

Forward thinking
Straight talking

IP specialists for the *life sciences*:

UK and Europe



/ SYMBIOSIS IP
Gateley / LEGAL

Why Symbiosis IP

In 2022 Symbiosis IP joined the Gateley professional services group which advises a range of clients from FTSE-listed companies and multi-national organisations to regional businesses and SMEs.

When Symbiosis IP joined Gateley, it enhanced the range of IP services the Group was able to provide, expanding the groups reach into the fields of chemistry and life sciences.

Symbiosis provides patent prosecution, opposition, appeal, due diligence, freedom to operate, licensing, IP valuation and litigation advice to a range of organisations.

Our attorneys have PhDs and post-doctoral research experience, which combined with our qualifications as European and GB patent attorneys, creates a value proposition for our clients that ensures their R&D is protected by intellectual property rights that are robust and enforceable, and that business development and IP are aligned and value generating.

With over 25 years' experience handling intellectual property on behalf of our clients, we:

- Liaise with inventors and the executive team to manage IP creation and prosecution strategy
- Focus the executive team to ensure key objectives are met in support of IP and business strategy
- Co-ordinate global patent filing strategies
- Oversee financial management of global patent filing programmes
- Offer due diligence in relation to partnering, licensing and listing
- Create patents that are attractive, robust and enforceable
- Assess the relevance and, where appropriate, challenge the validity of third-party patents
- Defend the validity of our clients patents before the European Patent Office, Unified Patent Court and/or UK national courts

Sector expertise:

Life Sciences

Our experience

- Advised a university client on an existing patent family directed to novel therapeutic compounds and the use of such compounds in the treatment of metastatic cancers, following its prosecution by another organisation and its subsequent refusal in multiple national patent offices. As a result of this advice, patent protection was granted across all available jurisdictions - Europe, USA, Australia, Canada, Japan, and Hong Kong.
- The technology has recently been licensed to a third party and is now a commercial success for the University.
- Advised Diurnal PLC, a University of Sheffield start-up, on patent strategy and prosecution since inception in 2003 to AIM listing in 2015 to an ownership exit in 2022. Diurnal was acquired by the specialist US pharmaceutical company Neurocrine Bioscience Inc. Total consideration was \$48M and secures the future of Diurnal and the development of new formulations to treat orphan diseases. Symbiosis continues to advise both Diurnal PLC and Neurocrine Bioscience.
- Acted for Argonaute RNA Limited, a UK company developing innovative approaches to RNA silencing and the development of nucleic acid based therapeutics to treat cardiovascular disease and complement associated conditions, for example viral induced complement activation. Provided IP services from inception to funding of pre-clinical experiments in support of series A funding.
- Prosecuted patent applications for Monument Therapeutics Limited, a UK based company, directed to diagnostic use of biomarkers and the development of drug repurposing and reformulation for the treatment of neuroinflammatory conditions.
- Acted for Aeterna Zentaris GmbH, a German based company developing recombinant biosimilars for the treatment of endocrine conditions in collaboration with University of Sheffield. Aeterna Zentaris GmbH have developed optimised cell lines for the GMP production of novel hormone polypeptides.
- Defended the European patent of a university client, directed to regenerative medicine and cosmetic treatment methods. Whilst defending the patent the university was able to open up negotiations with the opponent with a view to licensing, and so commercialising, the technology for the first time.
- Advised a national Cancer Research charity about the IP generating nature of its research projects with a view to targeting its funding and helping it to develop and validate a funding strategy.

Technical specialisms

synthetic biology, recombinant biology, genomics, genetic engineering and genetically modified organisms including molecular/biological methods for their production, DNA analytics and diagnostics, gene therapy and siRNA;

drugs, antimicrobials and anti-infectives, biosimilars, pharmaceuticals, small molecule therapeutics, nutraceuticals, stem cells, vaccines, antibodies, antibody-drug conjugates, therapeutics including immunotherapeutics and haemotherapeutics, drug reformulation, drug repurposing, controlled release formulations, medical treatment regimens;

diagnostic/prognostic methods and tools including their use in precision medicine;

plant biotechnology, herbicides, herbicide resistant crops, transgenic plants, biofuels, plant derived products, industrial biotechnology, microbicidal compositions;

devices both medical and surgical, implants, biosensors and biomarkers, wound healing technologies, inhalers, ophthalmics and pacemakers;

compounds both chemiluminescent and electroluminescent compounds, polymers, specialty chemicals, catalysts and alloys including high entropy alloys, coating compositions, fuel additives, renewable energy materials, construction materials.



