

CHAPTER 4

HEARINGS

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4 HEARINGS

INTRODUCTION

What is a hearing?

- 4.01 Sometimes, while looking into a patent application or granted patent, an examiner might object to certain things about it. A patent applicant will always be given a chance to overcome these objections, but that may not always be easy. Before making any decision that might adversely affect the applicant, he is entitled to ask for “a hearing” (see section 101 of Patents Act 1977).
- 4.02 A hearing is a way of taking things forward. It gives the applicant the chance to explain his or her case in person to one of our senior officers known as a “hearing officer”. The hearing officer is independent and will look at all sides of the argument before making the final decision about the case. If the applicant doesn’t agree with the decision, he can file an appeal (see Chapter 6).
- 4.03 Sometimes two or more opposing parties may be in dispute over a patent or patent application. If this happens, we might be able to help settle the dispute, but obviously the parties would need to tell us about it. They may not always agree with what we say. If we can’t overcome these differences, either of those involved may ask us for a hearing. Both sides will be invited to attend the hearing. The hearing officer will listen to both sides of the argument and will give a written decision. If one side does not agree with the decision, they can file an appeal (see Chapter 6).

Types of hearings

- 4.04 There are generally two types of hearings – *ex parte* and *inter partes*. There is no fee to pay in relation to either of these. As well as arranging hearings, the hearings clerks may also be involved in arranging Case Management Conferences (CMCs) and Pre-hearing Reviews.

Ex parte hearings

4.05 This is the name given to hearings held between a single party (either private individuals or firms) and the Office. An *ex parte* hearing may be held for example where:

- an applicant is in disagreement with an examiner about whether his application meets the requirements of the Act and is patentable
- an applicant is in disagreement with a case officer concerning whether his granted patent should be restored

Inter partes hearings

4.06 These are hearings held between two parties who are in dispute over something to do with their patents. *Inter partes* hearings may be:

- Substantive - an example would be the main hearing held to decide the proceedings
- Preliminary hearings – these may be held to sort out problems that arise within proceedings. They may be held at the request of either party or at the suggestion of the Office with the agreement of the HO. The procedure for preparing a preliminary hearing is similar to that for the substantive hearing. However it is important that the parties are informed in writing of the exact issue to be determined and what documents need to be supplied (see annex 9).

Case Management Conference

4.07 The HO has the power to call a Case Management Conference (CMC) to help clarify the issues or give directions on the future conduct of a case. A conference may be called at any stage in the proceedings. It will probably be unnecessary for the parties to supply the vast number of documents for the CMC as required by the Civil Procedures Rules (see paragraphs 4.8 and 4.9 of the practice Direction to Part 63). When arranging a CMC, you should consult the HO and ask him to provide an indication of what documents need to be supplied.

Pre hearing Reviews

- 4.08 These may be called by the HO so he can give directions on the management of the hearing. A review is unlikely to be necessary unless the proceedings are complex.

Is it always necessary to have a hearing?

Ex parte cases

- 4.09 No. It is open to a patent applicant for example, to ask that a decision be made by a HO based on the papers he has filed.

Inter partes cases

- 4.10 No. Again it is open to the parties involved in the dispute to ask that a HO make a decision on the case based on the papers filed. However both side involved in the dispute must agree to this – if they don't, then a hearing will probably be required.

Case Management Conferences and Pre-hearing Reviews

- 4.11 These are rare and tend to be called at the request of the HO.

Where are hearings held?

- 4.12 Hearings can be held anywhere in the UK, but are normally held at one of our Offices.

Ex parte hearings

- 4.13 These are usually held at our Newport Office. They may also be held by telephone or video conference link.

Inter partes hearings

- 4.14 These are usually held at our London Office. Preliminary hearings are usually held by video conference link though occasionally they may also be held at our London Office.

Case Management Conferences and Pre-hearing Reviews

- 4.15 These may be conducted by video conference or telephone or, as for hearings, the parties may appear in person before the HO. You should consult the HO about how he wishes to run the CMC / Pre-hearing Review before seeking agreement from the parties.
- 4.16 When arranging a hearing/CMC/ Pre-hearing Review, you need to check with the party(ies) where they would like this held. Any dispute over venue should be referred to the HO. However you should note that where counsel is involved, London will probably be the preferred venue.

