreme Court in 18 oral arguments, including high profile cases such as Teva Pharmaceuticals v Sandoz and Limelight v Akamai.

Donald Verrilli, former solicitor general and a partner in Munger, Tolles & Olson's Washington DC office, said: "Ginger Anders is a brilliant litigator who demonstrated impressive mastery of the law in her numerous appearances before the Supreme Court. Her experience working on the nation's most influential cases, and her deep expertise on IP matters, will deliver significant value and insight for our clients as they navigate their most complicated legal challenges."

Commenting on the move, Anders said: "I am thrilled to join such a high calibre and inclusive firm, one that is deeply trusted by its clients

and well-regarded for its dedication to public service. I look forward to working with the firm's clients and bringing to bear the perspective that comes from advocating in both government and private practice."

The UK IP Office (UKIPO) has appointed Tim Moss as its new chief executive. He will take up his new position in May.

Prior to joining the UKIPO, Moss was registrar of companies for England and Wales and chief executive of Companies House. He joined Companies House in 2002. **IPPro**



Group Editor: Mark Dugdale
editor@iprotheinternet.com
+44 (0)203 750 6017

Deputy Editor: Stephanie Palmer
stephaniepalmer@blackknightmedialtd.com
+44 (0)203 750 6019

Reporter: Barney Dixon
barneydixon@blackknightmedialtd.com
+44 (0)203 750 6018

Contributors: Drew Nicol, Becky Butcher, Theo Andrew, Katherine Brown

Designer: James Hickman
jameshickman@blackknightmedialtd.com
+44 (0)203 750 6028

Publisher: Justin Lawson
justinlawson@blackknightmedialtd.com
+44 (0)203 750 6028

Associate Publisher: Carlos Northon
carlosnorthon@iprotheinternet.com
+44 (0)203 750 6023

Office Manager: Chelsea Bowles
accounts@blackknightmedialtd.com
+44 (0)203 750 6020

www.ippropatents.com

Twitter: @IPProPatents
Office fax: +44 (0)20 8711 5985

Published by Black Knight Media Ltd
Copyright © 2017 Black Knight Media Ltd.
All rights reserved.