

Annex 4 – Inter Partes Hearing arrangements letter

Proprietor
c/o

Intellectual Property Office
TTMD Directorate
Concept House
Cardiff Road, Newport
South Wales, NP10 8QQ

Direct Line: 01633 814341
E-Mail: PDHearings@ipo.gov.uk
Switchboard: 0300 300 2000
Fax: 01633 814491
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Your reference: XXX

Our reference: 2G33/Name/GB/EP

Date

Dear Sirs

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

**PLEASE BE AWARE THAT THE ADDRESS OF OUR LONDON OFFICE HAS
CHANGED**

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 3rd Floor, Aldgate Tower, 2 Lemn Street, London, E1 8FA / Concept House, Cardiff Road, Newport, NP10 8QQ. Please report to reception shortly before the hearing is due to start. *(delete as necessary)*

OR

I can now confirm that the hearing will take place on xxXXxx starting at x:xx am. The hearing will be held at Concept House, Cardiff Road, Newport, NP10 8QQ by **telephone conference**. You will receive an email appointment which will have the connection details on it. **Please contact us if you do not receive this at least 1 week before the hearing.**

OR

I can now confirm that the hearing will take place on xxXXxx starting at x:xx am. The hearing will be held at Concept House, Cardiff Road, Newport, NP10 8QQ and by **video conference** with our London Office, 3rd Floor, Aldgate Tower, 2 Lemn Street,

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London, E1 8FA. Please report to reception shortly before the hearing is due to start./ with your premises. We will contact you approximately one week before the hearing to make the necessary arrangements. *(delete as appropriate)*

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.

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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 2G33
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

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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 email and post unless the decision is not open to public inspection. 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 2G33
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)
Tribunal Section
TTMD Directorate

INFORMATION ON HEARING ARRANGEMENTS

The information below may be of some assistance to you when preparing for your hearing.

SENDING CORRESPONDENCE TO THE HEARING CLERK

All correspondence relating to the hearing should now be addressed to the hearing clerk. If sending anything to us electronically please use the e-mail address above – **do not** use the electronic filing system as we are not directly linked to it and it may take several days to reach us. Incoming e-mails larger than 10 MB may be caught by our firewall so if necessary please send several smaller e-mails rather than one large one. We will acknowledge receipt of all e-mails but if you are worried that we have not received anything then please do telephone us.

CROSS EXAMINATION

During litigation proceedings individuals may be asked to provide a witness statement in evidence to support the case of one of the sides involved in the dispute. When the

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dispute is “heard”, (i.e. there is a hearing to determine the matter), it is likely that the witness may be called to be cross examined by the other side.

Where a party wishes to cross examine a witness, they must provide details of the witness they wish to cross examine, an explanation of why cross examination is needed and provide an estimate of how long the cross examination is likely to take.

If there are any special arrangements required for cross examination of a witness such as for example, the requirement for an alternative oath or holy text, please inform the Hearings Clerk immediately to ensure there is adequate time to make the necessary arrangements. Please inform the Hearings Clerk if cross examination of a witness by video conference is required. However please note that where a party makes such a request, they will be responsible for making the necessary arrangements for video conferencing.

RUNNING ORDER

A running order is a schedule of the proposed timetable for the hearing and is produced by agreement between both parties. It is usually required where witnesses are to be cross examined or the hearing is scheduled to take place over two days or more. The running order should take into account:-

- Opening arguments by both parties
- An estimate of the length of cross examination
- The order that the witnesses are to be cross examined
- The names of witnesses to be cross examined
- Closing arguments by both parties

The proposed running order should be filed by the claimant for consideration of the hearing officer.

TRANSCRIPTS

A transcript is a typed record of the argument and cross examination conducted during the hearing. A transcript writer will usually be present at all substantive Inter Parte hearings. If the parties require same day or next day transcripts, these can be arranged, however the parties will bear the costs. A digital recorder will usually be used in all other hearings.

EVIDENCE BUNDLES

Bundles are all of the key documents filed by both parties during the proceedings which are likely to be referred to at the hearing. As such copies are required for those present at the hearing. The responsibility for preparing the bundles lies with the claimant but the content should be produced in agreement with the defendant.

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Once the parties have an agreed set of bundles, the claimant should provide copies for the:-

- Hearing Officer
- Transcript writer
- Defendant
- Witnesses (where cross-examination is sought, if deemed appropriate)

If the hearing is being held in London or at an alternative venue, one set of bundles should be sent directly to Newport for the Hearing Officer, within the deadline set in the arrangements letter and the remaining bundles should be taken to the hearing venue.

SKELETON ARGUMENTS

A skeleton argument is an outline of the argument to be presented by the parties at the hearing. These should be filed by both parties and sent directly to the Hearings Clerk within the deadline set in the arrangements letter.

PRECEDENTS (AUTHORITIES)

Precedent cases (authorities) are previous legal decisions that either party may wish to rely on during the hearing to support their case. The Hearings clerk should be notified of the precedents required by each party within the deadline stated in the arrangements letter. Copies of any precedents you intend to rely on at the hearing should be sent to the hearing clerk for the hearing officer at the same time as the skeleton arguments or at least 7 days beforehand if you are not supplying any skeleton arguments.

DIGITAL EVIDENCE

If you will be providing evidence in a digital format, wherever possible it should be supplied in MPEG format on a CD-ROM. If you intend taking digital evidence to a hearing you should ensure that it is on a CD-ROM as we will not be able to play evidence submitted in other formats or be able to download from other formats on the day.

DECISIONS

There is an office target to issue decisions within 12 weeks of the hearing date. The need for further submissions, the complexity of the case or other workload priorities may delay the issuing of your decision. Decisions are normally issued by post and e-mail. If decisions are NOPI (Not Open to Public Inspection), but you would like a copy by e-mail then please tell us as soon as possible. We will require notification from you that you accept liability for any loss during transmission and the copy that you receive electronically will not be signed.