HOW TO ARRANGE A HEARING

Initial action for *ex parte* and *inter partes* hearings

4.17 To start with you need to:

- Insert basic information relating to the hearing in either the *ex parte* spreadsheet or the *inter partes* spreadsheet located on the “H” drive under H/Litigation/Hearings spreadsheet. Remember to include contact details for *ex parte* hearings. (B3 has responsibility for spreadsheet).
- Allocate HO. This may have already been done for *inter partes* cases but for *ex parte* cases, a hearing officer will not have been allocated. Check the *ex parte* rota within Excel spreadsheet to ensure an even distribution of work amongst HOs.
- If the hearing is for an *ex parte* case, make up a movement card for the case. It is important that this is kept up-to-date so that the patent file can be easily located. [Note: *inter partes* cases are dealt with in Litigation Section so a movement card will already have been made up].
- Make up a hearings folder. This should contain all working documents relating to the hearing and copies of any correspondence sent or received in connection with the hearing (see annex 1 for how to make up a hearings folder). The hearings folder is not open to public inspection. Some *inter partes* cases may have more than one hearing. A new hearings folder should be made up each time a hearing is arranged.
- *Inter partes* hearings – once all the actions above have been completed, you need to either return the files to the B2 case officer to await evidence in reply or send them to the HO. The hearings folders remain in Litigation Section. The HO will allocate a HA and will inform you of this. You need to update the Excel spreadsheet with the name of the HA.

- *Ex parte* hearings – once all the actions above have been completed, you need to send the file to the allocated HO.

Target for above actions is five days from receipt of file

Arranging a date for the hearing

Inter partes *hearings*

4.18 Issue letter to both parties (see annex 3)

4.19 The target is for all *inter partes* hearings to be heard within a window of approximately 4 months of the start of the final evidence round and this must be reflected in the letter when setting the date. If the final round of evidence has already been filed, the hearing should be held within a three month window from the date of the letter.

4.20 For preliminary hearings, case management conferences and pre-hearing reviews, the parties must agree to a hearing within the timescale set by the Office. The hearings clerk should seek guidance from the HO on the window of time that should be offered.

- Enter case in diary so as not to lose track of when response is due
- If no response is received from the parties, telephone and check the position

4.21 If the parties are having problems finding a mutually convenient date, the matter should be referred to the HO. On rare occasions where parties have not been able to reach agreement, the Office has set a date.

Ex parte *hearings*

4.22 You need to:

- Check HO diary and make a note of any dates he/she is not available
- Contact party (applicant/agent) by telephone and ask for range of provisional dates
- Check if party requires any special arrangement
- Check how long the hearing is likely to be
- Check if party intends to use counsel
- Check with HO whether they wish to hold the hearing in their Office or whether they would prefer a conference/meeting room booked. If a conference room is to be booked, check availability.

4.23 In both cases, you need to ensure that the HO/HA/parties/representatives (agent, counsel) all agree to the proposed date. If counsel is appointed, the hearings clerk will need to agree the date for the hearing with the relevant Counsel Clerk.

4.24 When setting a date, you should generally give the party(ies) at least 4 days notice of when the hearing will be held. It is possible however for the comptroller to exercise discretion and set a shorter period under rule 110(2A) of the Patent Rules 1995.

4.25 When arranging preliminary hearings, case management conferences and pre-hearing reviews, the parties must agree to a hearing within the timescale set by the Office. You should seek guidance from the HO on the window of time that should be offered.

Once a date and venue has been agreed, this information should be entered on the Excel spreadsheet. The hearings folder should also be updated particularly if counsel are involved.

