



Ministry
of Defence

Defence Intellectual Property Rights
Central Legal Services
MOD Abbey Wood #2214
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United Kingdom

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Thank you for your email of 03/02/2019 via the What Do They Know website requesting the following information:

“a) A List of Patents held by MoD (and dates those patents were gained) which are associated with the HIV or Hepatitis viruses.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

Information about patent applications and their legal status is freely available on-line through websites such as <https://patents.google.com> and <https://worldwide.espacenet.com/> thus per Section 21 of the FOIA, as it appears you are able to access the internet to have been able to make the request via a website, the information is reasonably accessible to you by other means.

However, in this instance the information may not be simple to find or make sense in isolation, thus per Section 16 of the FOIA to confirm in response to your request:

Patent applications made by MOD are in its full legal name, which is “The Secretary of State for Defence” (the “SofS”). Please note there are numerous legal entities entitled as the Secretary of State for Defence which are those relating to non-UK defence agencies. For the UK MOD the correct SofS is that with an official address of “Whitehall, London, SW1A 2HB, United Kingdom” against which patent applications and granted patents are recorded on the public registers.

The SofS does not hold, and has never held, any patent application or patents granted associated with HIV.

Associated with the Hepatitis virus: On 15 Feb 2000 the SofS applied for a patent in the UK under application reference number 0003284.7 which was withdrawn before it was published. Hepatitis C was a consideration but was not core to the claimed invention, it was simply an example of a Flavivirus which may have been relevant to a proposed technique. See claim 5 in the EP and US applications (details below) as to how that fits in with other mere exemplar Flavaviruses.

An international patent application was filed under the Patent Cooperation Treaty (PCT) on 14 Feb 2001 under application number PCT/GB01/9956 for the same invention which claimed priority from the UK application. At the end of the international phase of the PCT

application, a European patent application was filed for the same invention under reference EP1261645. Corresponding applications were filed in the US under their reference US2003148265, Taiwan under reference TW1123560, and Australia under AU3209501.

None of these applications proceeded to grant, all have been abandoned or withdrawn, thus MOD holds, and has never held, any patent granted in respect of the Hepatitis virus. You will find all relevant information and documentation about each application on espacenet here:

https://worldwide.espacenet.com/publicationDetails/inpadocPatentFamily?CC=EP&NR=1261645A1&KC=A1&FT=D&ND=3&date=20021204&DB=&locale=en_EP

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

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