



Piers Acland QC

Called: 1993
Silk: 2010

Practice

Since his appointed as Queens Counsel in 2010, Piers has successfully made the transition from leading senior junior to successful IP silk. This was reflected in his nomination at the Chambers and Partners Bar Awards as “IP/IT Silk of the Year” during his first year as Silk.

Piers has a strong patent practice covering a wide variety of technology areas. His background in biochemistry means he is often in demand for pharmaceutical patent matters and since taking silk he has led some of the leading cases in this area.

Piers has been involved in numerous cases before all of the appropriate English courts and tribunals as well as the European Patent Office.

What the directories say

"He is incredibly sharp-witted and hard-working, and gets through the details with surgical precision." "I rate him as a fantastic, client-friendly barrister." – Chambers and Partners

'Always meticulously prepared, he has the trust of the judges and good judgement on which points to run and which to fight.' – **Legal 500**

Education and Qualifications

University College London 1984-7; BSc (Biochemistry) First Class Hons.

Imperial Cancer Research Fund 1987-91: PhD Molecular Virology

College of Law 1991-2: Common Professional Examination

Inns of Court School of Law 1992-3: Bar Vocational Course

Mansfield Scholar (Lincoln's Inn) 1991-2; Denning Scholar (Lincoln's Inn) 1992-3

Appointed Queens Counsel 2010

Recent & Reported Cases

Lufthansa Technik AG v Astronics Advanced Electronic Systems & others [2020] EWHC 1968 (Pat)

Lufthansa was the owner of a patent for an aircraft passenger in-seat power supply system. Astronics manufactured such systems, Safran installed them into airline seats, and Panasonic supplied in-flight entertainment systems incorporating power supplies. Following a remote trial conducted over 6 days via Zoom in late June 2020, Morgan J held the patent valid and infringed by all defendants.

Akebia Therapeutics Inc v Fibrogen, Inc & Astellas [2020] EWHC 866 (Pat)

A multi-patent action concerning the use of an enzyme inhibitor to treat anaemia and related conditions. The patents in issue fell into two families – Family A & Family B – and included claims to classes of compounds and to single compounds.

Anan Kasei Co. Ltd & Anor v Molycorp Chemicals & Oxides (Europe) Ltd [2018] EWHC 843 (Pat)

This was a claim for infringement of a patent concerned with a method for producing ceric oxide (also known as ceria). Ceria is used in catalytic applications, particularly as a co-catalyst for purifying vehicle exhaust gas.

Fisher & Paykel Healthcare Ltd & Anor v ResMed Ltd & Anor [2017] EWHC 2748 (Ch)

This was a claim for a declaration of invalidity and/or non-infringement of three patents, each of which was concerned with features of masks to be used with continuous pressure airway pumps for the treatment of sleep apnea. Shortly before trial the patentee consented to revocation of two of the patents. The trial of the third patent involved consideration of construction and the doctrine of equivalence in the light of the recent Actavis judgment in the Supreme Court.

Edwards Lifesciences LLC v Boston Scientific Scimed Inc, [2017] EWHC 405 (Pat); [2017] EWHC 755 (Pat)

This was a patent action about transcatheter heart valves i.e. artificial heart valves that can be implanted in patients without the need for surgery. It concerned two of Boston's patents for "repositionable heart valves"

Richter Gedeon Vegyeszeti Gyar RT v Generics (UK) Ltd (t/a Mylan) [2016] EWCA Civ 410

The patent in suit was for a dosing regimen for use in emergency contraception, comprising 1.5 mg levonorgestrel taken as a single dose. The prior art disclosed the interim results of a clinical trial in which such a regimen was used but mistakenly referred to the dose as 1.5 g (not mg). Sales J held that it would have been immediately apparent to the skilled person that there was a mistake and it would have been obvious to consult the author of the prior art or one of the presenters of the interim data to find out the correct dose.

Generics (UK) Ltd (trading as Mylan) v ViiV Healthcare Ltd

Mylan sought revocation of the claims of EP (UK) 0 817 637 contended by ViiV to support SPC/GB05/027 in order to clear the path for a generic product containing the anti-HIV drugs lamivudine and abacavir in combination. The Patent is entitled "Synergistic Combinations of Zidovudine, 1592U89 and 3TC". Those three drugs (also known as AZT, abacavir and lamivudine, respectively) were known in the art to have efficacy against HIV.

Generics (UK) Limited t/a Mylan v Warner-Lambert Company LLC [2015] EWHC 2548 (Pat)

Warner-Lambert's patent was a second medical use patent, which covered the use of pregabalin for the treatment of pain. Pregabalin was known as a treatment for epilepsy and generalised anxiety disorder

Idenix Pharmaceuticals Inc v Gilead Sciences Inc [2014] EWHC 3916 (Pat)

Patent infringement proceedings brought by Idenix in relation to "Sovalidi", a drug for treating Hepatitis C virus. Patents Court. Appeal pending.

Smith & Nephew v ConvaTec Technologies [2015] EWCA Civ 607; [2013] EWHC 3955 (Pat)

Patent relating to the manufacture of silverised wound dressings. Construction of numerical ranges. Springboard relief to relating to use of marketing authorisation obtained by infringement. Patents Court and Court of Appeal.

Generics (UK) Ltd (t/a Mylan) v Richter Gedeon Vegyeszeti Gyar RT [2014] 1666 (Pat)
Patent infringement and invalidity, dosing regimen for use in emergency contraception. Patents Court.