ACTION ONCE HEARING DATE(S) AGREED

If hearing in London

4.26 Action as follows:

- Contact the London Hearings Clerks to establish whether a courtroom is available. Substantive hearings will generally be held in the main courtrooms, Tribunal Rooms 1,2 and 3 but a number of other rooms are available. These may be more suitable for smaller hearings (see annex 4).
- If the hearing is *inter partes* and (i) counsel are due to attend (ii) there will be cross-examination of witness (iii) a large number of people of due to attend the hearing, contact the London Hearings Clerks to arrange for retirement rooms (one for each party).
- Contact Trade Marks Hearings Clerk if TMD has already booked the main courtroom. They may be willing to change rooms.
- If a courtroom is available, telephone all parties to confirm that the date is now definite and confirm this and any special arrangements made for the hearing in writing (annex 5(a), 5(b) or 5(c))
- Confirm by email room booking with London hearings clerk (see annex 6)
- Enter date of hearing in HO/HA electronic calendars – block out whole day
- Check with HO whether observer has been appointed. If not, contact the next examiner on the list under H/Litigation/Assistants and Observers to find someone who can attend the hearing. Once an observer has been agreed, update the list and send them block their diary for the day.
- Copy appointment to hearings team
- Arrange shorthand writer for hearing. Contact by telephone and send confirmation including hearing details pro forma by email (see annex 7). For multi-day hearings, book a separate room for use by the shorthand writer.
- Enter the hearing details on the hearing list and on the electronic diary.
- Mark the electronic diary with a prompt a few days before the hearing as a reminder to send all the files and evidence to the hearings venue in good time for the hearing.
- Update Excel spreadsheet, hearings folder and hearings list on web site.

If hearing in Newport

4.27 Action as follows:

- If the hearing is *inter partes*, a conference room should be booked. To book a conference/meeting room, use the electronic appointment system. [You may also need to book a conference room for *ex parte* hearings (see 4.22 above)]
- Check with HO whether observer has been appointed (see under 'If hearing in London').
- Check if any of the parties are due to arrive by car. If so, ask for names and car registration numbers in order to book parking bays through Accommodation Section. Include the details of the parking bays in the letter confirming the hearing date.
- Provide Accommodation Section with a list of those due to attend the hearing. Accommodation Section will ensure reception staff are informed.
- Arrange for Accommodation Section to place 'Quiet please. Hearing in Progress' signs outside the hearing room.
- If the video conference link is required, telephone IT Helpdesk (ext 3500). Often the video link will be convened with Harmsworth House so it will be necessary to liaise with the London Hearings Clerks so they can book the conferencing facility their end.

Note: TMD block book the video conference room every Thursday so you should try to avoid this day if possible.

Once a room has been booked, telephone parties to confirm the date of the hearing and confirm this and any special arrangements made for the hearing in writing (see annex 5c)

- Enter date of hearing in HO/HA/Office reps/Observers calendars
- Copy appointment to hearings team.
- Arrange shorthand writer. Contact by telephone and confirm by email. It is rare to have a multi-day hearing in Newport but if the hearing is due to run over a few days, book a separate room for the shorthand writer to use.
- Mark the electronic diary with a prompt a few days before the hearing as a reminder to check HO has been sent files and any evidence.
- Update Excel spreadsheet, hearings folder and hearings list on web site

Inter partes hearing - Cross-examination by video link

4.28 Sometimes it is not feasible or sensible for a witness to attend the hearing in

person to be cross-examined. In these circumstances, the hearing officer can allow cross-examination to be carried out using a video conferencing link. It is up to the party whose witness it is to make the necessary arrangements. They will need to book video conferencing facilities at the remote end and give us details in good time so that those in Harmsworth House can check the communication link and make sure it works satisfactorily. It is essential that where one party is located at a remote site and the other party is located in the presence of the HO that all relevant people are clearly visible on the video link. This will ensure that the person at the remote site can see that the hearing is being conducted fairly.

SENDING PROCEEDINGS FILES TO LONDON

Inter partes hearings

4.29 Check with the HO that he would like the proceedings file and/or evidence sent to London prior to the hearing – this is usual practice. If he does, action as follows:

- Place the file and evidence in a white box and number and label the box(es). The label should include:
 - a. Patent Number (where relevant)
 - b. Parties to the proceedings
 - c. On a card write the address of the London Hearing Clerks: Hearings Clerk, Room 1.10, Harmsworth House, London. On the reverse of the card write the address of Litigation Section: Litigation Section, Room 3Y31, Concept House, Newport. With the front side of the card visible, send the box by the internal van service to Harmsworth House, London. It is necessary to ensure that the box is sent on the appropriate van in order to arrive in London in plenty of time for the hearing.

