

# Patent case: Actavis UK Limited v Eli Lilly, United Kingdom

Kluwer Patent Blog  
July 3, 2018

Sara Moran

Please refer to this post as: Sara Moran, 'Patent case: Actavis UK Limited v Eli Lilly, United Kingdom', *Kluwer Patent Blog*, July 3, 2018, <http://patentblog.kluweriplaw.com/2018/07/03/actavis-uk-limited-v-eli-lilly-supreme-court-united-kingdom-2017-uksc-48-12-july-2017/>

---

The Supreme Court concluded that it was appropriate for it to reformulate the so-called Improver (or 'Protocol') questions, which provide guidance as to whether a variant is immaterial where there is no literal infringement. The significant change is the introduction of hindsight into the determination of the second question: "Would it be obvious to the person skilled in the art, reading the patent at the priority date, but knowing that the variant achieves substantially the same result as the invention, that it does so in substantially the same way as the invention?"

Case date: 12 July 2017

Case number: [2017] UKSC 48

Court: Supreme Court of the United Kingdom

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