

Annex 10

Your Reference:

Our Reference: 1R31/name/number ref

Date

Dear Sir

Title in bold

Latest date for response:

Date for filing of evidence:

Mediation

1. With regard to the above proceedings, the hearing officer has reviewed the statement and counter-statement and has formed the view that this is a dispute where mediation may result in a quicker and less costly resolution than will be possible through litigation. You are strongly advised to consider the use of mediation in this dispute.

2. If you are unfamiliar with mediation, there is further information in the leaflet enclosed, and on our website at the following address:

<https://www.gov.uk/intellectual-property-mediation>

In addition, if you wish, I can arrange for you to speak to one of the IPO's trained mediators.

3. If you are not prepared to try mediation, you should be aware that the hearing officer may ask you to explain your reasons (without prejudice to matters of privilege).

4. If you and the other side agree to try mediation, you should note that the proceedings will continue. If you and the other side would like us to suspend the proceedings until the outcome of the mediation is known, you will need to put the request in writing and send it to us.

Preliminary Evaluation

5. We do not intend to issue a Preliminary Evaluation relating to these proceedings at this time. However, we may do so, for example, following completion of the evidence rounds.

Evidence

[Explain how evidence rounds are to be conducted – in this example, evidence is filed simultaneously]

6. Both parties may now file their main evidence in support of their case. evidence should be filed within six weeks of the date of this letter and should be copied to the other side. Both sides should file their main evidence by

7. On receipt of the main evidence, both sides will then have the opportunity to file evidence in reply. Both sides will be allowed a period of six weeks for filing evidence in reply and should copy the evidence to the other side.

Expert witnesses

8. You are asked to note that where both sides appoint expert witnesses to file evidence, the witnesses may need to file a joint statement of agreed and disputed matters.

Hearing Date

9. The hearing in these proceedings has been scheduled for the week commencing (DATE). You should ensure that all your attendees, including counsel, are available for the whole of the week. We will write to you again at an appropriate time during the evidence rounds to confirm the actual days and make the necessary arrangements for the hearing.

10. The scheduled week provides sufficient time to complete the evidence rounds, for the parties to consider any preliminary evaluation issued after the evidence rounds have been completed and for expert witnesses to provide a joint statement of agreed and disputed matters if required.

11. If this particular week is inconvenient for you then please inform us within two weeks of this letter (DATE) so we may make alternative arrangements.

12. A letter in identical terms has been sent today to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate