

Added value of the Darts-IP litigation database for analyzing the Freedom-to-Operate situation for a new drug

CEPIUG 10thYAC

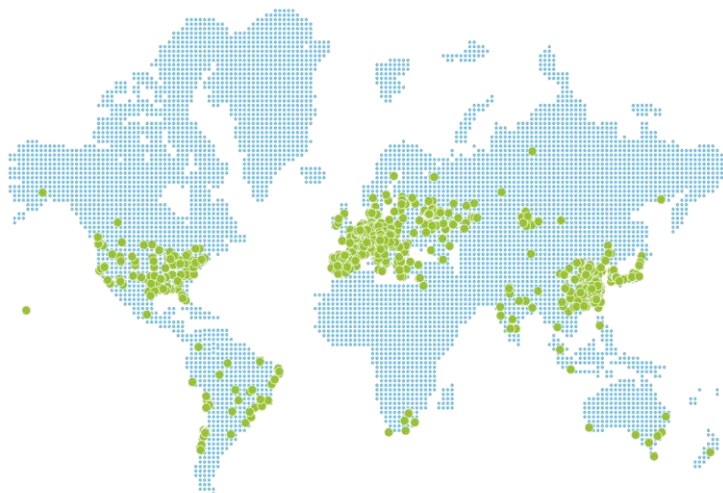
 darts-ip

Part 1: Who is Darts-ip, what is our mission ?

Part 2 : Added value of the Darts-IP litigation database for analyzing the Freedom-to-Operate situation for a new drug

Global IP case law database covering all IP rights

+130 countries and +3,500 courts
global coverage



TRADEMARK

2,066,223 CASES



PATENT

1,188,468 CASES



DOMAIN NAME

87,122 CASES



DESIGN AND MODELS

80,520 CASES



COPYRIGHT ^{BETA}

81,576 CASES

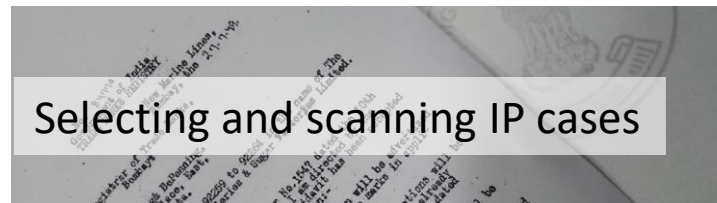
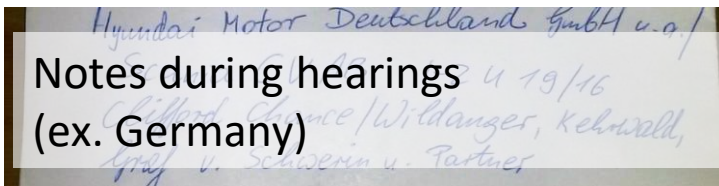


