

# THREE NEW SQUARE

INTELLECTUAL PROPERTY

*“Jeremy is extremely bright and has a mastery of the technical and legal detail in patent cases. He is one of the most adept barristers at stress-testing a case to overcome difficult issues.” Legal 500 2024*

*“One of the leading juniors at the IP bar for both patents and non-patents. Very bright and thoughtful, excellent written work, and an impressive advocate.” Legal 500 2023*

## PRACTICE AREA

Jeremy has a broad intellectual property practice, with a particular focus on patents, supplementary protection certificates, trade marks and passing off. He is described by clients as a “calm and considered advocate” who provides “solid, well-reasoned and accurate advice.”

He has worked for clients from a wide range of industries including pharmaceuticals, biotechnology, medical devices, telecoms, software, automotive, financial services, retail, food, hospitality, clothing, education, music, and entertainment.

He has extensive experience appearing both with and without a leader in proceedings before the High Court and the Intellectual Property Enterprise Court. He has also acted in both UKIPO and EPO proceedings without a leader.

Jeremy’s major recent cases include *Samsung v ZTE*, *Formycon & others v Regeneron*, *Samsung Bioepis v Alexion*, and *Lufthansa v AES*.

Jeremy also has extensive advisory experience ranging from general advice on the merits of a claim or defence to detailed advice on specific points in both contentious and non-contentious matters.

## LEGAL DIRECTORY COMMENTS

*“Jeremy is extremely bright and has a mastery of the technical and legal detail in patent cases. He is one of the most adept barristers at stress-testing a case to overcome difficult issues.”*

Legal 500, 2024

*“One of the leading juniors at the IP bar for both patents and non-patents. Very bright and thoughtful, excellent written work, and an impressive advocate.”*

The Legal 500 UK, 2023

*“A calm and considered advocate who is well known for his experience in assisting pharmaceutical clients in patent revocation actions. He is also highlighted for his work in trade mark disputes, including infringement actions. He regularly appears in UKIPO, EPO and Court of Appeal proceedings.”*



JEREMY HEALD

Year of Call: 2010

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"He has a very good grasp of both the technical and the legal issues, and he takes a pragmatic approach to the law."

"He is very thorough, extremely bright and hard-working."

Chambers and Partners 2018

"His legal analysis is sharp and he provides solid, well-reasoned and accurate advice."

The Legal 500 UK 2017

## EDUCATION

- 2008: BSc (Hons), First Class, Mathematics and Physics, University of Durham
- 2009: Graduate Diploma in Law, Nottingham Law School
- 2010: Bar Vocational Course, Nottingham Law School

## CASES

### PATENTS

Recent cases include:

- *Samsung v ZTE* – In this action, Jeremy acted for Samsung in the first technical trial in this FRAND action. The case was concerned with the initial access signals used in the 5G New Radio standard.
- *Formycon & others v Regeneron* – Jeremy acted for Formycon in this action to clear the way for the launch of its aflibercept biosimilar products. He successfully argued in oral submissions that one of Regeneron's patents was invalid. He also prepared the written arguments and supported his leader in successfully establishing that the other patent in issue was not infringed under the doctrine of equivalents.
- *Samsung Bioepis v Alexion* – Jeremy acted for Alexion in defending its patent for eculizumab. A significant part of the invalidity case asserted against the patent was successfully defended but it was ultimately found invalid and not infringed. Permission to appeal was granted but the matter was settled prior to the appeal being heard.
- *Lufthansa v Astronics and others* – Jeremy acted for the Defendants in this account of profits following a finding of infringement of a patent concerning airline in-seat power supply systems. Complex issues of causation arising from events over the course of 20 years had to be addressed at a three-week trial. Jeremy played a key role in successfully limiting the size of the award to the Claimant to a much lower level than sought.
- *Pfizer/BioNtech v CureVac* – Jeremy acted for Pfizer in this action concerning two of CureVac's patents asserted against the Pfizer/BioNTech COVID-19 vaccine. Both patents were successfully revoked, one following a trial in the Patents Court and the other by consent.
- *Philips v Oppo* – Jeremy acted for Oppo in the first technical trial addressing the validity and infringement of a standards-essential telecoms patent. The claim settled prior to judgment.
- *InterDigital v Lenovo* – Jeremy acted for Lenovo at both first instance and on appeal in challenging the validity and essentiality of two patents.
- *Optis v Apple* – This is a major telecoms dispute relating to patents asserted to be essential to the implementation of the 4G/LTE standards. Jeremy acted for Apple at first instance and on appeal in relation to three technically complex patents.
- *Nokia v Oppo* – Jeremy acted for Oppo in the first technical trial addressing the validity and infringement of a standards-essential telecoms patent.
- *Alcon v AMO* – A patent dispute concerning femtosecond-laser assisted cataract surgery devices. This was a technically complex case involving expert evidence from both clinicians and laser engineers. The patent was successfully invalidated.

