

Requesting a decision on the papers

- › If after being offered the opportunity to be heard you file further arguments or amendments without requesting a hearing, the application may be sent to a Hearing Officer to issue a decision based on the papers on file.
- › If you are satisfied your arguments have already been put forward in sufficient detail during previous correspondence with the patent examiner, you may decide that it is unnecessary to present your arguments in person at a hearing. If you would still like a decision to be issued on your application, you can request that the Hearing Officer issue a decision based on the arguments already on file and any further written submissions you wish to make.
- › A Hearing Officer may sometimes request further submissions from you before they are able to come to a decision. It is only when the Hearing Officer receives these additional submissions that the 9 week and 17 week periods commence for issuing a decision.

Concept House
Cardiff Road
Newport
NP10 8QQ

Tel: 0300 300 2000
Fax: 01633 817 777

www.ipo.gov.uk

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Intellectual
Property
Office

A guide to Ex Parte Hearings at the IPO



Intellectual Property Office is an operating name of the Patent Office

What is a hearing?

- › A hearing is a way of taking things forward when you are unable to reach an agreement with the patent examiner over your patent application. You will be given the opportunity to explain your case in person to a senior official known as a Hearing Officer. The Hearing Officer is trained to be impartial and to look at all sides of the argument before coming to a decision on your case.
- › Hearings can deal with complex issues; therefore you should consider seeking advice from a patent attorney (also known as a patent agent) or other professional advisers. Patent attorneys are legally qualified and independently regulated. There are other patent advisers, consultants and inventor-support organisations that may also be able to help or advise you.
- › We are not allowed to recommend any particular patent attorney or adviser. However, most classified telephone directories include a list of patent attorneys. You can also obtain a list of patent attorneys from the Chartered Institute of Patent Attorneys (website: www.cipa.org.uk).

Arranging your hearing

- › We will contact you, or your attorney/advisor, to make the necessary arrangements for the hearing. You will need to agree a convenient date, time and location for the hearing to take place.
- › Our hearings usually take place at either 10.30am or 1.30pm at our office in Newport, South Wales.

- › A hearing can be held in person, via video conference, or even by telephone conference. Our London office has video conference facilities available should you wish to make use of them.
- › A letter will be sent to you confirming these arrangements.

Preparing for your hearing

- › Take the time to prepare your case as thoroughly as possible. On the day the Hearing Officer will guide you through the process as much as they can, but they must remain totally impartial throughout the hearing.
- › If you intend to refer to previous case law then please provide us with details of these cases at least 2 days prior to the hearing. The Hearing Officer will then be able to familiarise themselves with these arguments.
- › Prior to the hearing you will also be asked if you intend to file skeleton arguments. Skeleton arguments are an outline of the submissions you wish to make at a hearing. They allow the Hearing Officer to prepare for and ensure that the hearing is run efficiently. Skeleton arguments need to be filed 7 days prior to the hearing.

The day of the hearing

- › If attending either our Newport or London Office please report to reception and a member of staff will escort you to our hearings room.
- › The hearing will usually be attended by the Hearing Officer, Hearings Assistant, Case Examiner and possibly other members of staff who may be attending for training purposes.

If your patent application has been published the hearing could also be attended by members of the general public who hold an interest in your case.

- › The Hearings Assistant and Case Examiner are present at the hearing to aid the Hearing Officer and ensure they understand the technicalities of the case. They are not expected to contribute at the hearing unless the Hearing Officer invites them to do so.
- › The hearing will usually be recorded so the Hearing Officer can refer to the recording when writing their decision.
- › During the hearing the Hearing Officer will give you the opportunity to put your case across and may ask questions to clarify any points they do not understand.
- › When the hearing has finished a member of staff will escort you back to reception.

Following the hearing

- › Whenever possible we will endeavour to issue you with a copy of the Hearing Officer's decision within 9 weeks of the hearing taking place. Occasionally, the Hearing Officer will need further time when the issues in dispute are of a complex nature. In these cases the Hearing Officer will endeavour to issue their decision within 17 weeks of the hearing.
- › The decision you receive is binding but can be appealed to the court within a set period of time (usually 28 days from the date of the decision).
- › Providing your application has been published a copy of the decision will be placed on our website.