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Pharma 4:
Antibodies and epitope/competitive claims

Biopharmaceutical companies are beginning to see a dramatic contrast in the scope of patent protection they obtain for therapeutic antibodies. These differences are often dependent entirely on which patent office is doing the examining.

Antibody therapies are rapidly increasing our treatment options for a wide variety of disease states, including cancer, cardiovascular, and inflammatory diseases. However, the way in which antibody claims are treated can vary widely, as demonstrated by conflicting decisions in the United States and Europe.

This session will examine the treatment of antibody claims in various jurisdictions with regard to sufficiency (enablement and written description) and inventive step (obviousness). The divergence of practices raises a number of procedural and policy questions for the patent practitioner, which will be addressed in this session.

- *When and where is it sufficient to claim antibodies by the epitope to which they bind or by their functional characteristics?*
- *Are antibody claims treated differently from small molecules or other products, and is this difference warranted?*
- *Is there a separate written description requirement? Should there be?*
- *Should broad antibody claims serve as a basis for permanent injunctions?*