ACTION THE DAY BEFORE THE HEARING

4.30 The day before the hearing, take the following action:

- Where the hearing is in London, send a separate list of those attending to the London Hearings Clerks
- Where the hearing is *inter partes* and skeleton arguments have not been provided, contact the parties to clarify the situation. When skeleton arguments are received, pass them immediately to the HO and HA.
- Obtain copies of authorities for HO and HA
- If no authorities are provided, telephone the agent/Counsel/applicant and ask if authorities are to be referred to during the hearing and what they are. If we do not hold them, ask that they supply us with a copy.
- Inform HO and HA what the authorities are as soon as possible.

ON THE DAY OF THE HEARING

If hearing in Newport

4.31 If the hearing is in Newport, you need to:

- Check with reception that the names of those attending are in the diary and that the hearing clerk's name is given as the person to be contacted when the party or representative arrives. The Hearings Clerk will need to escort the party and/or their representative to the hearing room.
- Check the hearing room is set out correctly and that the swearing in books and cards kept in Litigation Section are in place (if required) and water is available, etc. Check that Accommodation have placed "Quiet please. Hearing in progress" signs outside the room.
- If the hearing is via the video link, check the video room before the start of the hearing and make sure everything is prepared and that the equipment is working.
- Check with the HO that there is nothing he/she requires you to do.

- When shorthand writer arrives, escort him/her to the room.
- When the parties arrive, contact the HO and escort the parties to the room.
- The HO may wish to be announced – check with HO. If this is necessary, open the door and say "the Hearing Officer". There is no need for those present to stand. The HO will enter and then you can leave.
- When the hearing is over, escort all parties back to Reception.

If hearing in London

4.32 If skeleton arguments arrive for an *inter partes* hearing a) after working hours the day before the hearing or b) on the day of the hearing, and the hearing is in London, you need to fax or email copies to the London Hearings Clerk who will then distribute to the HO and HA on arrival.

RETURN OF FILES FROM LONDON

4.33 Where an *inter partes* hearing has taken place in London, the proceedings file and evidence will need to be returned to the Newport Office. Ideally the HA should address for box to their own office room in Newport. If not, the London Hearings Clerk should reverse the address label on the box and send it to Litigation Section.

HEARINGS NO LONGER REQUIRED/POSTPONED

4.34 If a hearing is no longer required you need to refer to the Cancellation checklist (see annex 8) and carry out the following action:

- Inform the HO, HA, office representative, shorthand writer and any other interested parties immediately
- Update the excel hearings spreadsheet

4.35 If a party wishes to postpone the hearing, you should:

- Contact the HO and obtain agreement to this. If the hearing was due to be held in relation to an *inter partes* case, the HO will usually ask you to seek the views of the other side before confirming the hearing may be re-arranged.
- If the postponement is allowed, advise all parties and cancel the shorthand writer and the room booking. If appropriate, contact the London Hearings Clerk.
- Update the excel hearings spreadsheet

HEARINGS LIST (see annex 9)

4.36 The hearings list shows details of hearings arranged, ie the date, time, location, the names of the HO, HO, Office Representative and observers and the name of the shorthand writer. The list may also contain the names of those attending the hearing.

4.37 The hearings list is placed on the Office's website so it is essential that the internet team is informed of any updates as soon as possible. When the list is updated, send a copy to:

- The Head of Litigation Section
- London Hearings Clerk.
- All staff in the Hearings Team
- Webmaster

4.38 The list should be sent to internal customers electronically. A paper copy of the list should be placed on the notice board in Litigation Section.

SKELETON ARGUMENTS

4.39 A skeleton argument is an outline of the submissions a party proposes to make at a hearing.

Inter partes hearings

4.40 The letter confirming the hearing date includes a paragraph requesting skeleton arguments (annex 5a). Parties are expected to provide skeleton arguments preferably by email.

Ex parte hearings

4.41 It is rare for skeleton arguments to be provided for *ex parte* hearings. Where they are filed, it is advisable to take instructions from the HO.

