

Annex 4

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

I refer to our letter dated xxXXxx in which you were notified of the allocated period for holding the substantive hearing. I can now confirm that the hearing will be held on XX XXX XXXX starting at XX:XX daily. The hearing will be held at 4 Abbey Orchard Street, London, SW1P 2HT / Concept House, Cardiff Road, Newport, NP10 8QQ. Please report to reception shortly before the hearing is due to start. *(delete as necessary)*

For security purposes, please let me have a list of all those attending from your side as soon as possible, and confirm whether they require any special arrangements to be made for the hearing.

All correspondence relating to the hearing should now be addressed to the hearing clerk. Please do not use the electronic filing system if sending correspondence. Full instructions on how to send to us can be found on the fact sheet.

Please be aware, if you are attending a hearing in person, you will be entering an official government building. Therefore, due to security reasons, you will be escorted by a member of staff AT ALL TIMES whilst in the building.

You should do the following by the dates specified:-

8 weeks before the Hearing, i.e. by xxXXxx

Arrangements for the Hearing

You may wish to be represented at the hearing either by a patent attorney, Counsel (a barrister) or another representative. If so, please

- (a) Select your Counsel or other representative and tell us and the other side.
- (b) Tell your own Counsel or representative
 - i) that the case is shortly to be ready for a hearing and that a date has been set.
 - ii) the name and details of the other party's Counsel or representative.

It is essential that you attend to the selection of your representative in good time and that each representative is informed as quickly as possible of each other's name and contact details.

2 Weeks before the Hearing, i.e. by xxXXxx

As agreed, the hearing has been scheduled for **X** day. You should confirm that this is acceptable.

Cross Examination & Running Order

Please inform me if cross-examination is being sought, provide an explanation of why it is needed and indicate how long it is expected to last. You should also provide me with the names of the witnesses you wish to cross-examine. When cross-examination takes place at a hearing, retiring rooms will be provided for each party where possible. If you do not require this facility please let me know. You should also let me know if cross-examination is not required.

Where a hearing is expected to run for more than one day and especially where cross-examination of witnesses is to take place, it is usual for the parties to prepare a running order for the Hearing Officer. This should be provided by the above date.

Same Day or Next day transcripts

Where the hearing extends to more than one day, if you require same day or next day transcripts you will need to contact the office so that we can make the necessary arrangements. **Please note that the parties will be responsible for the extra costs incurred.**

Digital Evidence

If you intend submitting digital evidence at the hearing please let us know by the above date so that we can ensure the necessary IT equipment is in place.

7 days before the Hearing, i.e. by xxXXxx

Skeleton Arguments

You are expected to provide a skeleton argument (an outline of the argument you intend to present at the hearing) by the above date. However it would be helpful to provide this sooner where possible. You should send a copy of your arguments to the other side in sufficient time before the hearing to enable them to properly consider them.

Evidence Bundles

You are expected to supply bundles for the hearing and to take them with you to the hearing venue. If you are unable to do this then please forward them to me by the above date to:-

The Intellectual Property Office
Patents Hearings Clerk Room 1R31
Concept House
Cardiff Road
Newport
NP10 8QQ

Please remember to include copies for the other party, the transcript writer, the hearing officer and the witnesses (if there is to be cross examination). **If taking directly to the hearing venue then please send me a copy for the hearing officer, again to arrive at least 7 days before the hearing.**

Precedents and Authorities

If you intend to refer to any precedents or authorities at the hearing please include them at the same time as sending the bundles. Again if you will be taking the bundles direct to the hearing venue then please **send me a copy of the authorities with the bundle for the hearing officer to arrive at least 7 days before the hearing.**

Issuing Decisions

Decisions will normally be issued by post but can be issued by e-mail if requested. Please see attached fact sheet for further information.

Any further correspondence relating to this hearing should be marked –

"URGENT HEARING - for the immediate attention of "Hearings Clerk"
Room 1R31
Concept House
Cardiff Road
Newport
NP10 8QQ

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

Yours faithfully

Name (Hearings Clerk)
Litigation Section
Patents Directorate