Sector expertise: *Chemistry and Pharmaceutical*

Our experience

- Obtained patent protection in the UK and Europe for a novel process for the preparation of analogues of cytosine (cytosinicline), for a UK-based university.
- Provided freedom-to-operate advice to a multinational health and beauty company, ensuring that new cosmetics and beauty products on the market will not infringe existing intellectual property rights.
- Obtained UK and overseas patent protection for laser markable inks containing transition metal oxides for company and defending the client's patents before the European Patent Office.
- Obtained UK and overseas patent protection for novel benzodiazepine derivatives, used as GPR120 modulators, for a UK-based research company.
- Obtained patent protection in the UK and Europe (European Patent Office) for novel salts of cytosine, for a UK and US-based specialist pharmaceutical company.
- Obtained patent protection in Europe for a high-speed tool steel metal alloy, for a large multinational speciality metals company. Successfully defended A European patent in an opposition filed by a competitor based in Sweden.
- Handled Opposition proceedings at the EPO in fields ranging from microbicides to high performance speciality polymers.
- Advised on and prosecuting a European patent application for a process for synthesising a targeted imaging agent comprising a chelated metal, for a US-based Institute of Technology.
- Advised on and prosecuted a European patent application for kinase inhibitor compounds, for a US-based university.
- Handled an extensive portfolio of EPO Opposition proceedings across a vast array of technical fields, having successfully represented an international chemical company against numerous multinational competitors, including BASF, Akzo Nobel, Owens Corning, Lanxess, Thor Biocides, Hercules Chemical Company, Arkema S.A., Celanese Corporation, Henkel, Atotech, Knauf Insulation, and Compagnie de Saint-Gobain S.A. Example subject areas included: synergistic microbicidal combinations; personal care formulations, multistage emulsion polymers and high pigment efficiency coatings; binders; TiO₂ coatings; epoxy resin imbedded polymer articles; low temperature stable biocide concentrates; aqueous polymer dispersions; microdomained emulsion polymers; and multistage latex polymers.

Technical specialisms

- industrial chemicals and biotechnology;
- speciality polymers;
- plastics and plastic additives;
- paints and coatings;
- nanoparticles;
- small molecule chemistry;
- formulation chemistry and new chemical entities;
- metal alloy chemistry;
- materials science;
- process chemistry;
- catalytic materials
- agrichemicals;
- plant biotechnology;
- pesticides, herbicides and resistant crops;
- semiochemical molecules and pest management;
- microbicidal compounds and compositions;
- plant derived compositions and extraction processes;
- analytical chemistry;
- OLED compounds and devices;
- semiconductors and their fabrication;
- fuel additives;
- renewable energy materials;
- fuel cells;
- construction materials.

Previous opposition experience at the *European Patent Office*

Symbiosis has direct experience of opposition and appeal proceedings, acting as representative of both the Proprietor and the Opponent in various jurisdictions. Our department head, Mark Hoggins, has spent over 15 years working continuously on oppositions and establishing a highly successful reputation before the European Patent Office (EPO), primarily representing renowned multinational chemical corporations in diverse and highly competitive (so frequently opposed) subject areas. Notable successes include: EP2426155, EP2088994, EP2718332, EP2189497, EP2397503 and EP2617743 (speciality polymers); EP1862070, EP2138189, EP1527685, EP1502508 and EP1488699 (microbicides); EP1475463 (electronic materials); and EP2386609 and EP2336207 (coatings).

Mark's success also extends to Appeals, having successfully overturned first instance decisions in each of the following cases: EP1886567 (T143/13); EP1820398 (T776/14); EP1925202 (T44/13); EP1889539 (T48/13); EP1886569 (T142/13); and EP1886566 (T121/13). Notably, T143/13 established important case law precedent for inventive step, and thus can be found in the EPO Boards of Appeal Case Law book.

