

## TMT Team of the Year

### WINNER

# POWELL GILBERT

Penny Gilbert

*Landmark patent victory in the Supreme Court*

Dr Penny Gilbert, co-founder of this highly regarded IP boutique in 2007, began working on the landmark case of *Human Genome Sciences Inc v Eli Lilly & Co*, when she was a partner at Bristows. Described by commentators as 'a stunning decision', this case stands out not least because it was the first patent case to be heard by the Supreme Court since its inception in 2009.

Powell Gilbert acted for HGS in successfully defending the validity of a patent for the encoding nucleotide and amino acid sequence of the human protein Neutrokine- $\alpha$ , and related antibodies. These had been discovered using bioinformatics. Pharmaceutical giant Eli Lilly applied to have the patent revoked, claiming there had been limited proof of the protein's potential for 'industrial application', a key criterion in the award of a patent. The UK Patents Court and the Court of Appeal both held that the protein did not have industrial application because no specific therapeutic use had been disclosed. However, the case was taken to the European Patent Office, after which HGS petitioned for leave to appeal to the Supreme Court, which upheld HGS' appeal.

### HIGHLY COMMENDED

#### ALLEN & OVERY

Nicola Dagg

The firm led Novartis in its key patent battle with MedImmune (part of AstraZeneca) over Novartis's blockbuster drug Lucentis. The court rejected MedImmune's claim that Novartis' drug infringed patents in the UK.

#### BAKER & MCKENZIE

Ben Allgrove; Steve Holmes

Advised the OnLive streaming internet games company on its introduction of the service in the UK. Because of the use of cloud computing to provide the gaming service, and the introduction of the service in a foreign jurisdiction, licensing and regulatory issues needed to be resolved.

#### BERWIN LEIGHTON PAISNER

Simon Clark

BLP represented the Newspaper Licensing Agency in its successful bid to establish that newspaper

**'The HGS case stands out not least because it was the first patent case to be heard by the Supreme Court.'**



(L-R) Powell Gilbert's Jennifer Antcliff, Dr Penny Gilbert and Bethan Hopewell, with Macrae Roxburgh Appleby's Gill Appleby

headlines can be protected by copyright. In its case against the Meltwater online news aggregation service, Clark's team was able to show that Meltwater infringed copyright by publishing copyright headlines.

#### DLA PIPER

Andrew Dyson

Dyson's team led the line for the Department of Work and Pensions (DWP) on its £1.9bn IT procurement project. Contracts include arrangements that software developed for the DWP can easily be used by other public sector services.

#### HERBERT SMITH

Alan Watts

Represented and advised Primark in its successful claim against BBC's *Panorama* over the alleged use of fake footage showing children involved in the manufacture of Primark products. Herbert Smith ran the case over three years, bringing fresh evidence to light after the BBC rejected its first complaint.

#### TAYLOR WESSING

Simon Walker

The firm upheld its strong reputation advising longstanding client The Cloud Networks on its sale to BSkyB. Led by veteran Simon Walker, the acquisition will allow Sky and the Cloud Networks to gain deeper market penetration.



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Macrae Roxburgh Appleby is a high-end executive search business focused on partner and team moves in the legal sector. Based in the heart of the City, our three principals all qualified with major international law firms and have over forty years of recruitment experience between them. MRA have worked on a wide range of instructions for major law firms and commercial institutions in London and around the globe.

MRA's founders have practised in the top tier of partner recruiting in the UK, Hong Kong and the United States. We are able to draw on a wealth of knowledge and contacts in each jurisdiction. We do not believe in the commoditised approach to the business that has become prevalent in the City. At any given time we work only on a select number of high-profile assignments. Our exceptional levels of diligence, integrity and passion, combined with our unrivalled knowledge of the international legal market mean we can communicate a client's message with gravitas and sophistication and deliver success as a result.

Every day we are speaking with law firm leaders and other partners and teams going through the process you are considering. MRA can provide real time, impartial and completely confidential advice which will help you make the best move.

As part of the broader Mlegal Group we have an office network that also includes the US and China. The directors have all worked in different legal markets and have extensive experience moving lawyers from one jurisdiction to another. If you are contemplating a move internationally then MRA is uniquely positioned to advise on the options in the US, Asia, Europe and elsewhere.

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