AUTHORITIES

4.42 These are precedent cases/decisions that a party may refer to in the course of a hearing. They are usually Reported Patent Cases or Fleet Street Reports. Copies of both can be found in room 3Y31. In both *inter partes* and *ex parte* proceedings, the party(ies) involved should inform the Hearings Clerk at least 24 hours prior to the hearing if they intend to refer to any authorities and should provide a list of these (see also letter confirming hearing date in *inter partes* proceedings annex 5a)

4.43 Generally the London Hearings Clerk will be responsible for providing authorities for hearings in London. The Newport Hearings Clerk should provide the London Hearings clerk with skeleton arguments containing authorities or a separate list of authorities.

4.44 The Newport Hearings Clerks should review the authorities listed to determine whether any unusual authorities are quoted. If they are, the Newport Hearings Clerks should seek to obtain copies.

4.45 Authorities will generally be provided close to the date of the hearing, however, if a party wants to refer to a new document at the hearing (other than a decision or court judgment) generally 14 days notice should be provided to the comptroller and any relevant party to the proceedings. The comptroller however has discretion on this matter and may, for example, reduce this period under rule 110(2A) of the Patent Rules 1995.

BUNDLES

Inter partes hearings

4.46 Occasionally bundles consisting of copies of all the papers filed in the proceedings are produced. It is the responsibility of the claimants' representative to compile them. Copies should be provided to the other side in good time so that both parties can use them effectively during the hearing. At least two copies should be supplied to the Office (one for the Hearing Officer and one for the shorthand writer), plus a third one for use by witnesses if they are being cross-examined. If there is to be cross-examination and bundles are not used, the parties still need to ensure between them that they have a spare set of all documents for the witness. In *inter partes* proceedings, the parties should be instructed to send bundles directly to the hearings venue, ie generally our London Office at Harmsworth House.

Ex parte hearing

4.47 It is rare for a party to provide bundles at *ex parte* hearings.

MAIL

4.48 Any correspondence relating to the hearing should be taken as soon as possible by hand to the HO (copy to Assistant / Office representative) and recorded in the minutes on the main proceedings file. The original document should be placed on the proceedings file and a copy of the correspondence, if relating to the hearing, on the hearings folder.

TRANSCRIPTS

4.49 The transcript of the hearing is usually sent by email. You need to:

- Update the excel spreadsheet with the date the transcript is received

GENERAL

4.50 Remember **Cases awaiting hearing dates to be confirmed should be checked on a regular basis**

- **Always keep relevant people informed**
- **Always not file movement**
- **Always not the minute sheet on the file**
- **Always check whether the excel spreadsheet needs updating**
- **Remember to book (and cancel where appropriate) the shorthand writer**
- **Only *inter partes* substantive hearings start with an initial letter**
- **Phone the relevant shorthand writer if there is a delay in obtaining the transcript**
- **Where relevant make available the appropriate Holy Book for the swearing of witnesses. Both Newport and London have a selection of bibles and the Koran. The Hearings Clerk should check prior to the hearing whether those giving oral testimony wish to swear to affirm.**

Annex 1

Making Up Hearings File

Hearings file consists of white binder and purple inserts (cover and spine)

Complete details on front cover and spine:

Name of party(ies)
Patent Number
Hearing Officer

Hearings arrangement sheet and checklist

Print and place on file (see 'h'/ Litigation/useful templates and circulations/hearing templates)

Complete the arrangement sheet – update as appropriate

Complete Hearings checklist – enter date actioned

Correspondence

Inter partes - Take a copy of the last letter on the inter partes file and place on hearingsfolder

Ex parte - Take a copy of the last letter on file either from the applicant requesting a hearing or to the applicant informing him that case is being referred for a hearing.

ANNEX 1a

HEARING ARRANGEMENT SHEET	DATE SET -
----------------------------------	-------------------

PATENT NO

SECTION.....

REFERENCE

Patentee

Referrer

Agents

Agents

Telephone

Telephone

Fax

Fax

Contact/ref

Contact/ref.....

Contact name.....

Contact name.....

Counsel.....

Counsel.....

Clerk

Clerk

Telephone

Telephone

Attendees

Attendees

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.....

.....

.....

.....

.....

HO

HA.....

Room

Room.....

Ext

CO.....

Room.....

Ext.....

