

Annex 6 – Ex Parte Hearing Arrangements letter

XXXXXXX  
c/o XXXXXXXXXXXXXXXX

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

**Direct Line:** 01633 814341  
**Email:** PDHearings@ipo.gov.uk  
**Switchboard:** 01633 814000  
**Fax:** 01633 814491  
**Minicom:** 08459 222250

**Your reference:** XXXXXXXXXXXXXXXX

**Our reference:** 2G33/XX/XXXXXXXXXXXX

*Date*

Dear Sirs

**Patent Number:** GBXXXXXX(**Proprietor**)

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

1) I am pleased to inform you 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/ 3<sup>rd</sup> Floor, Aldgate Tower, 2 Leman Street, London, E1 8FA (*delete as required*).

Please report to reception shortly before the hearing is due to start.

**OR**

1) I am pleased to inform you 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**

1) I am pleased to inform you 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, 3<sup>rd</sup> Floor, Aldgate Tower, 2 Leman Street, London, E1 8FA. Please report to reception shortly before the hearing

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is due to start./ with your premises. You will receive an Outlook appointment with the necessary connection details, if you do not receive this at least 1 week before the hearing please let us know. If you would like to make a test connection beforehand, please let us know. *(delete as appropriate)*

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

3) If you intend submitting a skeleton argument please e-mail (if possible) or fax the document **at least 7 days before the hearing, that is xxXXxx**. If you intend to refer to any precedents at the hearing, please send them at the same time as the skeleton argument. In **SPC** cases we would expect that the applicant/agent will bring 3 bundles of all necessary documents to the hearing. *(delete as appropriate)*

4) Please note it is our practice to digitally sound-record hearings and not to have a transcript writer. If you would like a transcript of the hearing you will need to contact the office so that we can make the necessary arrangements. **Please note that you will be responsible for the extra costs incurred.**

5) 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.

6) Decisions will normally be issued by e-mail and post. Please see attached fact sheet for further information.

7) Until the hearing, any further correspondence should be marked –  
URGENT HEARING – For the attention of XXXX XXXX ROOM 2G33,  
CONCEPT HOUSE,  
CARDIFF ROAD,  
NEWPORT,  
NP10 8QQ.

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.

Yours faithfully

Name (Hearings Clerk)  
Tribunals 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 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

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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.

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

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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.