

THREE NEW SQUARE

INTELLECTUAL PROPERTY



ALICE
HART

Year of Call: 2018

PRACTICE

Alice's practice spans all areas of Intellectual Property law, including patents, SPCs, trade marks, passing off, copyright, designs, confidential information and contractual disputes involving intellectual property or technical subject matter. Her clients have included parties from an array of industries, including pharmaceuticals, biotechnology, telecoms, fashion, food & drink, medical devices, software development and others.

Alice has particular experience in pharmaceutical and life sciences patent litigation, with recent work including representing Pfizer in the various (ongoing) proceedings in relation to its COVID-19 vaccines, representing Regeneron & Bayer in the first case before the UK courts concerning the SPC manufacturing waiver and representing Sandoz in the litigation against BMS in relation to its blockbuster anticoagulant drug, apixaban.

Clients frequently praise Alice for her knowledge of the case law and procedure, strategic instincts and thorough preparation. She is ranked as a leading junior by both Chambers & Partners and the Legal 500 in intellectual property.

EDUCATION

- 2018 – 2019: 12-month pupillage at Three New Square to Miles Copeland, Dominic Hughes, Jeremy Heald, Tom Hinchliffe QC and Stuart Baran
- 2016 – 2018: Outstanding, Bar Professional Training Course; Graduate Diploma in Law – City, University of London
- 2011 – 2016: First Class Hons, MBiochem Molecular and Cellular Biochemistry – University of Oxford
- Inner Temple GDL and BPTC Exhibition Awards, 2016 / 2017
- City Law School Academic Scholar, 2016
- Mary Lunt Prize in Practical Biochemistry, 2016
- St Hugh's College Final Honour School Prize, 2016

CASES

Selected cases:

Patents

Pfizer, BioNTech v GSK (ongoing) – patent revocation actions concerning lipid delivery vehicle technology for vaccines (priority, added matter, novelty, obviousness, insufficiency).

Regeneron & Bayer v Alvotech (ongoing) – SPC infringement action; the first case before the UK courts concerning the requirements of the SPC manufacturing waiver (expedition, SPC): [2025] EWHC 2623 (Pat); [2025] EWHC 3050 (Pat).

Sun Pharma v Incyte (ongoing) – patent and SPC revocation action concerning the JAK inhibitor ruxolitinib (expedition, plausibility, added matter, novelty, obviousness): [2025] EWHC 2463 (Ch).

Regeneron & Bayer v Samsung, Formycon (ongoing) – patent infringement and revocation actions concerning formulations of the fusion protein aflibercept (obviousness, lack of technical contribution, infringement by equivalents, *Formstein* defence): [2025] EWHC 2527.

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Pfizer, BioNTech v Moderna; Pfizer, BioNTech v CureVac (ongoing) – two patent infringement and revocation actions concerning Pfizer/BioNTech's COVID-19 mRNA vaccine, Comirnaty (novelty, obviousness, added matter): [2024] EWHC 1695 (Pat); [2025] EWCA Civ 1032.

Sandoz, Accord, Teva & ors v Bayer (ongoing) – patent revocation and infringement actions relating to once daily dosing for the anticoagulant drug rivaroxaban: [2023] EWHC 2024 (Pat); [2023] EWHC 3276 (Pat); [2024] EWHC 796 (Pat); [2024] EWCA Civ 562.

Eli Lilly v Teva – action concerning quantum of damages owed to Lilly under an agreement with Teva arising from Teva's at-risk launch of generic pemetrexed in Germany: [2023] EWHC 68 (Ch) (settled shortly before trial in January 2025).

Lufthansa v Panasonic, Astronics & Safran (ongoing) – account of profits arising from the finding of infringement of a patent relating to aircraft in-seat power sockets: [2023] EWHC 1043; [2023] EWHC 1136 (Pat); [2023] EWCA Civ 1273; [2023] EWCA Civ 1306.

Sandoz v Bristol-Myers Squibb – patent revocation actions relating to the anticoagulant drug apixaban (plausibility, lack of technical contribution, *AgrEvo* obviousness; G2/21 *Sumitomo*): [2021] EWHC 1123 (Pat); [2022] EWHC 822 (Pat); [2022] EWHC 1279 (Pat); [2023] EWCA Civ 472.

NHS England, Wales & NI v Warner-Lambert – damages inquiry arising from cross-under takings given in the litigation over the second medical use patent for pregabalin: [2021] EWHC 2182 (Ch); [2022] EWHC 189 (Pat); [2022] EWHC 1856 (Ch).

Siemens v GE – patent infringement and revocation action relating to bearings in wind turbines (novelty, obviousness, *Regeneron*-type insufficiency, prosecution history, infringement, territoriality): [2022] EWHC 490 (Pat); [2022] EWHC 3034 (Pat); [2023] EWHC 254 (Pat).

Geofabrics v Fiberweb – damages inquiry and DNI action arising from the finding of infringement of a patent relating to geocomposite railway trackbed liners: [2021] EWHC 1996 (Pat); [2022] EWHC 2363 (Pat).

Illumina v MGI – multiple patents action concerning DNA sequencing technologies (skilled person, obviousness, priority, plausibility, *Regeneron*-type insufficiency, collocation, doctrine of equivalents): [2019] EWHC 3767 (Pat), [2020] EWHC 730 (Pat), [2021] EWHC 57 (Pat), [2021] EWHC 361 (Pat); [2021] EWCA Civ 1924.

Trade marks, passing off & copyright

NL Holding v Gordon Murray Automotive – acting for the entity behind the Formula 1 driver Niki Lauda in this passing off and copyright infringement dispute arising from the use of the Niki Lauda name and signature on and in relation to sports cars.

AMC v PMG – High Court trade mark infringement, passing off and breach of contract dispute concerning a fashion brand.

Black Sheep Brewery v Conilon – trade mark and passing off dispute relating to alcoholic beverages and premises selling the same.

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Glaxo v Glenmark and Celon – trade mark / passing off dispute concerning the 3D shape of inhalers (3D shape marks, validity, infringement, DNIs); settled shortly before trial.

OTHER

- 2022 – date: editor of IP sections of the White Book
- 2021 – date: member of the Attorney General's Civil Panel Counsel Junior Juniors Scheme
- 2021 – date: contributing author to Terrell on the Law of Patents

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