ANNEX 2

HEARINGS CHECKLIST

COT - Council on Tribunal information

	<i>EX PARTE</i>	<i>INTER PARTES</i>
FILE RECEIVED		
DATE HEARING REQUEST TO EXAMINER RECEIVED/ DATE WHEN OFFICE OFFERS HEARING - <i>ex parte</i> (COT)		
DATE REQUEST FOR PRELIMINARY HEARING/CMC RECEIVED - <i>inter partes</i> (COT)		
DATE LAST EVIDENCE FILED - <i>inter partes</i> (COT)		
FILE SENT TO HEARING ASSISTANT/LIT. MANAGER		
INITIAL LETTERS ISSUED		
PARTIES CONTACTED REGARDING DATE		
HEARING DATE - <i>ex parte & inter partes</i> (COT)		
PARTIES INFORMED		
HEARING OFFICER INFORMED		
HEARING ASSISTANT INFORMED		
COURT ROOM BOOKED		
SHORTHAND WRITER BOOKED		
OBSERVER APPOINTED		
DIARY MARKED MANUAL & ELECTRONIC		
WEEKLY HEARINGS LIST		
LIST OF ATTENDEES		

AUTHORITIES CHECKED		
FILE SENT TO HEARING		
TRANSCRIPT RECEIVED		
DECISION ISSUED - <i>ex parte</i> & <i>inter partes</i> (COT)		
DECISION APPEALED		

Annex 3

c/o

**Patents Directorate
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ**

Direct Line: 01633 81****
Email: *****@ipo.gov.uk
Switchboard: 01633 814000
Fax: 01633 814491
Minicom: 08459 222250
DX: 722540/41 Cleppa Park 3
internet: <http://www.ipo.gov.uk>

Your Reference:
Our Reference: 3Y31/name/file reference

Date

Dear Sir

Title in bold

Latest date for reply : *****

1) I wish to arrange a date for a substantive hearing.

Arrangements for the Hearing and Cross-Examination

2) I will not take any steps within the next three weeks to appoint the hearing. This interval is to allow you the opportunity to agree a mutually-convenient date with the other side, within certain limits.

You may wish to be represented at the hearing by Counsel (a barrister) or other representative.

You should do the following by ***** -

- (a) Select your Counsel or other representative and tell the other party and this Office accordingly.
- (b) Tell your own Counsel or representative
 - i) that the case is ready for hearing
 - ii) the name and details of the other party's Counsel or representative
 - iii) that they should agree a provisional date for the hearing with the other party's Counsel or representative.

The agreed date should be within the period ***** to *****. If you would like an earlier date this may be possible, but please check with me first. It is essential that you do not leave the selection of your representative to the end of the period and that each representative is informed as quickly as possible of each other's name and contact details

- (c) Let me know the provisional date so I can check that the Hearing Officer is available on the date you have suggested.
- (d) 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, where possible, retiring rooms will be provided for each party. If you do not require this facility please indicate accordingly. If cross-examination is not required, it will be necessary to let me know accordingly.
- (e) Please inform me if anyone attending the hearing from your side has a disability which requires us to make special arrangements.
- (f) Give me an indication of the likely length of the hearing, allowing for any cross-examination.

3) If you have not given me a provisional date for the hearing by ***** , I will set a firm date, which will probably be within the period mentioned above. It will then be up to you to find a representative who is able to appear on that date and make arrangements for any witnesses who are to be cross-examined to attend.

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

Yours faithfully

Name (Hearings Clerk)
Litigation Section,
Patents Directorate

ANNEX 4

HEARINGS ROOMS - HARMSWORTH HOUSE

ROOM	CAPACITY	TYPE	FACILITIES
A3	28	BOARD ROOM	POWERPOINT
	32	SCHOOL	
	70	CINEMA	
A2	24	ROUND TABLE	POWERPOINT
	48	CINEMA	
1.18	6	MEETING	
T.R 3	20	BOARD ROOM	
	22	COURT ROOM	
	40	CINEMA	
T.R 2	20	BOARD ROOM	
	22	COURT ROOM	
	40	CINEMA	
T.R 1	32	COURT ROOM	
T.R 2 & T.R 3	71	COURT ROOM	POWERPOINT
	90	CINEMA	
1.14	8	MEETING	

