

2 May 2008

**PATENTS ACT 1977**

BETWEEN

Yeda Research and Development Co. Ltd. Claimant

and

Rhone-Poulenc Rorer International Defendant  
(Holdings) Inc. and ImClone Systems Inc.

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PROCEEDINGS

Reference under section 37 of the Patents Act 1977 in  
respect of patent number EP(UK) 0667165 B1

HEARING OFFICER

P J THORPE

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**DECISION**

- 1 This decision gives effect to a settlement reached in a dispute about ownership of a patent.

**Background**

- 2 The patent in suit, No EP 0667165, was granted to Rhone-Poulenc Rorer International (Holdings) Inc (hereinafter "Rorer") on 27 March 2002, some 12½ years after the application was filed. The patent relates to a therapeutic combination of a monoclonal antibody and an anti-neoplastic drug for treating certain tumours.
- 3 On 26 March 2004 the claimant, Yeda Research and Development Co. Ltd. ("Yeda") filed a reference under section 37 of the Patents Act 1977 seeking that the patent be transferred into the co-ownership of Rorer and Yeda and amended to name Professor Michael Sela, Dr Esther Pirak and Dr Esther Hurwitz of the Weizmann Institute of Science as co-inventors. Yeda is an Israeli corporation and is the technology transfer arm of the Weizmann Institute, an Israeli academic body.

- 4 The dispute has already given rise to three office decisions, one of which was appealed all the way to the House of Lords. It is not necessary for the purposes of this decision to revisit any of these.
- 5 In a letter dated 20 December 2007, the claimant's representative informed the Office that the parties had reached a settlement. The letter was co-signed by representatives of Aventis Holdings Inc, the successor-in-interest to Rorer, and ImClone Systems Inc, the exclusive licensee.
- 6 Accordingly, and in line with wishes of the parties as set out in that letter, I make the following order:
1. That EP (UK) 0667165 B1 be transferred into the co-ownership of:
    - a. Aventis Holdings Inc ("Aventis"), a corporation duly organised and existing under the laws of the State Of Delaware and having its principal office at 3711 Kennett Pike, Suite 200, Greenville, DE 19807, USA, successor-in-interest to Rhone-Poulenc Rorer International (Holdings) Inc: and
    - b. Yeda Research and Development Co Ltd, a corporation duly organised and existing under the laws of the State of Israel and having its principal office at Rehovot, Israel.
  2. That there be no order as to costs, save for any order made by the House of Lords in relation to the Judgment of the House of Lords dated 24 October 2007.
- 7 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal, however unlikely, must be lodged within 28 days.

P Thorpe  
Deputy Director acting for the Comptroller