We have continued our successful record, with focus shifting towards biotechnology, as the EPO transitioned to videoconference-based oral proceedings in response to the Covid-19 pandemic. Examples include:

- ▶ Representing the US government's National Institute of Health in the successful defence of EP3177323, which is directed to photoactive complexes and therapeutic uses, securing broad protection for the commercially important technology following oral proceedings in May 2022.
- ▶ Representing Cardiff University in the successful defence of EP3113830, which is directed to microneedle based cell delivery devices and methods for the pain free extraction and injection of viable cells, again securing broad protection for commercially important technology following oral proceedings in February 2022. Notably, the successful defence of this patent provided an opportunity to enter into licensing agreements to further commercialise the technology, which we also advised on, thus demonstrating we appreciate the ultimate end goal of commercialisation as well the means required to achieve it (i.e., a successful opposition).
- ▶ Representing Glycologic Limited during the defence of EP1680134, which is directed to controlling serum glucose levels in mammals, where we ensured that protection was maintained for all commercially important subject matter.

Notable ongoing proceedings include our opposition against Merck's EP3283882, which is directed to blood-based biomarkers of tumour sensitivity to PD-1 antagonists; and against Pfizer / Merck's EP 3498734, which is directed to combinations of PD-1 antagonists and VEGFR inhibitors for treating cancer.

Symbiosis also acts for Sun Pharmaceutical Industries Australia PTY Limited ("Sun") in the opiates space, managing IP generated in collaboration with The University of York. As Australia and Europe are the key plant growing territories for poppy producing opiates, oppositions were filed in Australia against three key Sun patents (AU2017208033, AU2016281762 and AU2015261278). Symbiosis, in collaboration with Australian counsel, overcame the oppositions which then formed the basis for cross licensing agreements with the main competitor. The license agreements also prevented opposition to the corresponding European patent applications, and so provided freedom to operate and secured market share for Sun and their collaboration with The University of York



Mark Hoggins consistently delivers excellent service and detailed and informed responses to examiners."

IAM Patent 2022 Client Interview



Symbiosis dives deep into the science and data and then gives an excellent assessment of the potential for the patent to be granted and the value of said patent."

IAM Patent 2022 Client Interview

IP valuation & commercialisation expertise

We are unique in being able to offer a combination of commercial IP consultancy services alongside the patent attorneys and legal professionals within Gateley Legal. This gives us the ability to support all of our clients' IP needs, from valuation and licensing through to IP strategy, portfolio optimisation and commercialisation.

IP valuation

We can advise on the valuation of IP to support a range of activities, such as fundraising and establishing fair value deal terms when licensing, transferring or selling IP assets. We use industry accepted methodologies, and by working closely with the client, we provide meaningful insights into the key risks and factors that will have the greatest impacts on the value of the IP.

IP licensing

We have extensive "hands-on" experience of IP-based dealmaking from the perspectives of university technology transfer offices, venture capitalists and big corporate. Our advice can include how best to structure licensing deal terms and term sheet drafting, through to negotiation strategy to help guide clients through the process to deliver market appropriate transactions. We can help:

- › Review key agreements;
- › Examine deal structure to align to industry expectations and standards;
- › Advise on appropriate commercial terms (e.g. royalty rates, fixed fees, milestone payments) and other key terms; and
- › Support and undertake IP due diligence.

Competitive and commercial intelligence

With access to the leading pharmaceutical and medical devices competitive intelligence platforms, as well as patent searching and analytics capabilities from proprietary databases, we can support our clients with market research and competitive intelligence gathering to help inform market positioning and provide commercial insights for potential new market entrants.

Scouting and technology marketing/partnering

Access to proprietary market and patent databases, combined with our extensive personal networks, allows us to help clients with their technology scouting or partnering needs and so support their market entry, especially into adjacent or new markets. We can help identify relevant partners and engage with validated leads.

