



Andrew Bentham

Of Counsel, European Patent
Attorney, European Patent Litigator

Andy joined J A Kemp from university in 1993 and was a partner from 2003 to 2023, leading the firm's Cambridge office from the time it opened in 2016. During this time, his clients ranged from top-tier academic institutions and their spinouts to one of the USA's most successful biopharmaceutical companies of recent times and one of the world's largest agri-businesses. He is now of counsel and available to work on individual projects as needed, especially EPO Opposition/Appeal matters and other IP disputes including those before the Unified Patent Court (UPC).

With a first-class Cambridge degree in plant sciences, Andy has a particular interest in patenting plant biotechnology, plant breeding and agri-tech inventions. He also has related expertise in Plant Variety Right issues and microorganism deposits for patent purposes under the Budapest Treaty.

Andy's other current major focus is advanced therapeutics, including gene therapy, antisense, RNAi and CRISPR therapeutics, mono- and bi-specific antibodies, CAR-T cells and many other aspects of antibody technology. He has been responsible for EPO prosecution and opposition work relating to multiple biopharmaceuticals that are on or nearing the market and for a large portfolio relating to transgenic animal platforms for antibody drug discovery. This area has become increasingly contentious and Andy has therefore been involved in many EPO Oppositions and a number of items of UK and foreign litigation, including one case (Regeneron vs Kymab) that went to the UK Supreme Court based on a patent Andy prosecuted and defended successfully in the EPO.

Representative examples of EPO Oppositions in which Andy has been involved at EPO Board of Appeal level during the course of his career include T400/97 (early techniques for recombinant antibody production); T188/97 (HCV diagnostics); T857/01 and T1023/02 relating to HSV vaccines/vectors; T202/02 (Crohn's disease); T1219/03 and T1919/11 (taxane production in plant cells); T1108/08 and T220/22 (plant gene silencing and CRISPR modification); T2075/22 (microorganism deposit issues); T2101/09, T1153/14, T419/16, T699/19 and T317/20 (antibody therapeutics); and T1526/11, T2220/14 and T1634/17 (transgenic mouse platforms for antibody discovery). The first and last of these also both relate to the niche legal question of when an oral disclosure constitutes prior art for EPO purposes.

Andy has been recognised in various directories at various times, including by The Legal 500, and IAM. In the 2022 IAM 1000 edition, one client summarised him as follows: "We rely heavily on Andy's prosecution and opposition skills and experience, and also his uncanny ability to manage his talented team, such that working with Andy and his team is a smooth, highly productive and successful operation. Andy is a thoughtful and soft-spoken attorney, and he epitomises the adage, "when Andy speaks, people listen'." In 2022 Andy was also recognised as one of the top 300 IP strategists in the world by the IAM 300. Andy has been recommended by *IAM Patent 1000*. "He tailors his prosecution strategy to clients' business goals. He is very professional and expertly represents his clientele in opposition and appeal proceedings. He makes an effort to keep costs to a minimum and to deliver value for money. Andrew delivers thoughtful, timely and sound advice in the area of biotechnology, both in the scientific sense and legal sense."

Reflecting these attributes, Andy has been an invited speaker at prestigious international conferences, including the BIO and AIPLA annual meetings and the

Services & Specialisms

Patents, Freedom to Operate, IP Strategy, IP Due Diligence, Patent Drafting, Filing and Prosecution, IP Review, Plant Variety Rights, Patent Oppositions and Appeals, Portfolio and Cost Management

Location

London
Cambridge

Education

University of Cambridge, Masters Degree in Natural Sciences (Plant Sciences)

Qualifications

European Patent Attorney;
Representative before the UPC

Membership of Professional Bodies

Member of the Institute of Professional Representatives before the European Patent Office (EPI)

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BIO IP Counsels Committee (IPCC) meeting, and other events including US state bar association meetings.