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- *Teva v Janssen* – A dispute concerning the validity of Janssen's supplementary protection certificate for paliperidone palmitate, a schizophrenia drug. This case concerned an important point as to the extent to which derivatives of existing drugs may be the subject of SPCs. Settlement was reached prior to judgment.
- *Fujifilm v AbbVie* – Jeremy acted for the AbbVie in this claim for an Arrow declaration relating to biosimilar versions of Humira (adalimumab). The case involved major interim hearings, both at first instance and on appeal, addressing the question of whether such relief is permissible. At trial, Jeremy worked on AbbVie's successful defence of a claim of lack of entitlement to claim priority.

Jeremy has also appeared without a leader in patent matters in the High Court, the IPEC and the EPO, including:

- Opposition to EP 2 379 108 – In this opposition, Jeremy successfully opposed the grant of a patent relating to methods for purifying immunoglobulins. The Main Request and Auxiliary Requests were rejected on grounds of lack of clarity, insufficiency and extension of protection.
- Opposition to EP 2 398 817 – Jeremy was instructed by an Opponent in this opposition to the grant of a European patent relating to purification processes for daptomycin. The patent was maintained but only on the basis of a main request which was substantially narrower than the claims as granted.
- Opposition to EP 1 037 926 – Jeremy was instructed in this successful opposition to a European patent relating to the use of the combination of trastuzumab and paclitaxel in the treatment of breast cancer.
- *Lilly v Sanofi* – Jeremy successfully made the unconditional application to amend the Defendant's patents. This concluded the litigation as the Defendant had acknowledged that the Claimant did not infringe the claims as amended.
- *Brundle v Perry* – Jeremy acted for a third party in its successful defence of an action for infringement of a patent for a fence bracket.

## TRADE MARKS AND PASSING OFF

Jeremy has acted as a junior in major trade mark cases including:

- *Sazerac v Halewood* - A trade mark dispute concerning whether bourbon sold under the name AMERICAN EAGLE infringed a trade mark for the words EAGLE RARE. Following a finding of infringement in the High Court, Jeremy was instructed for the Defendants as part of a new legal team on appeal challenging the judge's approach to analysing the consumer's perception of brands in the bourbon market.
  - *TJX v SportsDirect.com* - A trade mark dispute where TJX alleged that SportsDirect's launch of the BRANDMAX chain of stores infringed its trade marks for TK MAXX. The claim was settled during the trial.
  - *JW Spear v Zynga* – Jeremy was instructed by the Claimants in this trade mark infringement and passing off claim regarding whether the use of the name SCRAMBLE for a game infringed the Claimants' rights in the word SCRABBLE and the shape of the Scrabble tile.
  - *Stichting BDO v BDO Unibank* – Jeremy acted for the Claimants in this dispute between a network of accountancy firms and a Filipino bank regarding the use of the name BDO.
- Judgment:
- *Samuel Smith Old Brewery (Tadcaster) v Philip Lee (t/a Cropton Brewery)* – Jeremy appeared for the Claimant in this infringement action relating to beer trade marks.

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## PROFESSIONAL MEMBERSHIPS

Intellectual Property Bar Association

## PUBLICATIONS

Contributing author to Terrell on the Law of Patents (18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> editions, the leading practitioner textbook on UK patent law).



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