

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



THOMAS LUNT

Year of Call: 2018

*"He is a truly excellent junior, extremely collaborative, gets into the detail of his matters, and provides great client service. Thomas is not just a future star, he is a star now and doubtlessly has a very bright future ahead of him."* Chambers & Partners, 2024

## PRACTICE

Thomas is ranked in both the Chambers & Partners and Legal 500 directories for his specialism in intellectual property. Clients describe him as a *"truly excellent junior"* who is *"extremely hardworking and intellectually bright"* and *"provides great client service"*.

Thomas' practice encompasses all areas in intellectual property including patents and SPCs, trade marks, passing off, copyright, and confidential information. His recent patent cases include *Akebia v Fibrogen* (a leading case on the approach to sufficiency of functional claims) and *Sandoz, Teva v BMS* (the first appellate decision on plausibility following G2/21). He acted in the *Dr Reddy's, NHS England & ors v Warner-Lambert* damages inquiry concerning pregabalin (which was described by The Lawyer as one of the "Top 20 Cases of 2023") and is presently instructed in ongoing FRAND proceedings. He is a contributing author to Terrell on the Law of Patents, editing the chapters on construction and plausibility.

Thomas maintains an active trade marks practice and has worked on cases across diverse sectors including beverages, luxury personal goods, and medical devices. In addition to his experience before the High Court, he represents clients unled before the UK IPO.

## PATENTS

### Life sciences

*Pfizer v GSK* (ongoing) – Patent infringement and revocation action concerning a vaccine for respiratory syncytial virus.

*Accord v Astellas* (ongoing) – Patent and SPC infringement and revocation action concerning the small molecule anti-androgen enzalutamide in the treatment of prostate cancer.

*Sandoz v Biogen* (ongoing) – Patent action concerning a biosimilar antibody, natalizumab, for treatment of relapse remitting multiple sclerosis. Acted in

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successful applications to expedite the trial and resist a stay of UK proceedings pending parallel EPO opposition.

*Advanced Cell Diagnostics v Molecular Instruments* [2024] EWHC 898 (Pat) - Patent infringement and revocation action concerning fluorescence *in situ* hybridisation (FISH) technology.

*Pfizer v Amgen* [2022] EWHC 2296 (Pat) – Patent revocation action relating to bispecific BCMAxCD3 antibodies for the treatment of multiple myeloma. Acted in a successful application to list the trial prior to the CMC.

*Sandoz, Teva v Bristol-Myers Squibb* [2022] EWHC 822 (Pat) – Pharmaceutical patents action concerning the blockbuster anticoagulant apixaban giving rise to issues of plausibility and the sufficiency of product *per se* claims.

*Dr Reddy's, Actavis, NHS England & ors v Warner-Lambert, Pfizer* [2021] EWHC 2182 (Ch) (ongoing) – High-profile damages inquiry emanating from long-running pregabalin litigation.

*Advanced Bionics v Med-El* [2021] EWHC 2415 (Pat) – A successful expedition application for cochlear implant patent litigation proceeding on the Shorter Trials Scheme.

*Edwards Lifesciences Corp v Meril GmbH* [2021] EWHC 761 (Pat) – Prosthetic aortic valve medical device litigation.

*Akebia v Fibrogen, Astellas* [2020] EWHC 866 (Pat) – Multi-patent pharmaceutical action concerning the treatment of anaemia with small molecule inhibitors raising issues of plausibility and construction of purpose-limited claims.

## Tech, telecoms, IT and FRAND

*Lenovo, Motorola v Ericsson* (ongoing) – FRAND proceedings concerning 5G devices and an interim licence application.

*Panasonic v Xiaomi, OPPO* (ongoing) – FRAND proceedings concerning 3G and 4G devices.

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*Dyson Technology Limited v SharkNinja Europe Limited* (ongoing) – Patent infringement and revocation action concerning Coanda-enabled haircare products.

*AutoStore Technology v Ocado Group & ors* [\[2023\] EWHC 716 \(Pat\)](#) – Patent infringement and entitlement actions concerning automated robotic storage and retrieval technology, giving rise to novel conflicts of law issues under Rome II, the public availability of prior disclosures made in terms of confidence, and infringement by equivalence.

*R2 v Intel* – Patent action concerning Intel's processor chips which incorporate fully integrated voltage regulators. Acted in a successful expedition application to a September trial.

*Ericsson v Apple* – Multi-jurisdictional telecoms case concerning 4G and 5G systems and FRAND issues.

## IPEC

*Kohler Mira v Triton* (ongoing) – Patent infringement dispute in IPEC concerning electrical showers.

*Don-Bur v Fluid Power* – Mechanical patent dispute in IPEC concerning trailer design.

## TRADE MARKS AND SOFT IP

### Trade marks

*Admiral v Admiral Markets* – Trade mark and contract dispute concerning the Admiral brand.

*Virgin v Heineken* – Trade mark dispute concerning the use of VIRGIN in relation to low- or no-alcohol beer.

*Prime Online Ltd v Amazon Technologies, Inc* – Dispute concerning the trade name PRIME GAMING, with parallel proceedings in the IPO involving the bad faith ground.

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*William Grant v Lidl* [2021] CSOH 55 – Assisted in Scottish litigation concerning the Hendrick's gin brand.

*Rolex v Titan Black & ors* – Trade mark infringement claim concerning customised Rolex watches and raising issues of exhaustion of rights.

*Millington v Wolf 1834 Ltd & or* – Trade mark infringement dispute concerning watch winders in IPEC.

*Medical devices company v Medical devices company* – Trade mark and passing off dispute relating to COVID-19 medical diagnostic tests.

*Medical devices company v Medical devices company* – Comparative advertising trade mark dispute concerning sutures.

CORNERSTONE (O/096/22) – Appeal to the Appointed Person for this trade mark application relating to financial and other services.

Various ongoing oppositions before the UKIPO

## Other intellectual property rights

*Songtradr v Ditto, Bluebox, Block8* – Dispute concerning copyright and confidential information in blockchain software relating to music licensing, including issues of relative confidentiality and springboard injunctive relief.

## EDUCATION

2019-2020: 12-month pupillage at Three New Square to Miles Copeland, Jeremy Heald, Joe Delaney, Stuart Baran and Geoff Pritchard

2017-2018: BPTC at BPP Birmingham: Outstanding; 1<sup>st</sup> in cohort

2016-2017: GDL at BPP Birmingham: Distinction

2012-2016: MChem Chemistry at Lincoln College, Oxford: 1<sup>st</sup> class

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Part-II thesis in soft chemistry of solid-state crystalline compounds from the cerium oxychalcogenide series

## AWARDS & SCHOLARSHIPS

Lord Denning and Lord Brougham scholarships, Hardwicke award, from Lincoln's Inn

College Scholar, L H Martin prize, and Sidgwick Exhibition from Lincoln College, Oxford

## FURTHER EXPERIENCE

In 2018-2019, Thomas worked at Carpmaels & Ransford LLP. He was involved with a pharmaceutical patents matter relating to anti-CGRP antibodies for the treatment of migraine.

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