

Malcolm Lawrence

PROFILE

Malcolm qualified 30 years ago, gaining an IP Litigation Certificate in 2001 on inception of patent attorney representation rights in higher courts. Malcolm's brand is as a lateral thinking and energetic problem-solver.

"I'd read the new case law but didn't really get it. An idea got me up during the second night of the 3-day case, and I fixed it in my head. Next day, we were third to present argument against patent validity. The first two didn't deal with that case law well; the tribunal seemed unimpressed. But the nocturnal idea proved convincing - the patent was revoked. I don't always work this way, but I probably wouldn't have succeeded here if I hadn't."

He trained in the London profession under the late David Woodcraft, who Malcolm regards as "an extraordinarily intuitive IP problem-solver". Under DW's mentorship, Malcolm shaped his own problem-solving skills and developed DW's flair for seeing IP services through client eyes.

Early responsibility led to Malcolm setting up a sole practice in 1985, growing it to a staff of almost 100 and divesting, then starting Concerto IP in 2015 after a legal research sabbatical.

Malcolm has been involved with a number of developments both at the frontiers of technology and those of the law, in addition to more "everyday" projects in areas ranging from mechanical handling of tape, furniture manufacture, tool attachment devices and damp-proofing to intraocular lenses, respirators and wound dressings:

- **CHEMISTRY/MATERIALS SCIENCE:** phase change ink jet printing (very early patents in the solid ink field, acting for the pioneer); registration of 3D trade marks for printer consumables (amongst the very first 3D trade mark registrations issued under the current law); holographic data storage devices (prosecution); lamination processes and machinery (contentious prosecution in one jurisdiction, in the shadow of litigation in another).
- **LIFE SCIENCE:** the single block thermocycler for Mullis' Nobel Prize-winning PCR work (patent opposition); bFGF - fibroblast growth factor (patent opposition & appeal); auxotrophic mutant bacteria for vaccines (patent opposition & appeal); domain antibodies (patent opposition); genetic detoxification of ADP-ribosylating toxins (contentious prosecution).
- **PHARMA/MEDICAL INSTRUMENTS:** paclitaxel patentability in new treatment regimen (patent opposition/UK Court of Appeal); complex drug formulation technology (patent prosecutions and oppositions); DTP vaccines (contentious prosecution); parent/divisional anticipation in the context of hepatitis B vaccines (patent opposition & appeal); patentability of micro-needle drug administration arrays (patent oppositions & appeal).
- **PURELY LEGAL:** Tribunal settling compulsory copyright license (pneumatic conveyors; resulted in amendment of Civil Procedure Rules); European Patent Office Legal Board of Appeal on legal status of divisional patent applications (furniture; kept competition at bay for 3 years); Intellectual Property Enterprise Court (adrenaline injector; ruling on transfer of cases between courts).

- **PUBLICATIONS:** Extensively published in law journals, with major review works (peer-reviewed) in the field of Paris Convention priority claims. Malcolm was first to identify Toxic Priority as an IP risk, now remedied by a supreme appellate judgment clarifying and amending its previous judgment.

An atypical patent attorney, Malcolm has an informal, laid-back manner and a contrasting capacity for intense mental application and lateral thinking - illustrated by the Testimonials on our web site and the vignettes on this page.

“Clients' previous attorneys hadn't proved novelty for their patent. I thought if we could show the patent applications cited against us weren't entitled to their priority dates, a disclaimer cutting some commercially worthless scope from our patent could work. Tough first step, and the disclaimer we crafted at the hearing was more than unorthodox. But it worked, moving us from 3rd to 1st in the IP stakes on the technology. Pretty hard case.”

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