UNFAIR COMPETITION ^{BETA}

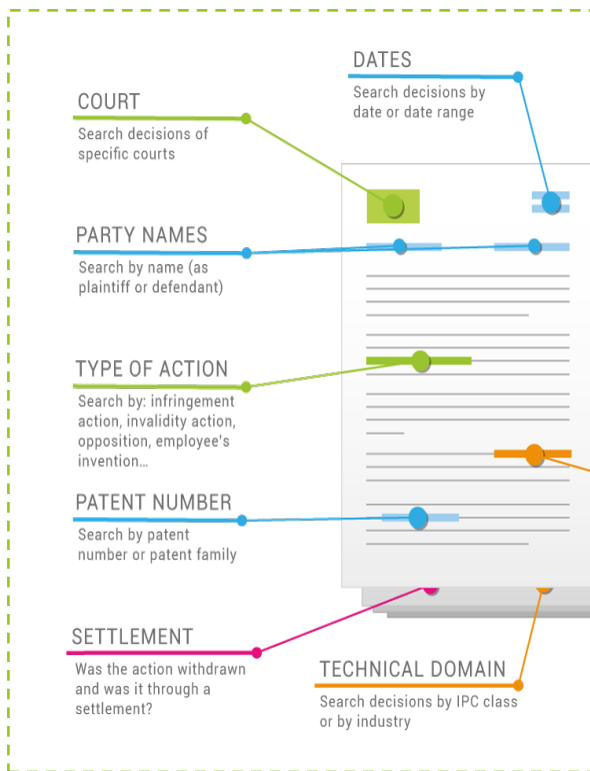
60,544 CASES

- Decisions & orders
- Complaints
- Hearings
- Settlements
- Withdrawals

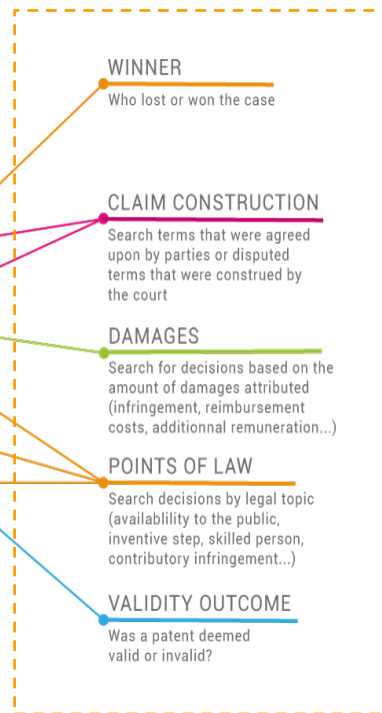
Intensive collection process



Artificial intelligence



IP experts



The presentation will illustrate the value of a comprehensive IP litigation database for Freedom-to-Operate analysis for a new drug product...

“My client would like to produce, develop and sell a new TNFalpha antibody.
They have asked me to perform an FTO analysis.”

Identify the patent families of relevance

ALL PATENTS

Search in your patent database to identify all the patent families of relevance



RAW LIST OF HITS

Analyze a raw list of hits
(e.g. status of the patent family, scope of the claims, ...)



LIST OF RELEVANT FAMILIES

Identification of a final list of relevant patent families



ACCESS TO LITIGATION INFORMATION ?

Potentially crucial additional information can be obtained from litigation documents

Key information from litigation documents

Has the patent been **revoked** by a court (or **amended** or **declared unenforceable**)?

Have **infringement proceedings** taken place? If so, has the court defined the **scope of protection**?

What **grounds, prior art** and **arguments** have been used?

What were the **remedies**?



All such information can be found in a single search using the Darts-IP database

Hypothetical short-list of patent publication numbers (8)

US6284471 - Anti- **TNFalpha** antibodies and assays employing anti- **TNFalpha** antibodies

US9090867 - Fed-batch method of making anti- **TNFalpha** antibody

EP1528933 - Pharmaceutical anti- **TNFalpha** antibody formulation

EP0929578 - Human antibodies that bind human **TNFalpha**

EP1944322 - Treatment of **TNFalpha** related disorders

US5698195 - Methods of treating rheumatoid arthritis using chimeric anti- **TNFalpha** antibodies

US6090923 - Murin monoclonal antibody binding **TNF lpha**

US6270766 - Anti- **TNFalpha** antibodies and methotrexate in the treatment of arthritis and Crohn's

Create your patent portfolio

Patent

General search (1,138,931 cases)

Expand All

Collapse All

Search by Party

Search by Patent

Title ?

Applicant ?

Applicant country ?

Inventor ?

Patent # ?

Pub#

Search Patent Portfolio

Search in family ?

Type ?

IPC ?



Search for decision law.

Points

Your internal r

See search history

Patent number selection

Select an existing portfolio:

Cancel Select

Or create a new one...

New portfolio ✕

Patent type:

Pub#

US6284471
US9090867
EP1528933
EP0929578
EP1944322
US5698195
US6090923
US6270766

Enter your patent numbers (one number per line, max 500,000 chars):

499907 characters remaining.

Patent number selection

Select an existing portfolio:

Or create a new one...

New portfolio ✕

(8 entries - 8 valid)

US6284471

US9090867

EP1528933

EP0929578

EP1944322

US5698195

US6090923

US6270766

next

Results page

142 case(s) - 531 document(s) match your query

[No stats, why?](#)

Show only relevant documents **Show all documents** Hide all documents

« < 1 2 3 4 5 6 7 8 > »

Case name Parties	Patents Related documents Inventor	Reference Darts-ip citation reference	Document/ decision types	Court (Country/Instance) Level	Points of law Decision outcomes	Available languages
Hospira Healthcare Celltrion Healthcare Celltrion	vs	CA2261630(A) CA2261630(C) All cases on this patent (2) / this patent family (15) IPC: A61K 39/395, A61K 31/505, A61K 38/17, A61P 37/00, C07K 16/24, A61K 38/00 ANTI-TNF ANTIBODIES AND METHOTREXATE IN THE TREATMENT OF AUTOIMMUNE DISEASE				Cancellation proceedings / Invalidity Action
THE Kennedy TRUST FOR Rheumatology RESEARCH Janssen Biotech Janssen Cilag International	ADALIMUMAB GOLIMUMAB INFLIXIMAB Maini, Ravinder Nath (GB); FELDMANN, Marc (GB)					
30-09-2019 ca-fc-T-396-13_20190930_Hearing_IS:T-396-13 (5197087 > 4099234 > 4624562)		T-396-13 darts-197-087-F-en	Hearing	Federal Court (Canada) First instance Katzarov's Manual		Analyze document (en)
28-08-2018 ca-fc-T-396-13_20180828_Hearing_IS:T-396-13 (5228876 > 4099234 > 4624562)		T-396-13 darts-228-876-F-en	Hearing	Federal Court (Canada) First instance Katzarov's Manual		Analyze document (en)

I obtained 142 cases, 531 documents before courts and patent offices...