Eugen Seitz v KHS Corpoplast GmbH [2014] EWHC 14 (Ch)
Revocation and declaration of non-infringement in relation to a patent for valves used in rotary stretch blow moulding machines.

ConvaTec Technologies Inc [2013] Technical Board of Appeal and [2012] Opposition Division. Patent for silverised wound dressings.

Generics v Yeda & Teva [2013] EWCA Civ 925; [2012] EWHC 1848 (Pat)
Patent for copolymer-1 used for treating multiple sclerosis. Validity and infringement. Patents Court and Court of Appeal.

Teva UK Ltd v AstraZeneca AB [2013] EWCA Civ 454; [2012] EWHC 655 (Pat)
Patent for a sustained release formulation of quetiapine used in the treatment of schizophrenia. Revocation. Patents Court and Court of Appeal.

International Stem Cell Corp v Comptroller General of Patents [2013] EWHC 807 (Ch)
Exclusion of patentability of two patent applications relating to human stem cells. Appeal to the Patents Court. Referred to CJEU.

Glenmark Generics (Europe) Limited v. Wellcome Foundation Ltd [2013] EWHC 148 (Pat)
Expedited trial for revocation of a drug combination patent (atovaquone and proguanil sold as the antimalarial Malarone).

Smith & Nephew v ConvaTec [2012] EWCA Civ 1638; [2012] EWHC 1602 (Pat)
Patent for making silverised wound dressings. Added matter and obviousness. Patents Court and Court of Appeal

BMW v Round and Metal [2012] EWHC 2099 (Pat)
Community designs for alloy wheels, scope of Article 110(1) of the Community Designs Regulation.

Norbrook v Bayer [2012] Enlarged Board of Appeal and [2011] Technical Board of Appeal patent for imidacloprid, opposition, petition for review pursuant to Art.112a EPC

ConvaTec v Smith & Nephew [2012] EWCA Civ 520 and [2011] EWHC 2039
Court of Appeal and first instance, patent for wound dressings, validity and infringement.

Pro-Tec v Specialised Covers [2011] EWPC 023
Design right in caravan covers.

Cephalon v Orchid [2011] EWHC 1591
Patents for formulations for modafinil (used to treat sleep disorders). Infringement and validity.

Actavis v Novartis [2010] EWCA Civ 82; [2009] EWHC 41
Court of Appeal and first instance, sustained release formulation of fluvastatin, novelty and obviousness.

Blinx v Blinkbox [2010]
Trade mark infringement, interim injunction.

Edwards v Cook – [2010] EWCA Civ 718; [2009] FSR 27
Court of Appeal and first instance, patent for artificial heart valves, novelty, obviousness, loss of priority.

CoreValve v Edwards [2010] EWCA Civ 704; [2010] F.S.R. 34; [2009] FSR 8
Court of Appeal and first instance, patent for artificial heart valves, novelty, obviousness, insufficiency, infringement, experimental use defence.

HTC Corp v Yozmot 33 Ltd [2010] EWHC 786 (Pat)
Patent for telephone identification calling apparatus and procedures, validity and infringement.

Mars Inc [2009] Opposition Division, EPO
Patent for cocoa extracts containing procyanidins.

Leo v Sandoz [2009] EWCA Civ 1188;
Court of Appeal and first instance, patent for vitamin D analogue, novelty, obviousness.

Laboratorios Almirall v Boehringer [2009] EWHC 102 (Pat)
Patents for combinations of anticholinergic drugs and beta agonists, novelty, obviousness, insufficiency, method of treatment.

Dyson Technologies v Samsung [2009] FSR 15
Patents for cyclonic vacuum cleaners, novelty, obviousness, amendment, added matter.

Napp v Ratiopharm [2009] RPC 18; [2009] RPC 11
Court of Appeal and first instance, patents for sustained release formulations of oxycodone, obviousness, added matter, infringement.

Oxonica v Neuftec [2009] EWCA Civ 668; [2008] EWHC 2127 (Pat)
Court of Appeal and first instance, construction of a patent and know how licence.

Actavis v Janssen [2008] FSR 35
Patent for nebivolol, novelty, obviousness, anticipation by prior disclosure.

LB Europe v Smurfit Bag in Box [2008] EWHC 510 (Pat)
Inquiry as to damages for patent infringement.

Actavis v Merck [2008] 1 All ER 196; [2007] EWHC 1311 (Pat)
Court of Appeal and first instance – pharmaceutical patent, method of medical treatment, novelty and obviousness.

European Central Bank v Document Security Systems Inc [2008] EWCA Civ 192
Court of Appeal – patent for preventing manufacture of counterfeit currency, added matter.

Hughes v Paxman [2007] RPC 2
Court of Appeal, jurisdiction of comptroller under section 37 of the Patents Act to order the grant of a licence against the wishes of a co-proprietor.

Cantor Gaming Ltd v GameAccount [2008] FSR 4
Copyright in computer software, whether injunctive relief appropriate.

LB Europe v Smurfit Bag in Box [2007] EWHC 510 (Pat)
Patent for wine taps, validity and declaration of non-infringement.

Vetco Gray v FMC Technologies Inc [2007] EWHC 540 (Pat)
Patent for oil well heads, proceedings in Scotland and England, forum non conveniens.

Memberships

IPBA
ChBA