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Dr Reddy's v. Eli Lilly, Court of Appeal Civil Division (Court of Appeal Civil Division), 18 December 2009

Robert Burrows (Bristows) · Friday, December 18th, 2009 · Landmark European Patent Cases

The case concerned the validity of a 'selection patent'. The Court of Appeal held that there is no special approach to be adopted in determining the validity of selection patents and that UK law should be consistent with EPO jurisprudence. For novelty, a prior disclosure of a large class of compounds does not take away the novelty of a claim to a specific compound unless the prior art provides an 'individualised description' of the compound claimed. For inventive step, the normal rules apply. The Court of Appeal clarified that a selection which makes a real technical advance (rather than a mere arbitrary selection) is patentable.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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