As you can see, the first case contains a scheduled hearing next year and a recent hearing on 28 August 2018.

I then chose to focus on judicial cases...

Search steps

The screenshot displays the darts-ip search interface. At the top, there is a navigation bar with links for Home, Case Law, Alerts, Statistics, Dixit Curia, My Account, Feedback, and Help. Below this is a secondary navigation bar with links for Trade Mark, Patent, Domain, Design & Model, Copyright, Unfair competition, Complaints & Hearings, Saved results, and Logout. The main content area is divided into three columns: General Search (1,114,030 cases), Points of Law (1,114,030 cases), Damages Search (31,019 cases), and Claim Construction Search (19,879 cases). The General Search section includes a search by party and search by patent section. The search by patent section has fields for Title, Applicant, Applicant country, Inventor, Patent #, Search In family, Type, IPC, and Industry. The search by court/date/reference section has fields for Area / Country / Court, Add another court, Type, Date, Reference, and Darts-ip citation reference. A blue box highlights the 'Type' dropdown menu, which is set to 'Judicial'. A blue arrow points from the text 'Select "judicial" in the type drop down' to this dropdown menu. The bottom of the interface features a search bar with a 'Search' button and a 'Reset' button.

Legal Perspective
Europe

Points of Law (1,114,030 cases) Damages Search (31,019 cases) Claim Construction Search (19,879 cases)

General Search (1,114,030 cases)
Expand All Collapse All

Search by Party

Search by Patent

Patent
Title
Applicant
Applicant country Excluded
Inventor
Patent # TNFalphabet patents Reset
Search In family simple
Type
IPC
Look up IPC
Industry

Search by Court/Date/Reference

Area / Country / Court
Select
Add another court
Type Judicial
Date
Reference C-99/09P; R0035-2008; ...
Darts-ip citation reference
darts-123-456-A-en-1

Search for decisions relating to specific points of law.
Index (1,114,030 cases)

Search for decisions based on the amount of damages attributed.
Damages Search (31,019 cases)

The claim construction search is currently under development and is available only for the United States.
Claim Construction Search (19,879 cases)

Your internal reference Empty all fields Reset
(List searches with internal references on credits statistics page) Search

Select "judicial" in the type drop down

Results page

35 case(s) - 150 document(s) match your query No stats, why?

Show only relevant documents
 Show all documents
 Hide all documents

Case name	Patents	Related documents	First action type		
Parties	Inventor				
Date	Reference	Document/ decision types	Court (Country/Instance)	Points of Law	Available
	Darts-ip citation reference		Level	Decision outcomes	languages
		CA2385745(A) CA2385745(C) All cases on this patent (2) / this patent family (25) IPC: A61P 19/08, A61P 19/06, A61P 11/00, C07K 16/24, A61K 31/519, A61P 3/10, A61P 1/00, A61M 5/28, A61P 37/08, A61P 19/02, A61P 29/00, A61P 25/00, A61P 9/10, A61P 1/16, A61P 13/12, A61P 37/06, A61P 31/00, A61M 5/178, A61K 39/395, A61P 27/02, A61K 38/00, A61P 35/00, A61P 37/02, A61P 9/00, A61P 17/02, A61P 7/04 METHODS OF ADMINISTERING ANTI-TNFALPHA, ANTIBODIES ADALIMUMAB Fischkoff, Steven (US); WEISS, Roberta (US); KEMPENI, Joachim (DE)			
		CA2494756(A) CA2494756(C) All cases on this patent (1) / this patent family (19) IPC: A61K 39/395, A61K 47/26, A61K 9/19 ANTI-TNF-ALPHA ANTIBODIES IN SOLUTION AND USES THEREOF Samsung Bioepis			
		ADALIMUMAB DICKES, MICHAEL (DE); BAUST, LISA (DE); KRAUSE, Hans-Juergen (DE)		Other Action	
		CA2504868(A) CA2504868(C) All cases on this patent (2) / this patent family (15) IPC: A61K 38/00, A61P 17/06, A61K 39/395, A61P 37/00, C07K 16/24 MULTIPLE-VARIABLE DOSE REGIMEN FOR TREATING TNFALPHA, RELATED DISORDERS ADALIMUMAB GRANNEMAN, GEORGE RICHARD (US); Hoffman, Rebecca S. (US); Yan, Philip (US); CHARTASH, ELLIOT KEITH (US); Taylor, Lori K. (US)			
		CA2847142(A) CA2847142(C) All cases on this patent (1) / this patent family (15) IPC: A61P 37/00, A61K 47/48, A61P 17/06, C07K 16/24, A61K 38/00, A61K 39/395, A61P 37/06 USE OF ANTI-TNF-ALPHA, MONOCLONAL ANTIBODY, D2E7, FOR THE TREATMENT OF TNF-ALPHA, RELATED INFLAMMATORY DISORDERS ADALIMUMAB GRANNEMAN, GEORGE RICHARD (US); Hoffman, Rebecca S. (US); Yan, Philip (US); CHARTASH, ELLIOT KEITH (US); Taylor, Lori K. (US)			
23-04-2018	T-598-17 darts-838-495-E-en	Hearing	Federal Court (Canada) First instance		View document (en)
25-07-2017	T-598-17 darts-561-856-E-en	Main proceedings (Procedural issues only)	Federal Court (Canada) First instance	Points of Law Decision outcomes	View document (en)
12-07-2017	T-598-17 darts-014-085-E-en	Main proceedings (Procedural issues only)	Federal Court (Canada) First instance	Points of Law Decision outcomes	View document (en)

