HGF PRESENTS

Patenting Antibodies

What you need to know: EPO requirements

The EPO Guidelines (G - 11 , 6) set out the standardised approach for assessing the specific issues that arise for antibody applications.

The EPO Guidelines state that, in general, antibodies can be defined by (but are not limited to):

(a) their own structure (amino acid sequences);

(b) nucleic acid sequences encoding the antibody;

(c) reference to the target antigen;

(d) target antigen and further functional features;

(e) functional and structural features;

(f) the production process;

(g) the hybridoma producing the antibody.

Drafting tips:

- Include all antibody claims with different scope in an application.
- Include direct experimental evidence of the technical effect of the antibody in the application on filing.
- Include language to antibody fragments as well as full antibodies.
- Consider the order that alternative antibodies are presented in the claims.
- Include claims in multiple different claim categories.
- Consider that further applications could be filed relating to the antibody. Keep this in mind when deciding on a filing strategy and the disclosures made in the initial application.