IP strategy

To support our clients' growth, we can also help them to identify, manage and leverage opportunities to use their IP to generate value. For example, support can encompass the evaluation of new inventions and IP potential, conduct portfolio reviews to align with business strategy and provide "on call" support.

University strategy and policy

We can help Universities to develop, review and update IP and spin-out policies, rewards to inventors schemes, as well as offer strategic advice to support the advancement of university commercialisation objectives.

University Tech Transfer (TTO) / Commercialisation office support

We can assist Universities with all aspects of TTO operations, including providing hands-on support for unusual or complex commercialisation projects, right through to longer term or interim support to increase capacity in times when extra resource may be called for. Our team has extensive experience of both working with and within university TTOs and so can provide practical guidance and support at every step.

Case study: pharmaceutical company licence valuation

- › Gene Therapy Asset - valuation of an existing licence for budgeting and reporting
- › Assessment of developmental risks and PoS
- › Assessment of addressable market and competition
- › Scenario analysis

Who are we?

Property Platform	People Platform	Business Services Platform	Corporate Platform
Gateley /LEGAL	Gateley /LEGAL	Gateley /LEGAL	Gateley /LEGAL
Gateley /CAPITUS	/ENTRUST	Gateley /OMEGA	Gateley /GLOBAL
Gateley /HAMER	/KIDDY & PARTNERS <small>part of Gateley</small>	/ADAMSON JONES <small>part of Gateley</small>	
Gateley /VINDEN	/T-THREE	/SYMBIOSIS IP <small>part of Gateley</small>	
Gateley /SMITHERS PURSLOW		AUSTEN HAYS <small>part of Gateley</small>	
Gateley /RJA			



We like the way you always become an extended part of our team. It's not an easy thing to do and I admire how you do it. You just get the work done and it's brilliant. I would definitely say this is your USP. I don't know other firms who do this as well as you do."



You need to know that everything is on the same page and it's a trusted relationship piece. I do feel that Gateley are very strong in that."

25
offices in
21 locations

Over
1,500
people

£162.7m
2023 turnover

At a glance

Our purpose is to deliver results that delight our *clients*, inspire our *people* and support our *communities*

A professional services group which combines legal and advisory expertise through our Business Services, Corporate, People and Property platforms.

Track record

- › Winner of the 2024 Birmingham Law Society 'Equality, Diversity and Inclusion' award.
- › Shortlisted UK Law Firm of the Year at the 2023 British Legal Awards.
- › Winner UK law Firm of the Year 2023 Insider Midlands Residential Property Awards and shortlisted in the 2024 Insider North West Residential Property Awards.
- › Shortlisted as Corporate Law Firm of the Year at the 2023 Dealmakers Awards 2023 in the Midlands and the North West.
- › Shortlisted in six areas in 2023 The Times Best Law Firms.
- › Shortlisted for residential property and dispute resolution in the 2023 Yorkshire Legal Awards.
- › Shortlisted as regional Law Firm of the Year in the 2023 Real Deals Private Equity Awards.
- › Recognised in 47 areas by Legal 500 2024 and 28 areas by Chambers & Partners 2024.

Strength in depth

- › Over 1,500 people including over 1,000 professional advisers.
- › A property platform with more than 200 building surveyors, project managers, quantity surveyors, architects, arbitrators, engineers and mediators.
- › 14 acquisitions completed since 2015.

Locations

- › 25 offices in 21 locations including offices in major commercial hubs across the UK.
- › 2 international offices in Dubai and Hong Kong

Collaborative approach

- › Key account management programme, Stellar.
- › Client listening and feedback programmes completed to ensure that we deliver our service promises.
- › Rated 5 star/excellent on independent legal review platform, Review Solicitors.

Professional and ethical standards

- › Regulated by The Law Society in England and Wales, The Law Society in Northern Ireland, RICS, IPReg
- › Lexcel accredited
- › Investors in People accredited
- › Cyber Essentials+ accredited

Financial transparency

- › AIM listed
- › 2023 turnover of £162.7m

A responsible business

- › A commitment to achieving net zero by 2040 and with a carbon reduction plan to reduce emissions by 50% by 2030.
- › Carbon neutral for travel expenditure.