Judicial decisions only: 42 cases, 189 documents

I found 189 judicial documents with litigation information, which are not available from patent databases.

Focus on 3 patents among the short list

Now that we have a global overview on the litigation history of these 8 patents, let's **focus on 3 patents of the list** to illustrate how you can leverage Darts-ip to extract key information from the case law.

Search steps

General search (1,138,931 cases)

Expand All Collapse All

Search by Party

Search by Patent

Title ?

Applicant ?

Applicant country ? Excluded

Inventor ?


Patent # ?

Search Patent Portfolio

Search in family ?

Points of law


Search for decisions relating to specific points of law.



🔍 Points of law (1,138,931 cases)

Damages Search

Search for decisions based on the amount of damages attributed.



💰 Damages Search (32,840 cases)

Your internal reference

See search history in your subscription page

1. Specify the patent number

2. Select the patent family

US6284471 - Anti-TNF α antibodies and assays employing anti-TNF α antibodies

Litigation involving patent family members:

21 cases, incl. Oppositions and Appeals. Countries: Brazil, Chile, China, EPO, Korea, Sweden, United States

Litigation involving the US patent:

Ex-Parte Reexamination petition - Appeal, Federal Circuit – decision 23 Jan 2018 – patent was revoked – this final decision was not found in the USPTO database (26 February 2018)

Infringement Action (Celltrion) – Massachusetts District Court – decision 2016

Cancellation proceedings / invalidity action (Hospira) – New York Southern District Court – decision 2014

Declaratory Judgment (Celltrion) – Massachusetts District Court – complaint 2014

Infringement Action (Abbott) – Texas Eastern District Court – decision 2009

Key information found on Darts-ip

EP1528933 – Pharmaceutical anti-TNF-alpha antibody formulation

Litigation involving patent family members:

21 cases, including Oppositions and Appeals. Countries: Brazil, Canada, Chile, China, EPO, India, Japan, Peru, United Kingdom, United States

Litigation involving the European patent:

Invalidity action – Eng & Wales High Court (UK) - complaint 2017

Most recent case:

Complaint for infringement in US (10/08/2018)

EP1944322 – Treatment of TNF alpha related disorders

Litigation involving patent family members:

53 cases, including Oppositions and Appeals. Countries: Brazil, Canada, China, EPO, India, Israel, Japan, Korea, Peru, United Kingdom, United States

Litigation involving the European patent:

Declaratory action establishing non-infringement – Eng & Wales High Court (UK) - decision 2017

Revocation action – Eng & Wales High Court (UK) – 2017

Key information found on Darts-ip

From validity cases

Most up-to-date and comprehensive information to know...

- Whether a patent was revoked or amended in court
- On which grounds, which prior art

From infringement cases

You have information on ...

- Scope of the patent (claim construction)
- Remedies (financial risk)
- Unenforceability of the patent
- Technical as well as legal evidence and arguments

⇒ The Darts-IP database provides the most complete information on third-party patents, leading to better quality conclusions and recommendations

Thank you for your attention

Do you have any questions?

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