

**Annex 2**  
**Decision letter NOPI**

**Your reference:** XXX

**Our reference:** 1R31/Name/GB/EP

Date

Dear Sirs

**Patent Number: GB/EP (Proprietor)**  
**Reference under Section XXX of the Patents Act 1977**

1. Please find enclosed a copy of a decision dated xxXXxx.
2. Decisions are normally made available for public inspection in full on our website. However, because this decision relates to an unpublished patent application, you are asked to let us know in writing **within 28 days of the date of this letter** whether you are content for us to publish the decision on our website. If nothing is received in writing from you, the decision will remain Not Open to Public Inspection until such time as the patent application is published.
3. The comptroller has declined to deal with these proceedings therefore under Civil Procedure Rule 63.11 any person seeking the court's determination of the reference needs to issue a claim form at the respective court within fourteen days of this decision. The claim form therefore needs to be filed at the court by (DATE – DECISION + 14 days). *Delete as appropriate – renumber paragraphs if necessary*

OR

3. As the decision has been in your favour, the application has been remitted to the examiner or other relevant case officer who will be in contact with you as required.

OR

3. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, an Appellants Notice (form N161) must be lodged with the Chancery Listings Office. Further details may be obtained from –

H M Courts & Tribunal Service  
Royal Courts of Justice Group  
Chancery Listings Office  
7 The Rolls Building  
Fetter Lane  
London

EC4A 1NL

Telephone no. 020 7947 6890/6294/6243/6690/7121/7717

4. Three copies of the Appellant's Notice must be lodged with the Listings Appeals Office (address above) together with the current fee, grounds of the appeal and a signed copy of the IPO decision within the time period specified in the decision. The latest date for appeal is therefore xxXXxx. Please note that the Appellants Notice should be handed in to the Listing Office or as a last alternative posted to them. It should not be handed in to another court, e-mailed or faxed as this will result in long delays as the Listing Office cannot accept the Notice by these methods. **Any request for an extension to the appeal period identified in the decision must be made to the court.**

5. Once you have filed your appeal, you must send a copy of the sealed Appellant's Notice to both this office and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.

6. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

A letter in identical terms is being sent to the other side. *(delete as required)*

Yours faithfully

Name (Hearings Clerk)  
Litigation Section  
Patents Directorate