Key contacts

For more information, please contact Mark Hoggins on:
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 mark.hoggins@symbiosisip.co.uk

Mark Hoggins

Account Manager / Technical
 Lead Director, Patent Attorney
 QUALIFICATIONS BSc, PhD, CPA,
 EPA, IPLit Cert, UPC Representative



Experience Professional

Mark typically provides pre-filing patentability advice, strategic filing advice and innovation development advice to maximise claim scope and support broad claims. His work involves drafting new patent applications and prosecuting them in multiple jurisdictions across diverse subject areas.

Mark also has extensive experience in handling Opposition proceedings at the EPO in fields ranging from microbiocides to high performance speciality polymers. He has represented companies, advocating for the Proprietor or Opponent, against a single opponent or multiple opponents. Notable opposing parties have included: BASF, Akzo Nobel, Owens Corning, Lanxess, Thor Biocides, Hercules Chemical Company, Arkema S.A., Celanese Corporation, Henkel, Atotech, Knauf Insulation and Compagnie de Saint-Gobain S.A.

It follows from the above that Mark is particularly experienced at advising in-house patent counsel of multinational companies during complex and highly litigious cases involving multiple parties and multiple interrelated patents. This experience allows Mark to apply a pragmatic and commercial perspective when advising on the relative strength of a client's position and/or on the resolution of disputes with third parties.

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|------------------------------|---|
| Key technology areas: | <ul style="list-style-type: none"> › Plant biotechnology › Pesticides, herbicides and resistant crops › Semiochemical molecules and pest management › Microbicidal compounds and compositions › OLED compounds and devices › Semiconductors and their fabrication › Fuel additives › Construction materials |
| Notable Specialties: | <ul style="list-style-type: none"> › EPO Opposition and Appeal › Specialty polymers › Paints and coatings › Agrichemicals |

Robert Docherty

Director, Patent Attorney
 QUALIFICATIONS BSc PhD
 EPA MBA



Experience Professional

Rob's work after entering the patent profession is diverse and he has represented both large pharmaceutical companies, for example BASF, GSK and Sun Pharmaceutical Industries Limited, Russell Group Universities and University start-ups.

During his time in the patent profession, he has helped start-up companies from UK and EU Universities and managed patent portfolios for university clients that are robust and attractive for licensees. He also provides his clients with pragmatic patent filing strategies and has assisted in the preparation of patent attorney opinions for listing on AIM. He regularly provides Due Diligence and Freedom to Operate advice to his clients.

More recently he has been advising clients in relation to cost effective patent filing strategies which use the Patent Prosecution Highway to expedite grant and applying for patent term extension of pharmaceutical formulations.

Rob is experienced in Opposition procedures before the European Patent Office and the Australian Patent Offices and in Hearings at the UK IPO. He has also attended interviews at the US Patent & Trademark Office.

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| Key technology areas: | <ul style="list-style-type: none"> › production › siRNA & antisense › CRISPR › Controlled Release › Modified plants › Drug repurposing › Stem cells › Neurological Disease › Cancer Therapy › Gene Therapy › Cardiovascular Disease › Antivirals |
| Notable Specialties: | <ul style="list-style-type: none"> › Antibodies › Vaccines › Biomarkers › Biologics › Recombinant protein |

Lee Samuel

Director, Patent Attorney
 QUALIFICATIONS BSc PhD CPA
 EPA



Experience Professional

Since 2011 Lee has worked for individual inventors, academic institutions, and several small and medium sized companies. Lee has drafted and prosecuted cases at the UK IPO, EPO and throughout the world.

Lee has also been involved in several Due Diligence investigations prior to business acquisitions, including Venture Capital Deal of the Year for the investment in Apitope Technology Limited as part of the Wales Dealmakers Awards 2016.

He is regularly invited to give talks about Intellectual Property, and he is comfortable adapting and tailoring his advice to suit his clients' needs, including providing talks for University Technology Transfer Officers as part of their structured training programmes, and also regularly being on-site at universities to provide advice.

