

## Annex 8

**Your Reference:**

**Our Reference: Room no./name/number ref**

Date

Dear Sir

***Title in bold***

### **Mediation**

1. With regard to the above proceedings, the hearing officer has reviewed the statement and counterstatement 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 Intellectual Property Office'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**

Either:

5. A Preliminary Evaluation is to be issued in due course. The Preliminary Evaluation will be sent to you and the other side. For further information about Preliminary Evaluations, please see Tribunal Practice Notice TNP 3/2009 published on our web site at:

<https://www.gov.uk/government/news/archived-versions-of-tribunal-practice-notice>

6. A letter in identical terms has been sent today to the other side. (Edit as appropriate)

Yours faithfully

Name  
Litigation Section  
Patents Directorate

Or:

5. A Preliminary Evaluation is to be issued in due course. The Preliminary Evaluation will be sent to you and the other side.

6. The main aim of a Preliminary Evaluation is to help you and the other side focus on the issues in dispute. It may also assist in the efficient conduct of the proceedings. The Preliminary Evaluation may set out our preliminary views of the issues in dispute or it may highlight questions that you and the other side need to address. It is not however an official decision. This means that you and the other side will not be able to appeal it.

7. You should note that when awarding costs in these proceedings, we will consider whether you and the other side have acted unreasonably in the light of the Preliminary Evaluation.

8. For further information about Preliminary Evaluations, please see the enclosed booklet entitled **Patents: Deciding Disputes** and Tribunal Practice Notice TPN 3/2009 published on our web site at:

<https://www.gov.uk/government/news/archived-versions-of-tribunal-practice-notice>

9. A copy of this letter has been sent today to the other side. (Edit as appropriate).

Yours faithfully

Name  
Section  
Directorate