Lee has been invited to sit on several IP panels within the University environment and within the National Health Service sectors where he provides and advises on IP protection and commercialisation for a variety of projects covering many technical disciplines.

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| Key technology areas: | Notable Specialties: |
| <ul style="list-style-type: none"> › Molecular and Cell Biology › Regenerative Medicine & Gene Therapy › Biotechnology › Pharmaceuticals | <ul style="list-style-type: none"> › Microbial Biotechnology › Oligonucleotide Technologies › Vaccines & Immunology › Biological and Small molecule Therapeutics › Diagnostics & Detection Assays › Personalised Medicine › Further Medical Use |

Tracy Hewish

Account Formalities Manager
 QUALIFICATIONS CIPA qualified
 IP administrator



Experience Professional

Tracy is a formalities Officer in Symbiosis, and she is a qualified IP administrator and has been working in the patent profession for over 14 years. She has therefore acquired a vast amount and depth of knowledge and experience relating to the acquisition and maintenance of patent rights in the UK, Europe and overseas.

Her work has covered the whole spectrum of patent formalities including filing patent applications at the UK IPO, EPO, WIPO and instructing foreign filings. She has diarised and instructed the payment of examination fees throughout the world, monitored and arranged for the payment of renewal fees throughout the world and arranged for our clients to receive their patent certificates on grant.

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| Notable Specialties: |
| <ul style="list-style-type: none"> › Patent Formalities and Paralegal › UK IPO, EPO and WIPO patent filings › European Patent Validation › Unitary Patent Validation › Unified Patent Court (UPC) Opt out › EPO Opposition |

Meet your *team*



Mark Hoggins

Account Manager / Technical Lead
Director, Patent Attorney
QUALIFICATIONS BSc, PhD, CPA, EPA,
IPLit Cert, UPC Representative



Julie Myint

Client Care Partner
Director, Patent Attorney
QUALIFICATIONS BSc, PhD, CPA, EPA,
IPLit Cert, UPC Representative



Lee Samuel

Director & Support Attorney
QUALIFICATIONS BSc, PhD, CPA, EPA,
IPLit Cert



Rob Docherty

Director & Support Attorney
QUALIFICATIONS BSc, PhD, EPA, MBA



Andrew Tingey

Director,
Symbiosis IP



Amy Lam

Associate Director,
Symbiosis IP



Tracy Hewish

Account Formalities Manager
QUALIFICATIONS CIPA qualified IP
administrator



Astrid Lorenz

Support Attorney
QUALIFICATIONS MSc, PhD, EPA



Maria Ritchie

Senior Staff Formalities Officer
CIPA qualified IP administrator



Symbiosis maximises the value of IP generated by our inventors in a cost effective and efficient manner that meets our commercial objectives.

Martin Whitaker, CEO, Diurnal

Where you
can ***find us...***

Birmingham
Cardiff
Glasgow
Leeds
London
Manchester
Sheffield
York

But don't just take *our word for it...*



Cardiff University has a longstanding relationship with Symbiosis IP and we have always experienced a consistently high quality range of IP services. We particularly appreciate the ability to provide bespoke advice for academic, TTO or industry audiences as appropriate and this has contributed significantly to our translational successes across the life sciences portfolio.”

Rhodri Turner, Senior Technology Transfer Officer, Cardiff University



Julie Myint always asks the right questions and grasps the heart of the invention easily. Julie expresses herself very clearly and it is straightforward to communicate with her, in both written and oral form. She presents commercial strategies, thanks to her long experience in the field and concrete exposure to challenges that she has been able to overcome.”



It is not an exaggeration to state that our confidence in Rob Docherty and Symbiosis is such that the strategic direction of our company has been IP-led at all times.”



Andrew Tingey is driven, dedicated and knowledgeable in the whole spectrum of work covering commercialisation of technology.”



Mark Hoggins consistently delivers excellent service and detailed and informed responses to examiners, and helps clients understand each step and grow in their understanding of the IP protection process.”



Lee Samuel readily understands technology and consistently demonstrates through knowledge of patent law, great attention to detail and efficient organisational skills, leading to successful grants.”

 **SYMBIOSIS IP**
part of Gateley