1.13	8	MEETING	
1.7	5	HOT DESK	1 COMPUTER & DESK
1.6	2	LIBRARY	3 COMPUTERS & DESK
1.5	4	HOT DESK	1 COMPUTER & DESK
1.4	4	HOT DESK	1 COMPUTER & DESK
1.3	4	HOT DESK	1 COMPUTER & DESK
1.2	10	BOARD ROOM	1 COMPUTER & DESK
1.1	8	V.C.R.	1 MINUTE TAKER DESK- VIDEO CONFERENCE MONITOR

NOTES

COURT ROOMS 2 & 3 can be combined to create a very large single room with a capacity of about 110

COURT ROOM 1 has tables for up to 16 participants + witness box

COURT ROOM 2 has tables for 4 participants + seats for 4 more

COURT ROOM 3 & VIDEO CONFERENCE. Court Room 3 has tables for 4 participants, but is usually configured in meeting style for 8 - 10 people. When used as Video-Conference 4 people can be seen on camera.

CONFERENCE ROOM A1 is configured for 8 - 10 people in meeting style.

CONFERENCE ROOM A2 accommodates 18 around the table, but has additional seating.

FUNCTION ROOM A3 holds about 24 people in meeting style; the 75-seat maximum is for a cinema style layout.

Annex 5(a) (*inter partes*)

c/o

**Patents Directorate
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ**

Direct Line: 01633 81****
Email: *****@ipo.gov.uk
Switchboard: 01633 814000
Fax: 01633 814491
Minicom: 08459 222250
DX: 722540/41 Cleppa Park 3
internet: <http://www.ipo.gov.uk>

Your Reference:
Our Reference: 3Y31/name/file reference

Date

Dear Sir

Title in bold

- 1) I am pleased to inform you that the ***** hearing in the above proceedings will take place on ***** (**day of week, date**) at ***** (**time**). The hearing will be held at Harmsworth House, 13-15 Bouverie Street, London, EC4Y 8DP. Please report to reception shortly before the hearing is due to start.
- 2) 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.

Skeleton Arguments and Authorities

- 3) You are expected to provide a skeleton argument (an outline of the argument you intend to present at the hearing) at least **2 working days before the hearing**; 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.
- 4) If you intend to refer to any precedents at the hearing, please let me know what they are **at least 48 hours before the hearing** (tel no. 01633 81****) so that I can obtain copies for the hearing officer. If a precedent is old or obscure, I may have to ask you to supply a copy
- 5) If you intend to supply bundles for the hearing then please forward them to: the Hearings Clerk, Room 1.10, Harmsworth House, 13-15 Bouverie Street, London, EC4Y 8DP.

- 6) Where the hearing extends to more than one day, if you require next day transcripts you will need to contact the shorthand writer directly to make arrangements independently on the matter. Please contact me at least **2 working days before the hearing** and I will provide you with the contact details for the shorthand writer.

- 7) Any further correspondence relating to this hearing should be marked "**URGENT HEARING - FOR THE IMMEDIATE ATTENTION OF "NAME" ROOM 3Y31, CONCEPT HOUSE.**" A letter in identical terms has been sent today to the other side.

Yours faithfully

Name (Hearings Clerk)
Litigation Section,
Patents Directorate

Annex 5(b) (ex Parte: London)

c/o

**Patents Directorate
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ**

Direct Line: 01633 81****
Email: *****@ipo.gov.uk
Switchboard: 01633 814000
Fax: 01633 814491
Minicom: 08459 222250
DX: 722540/41 Cleppa Park 3
Internet: <http://www.ipo.gov.uk>

Your Reference:
Our Reference:3Y31/Name/file reference

Date

Dear Sir

Title in bold

- 1) I am pleased to inform you that the hearing will take place on ***** (***day of the week, date***) at ***** (***time***). The hearing will be held at Harmsworth House, 13-15 Bouverie Street, London, EC4Y 8DP. Please report to reception shortly before the hearing is due to start.
- 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 to refer to any precedents at the hearing, please let me know what they are **at least 24 hours before the hearing** (tel no. 01633 81****) so that I can obtain copies for the hearing officer to read before the hearing. If the precedent is old or obscure, I may have to ask you to supply a copy.
- 4) Until the hearing, any further correspondence should be marked "**URGENT HEARING - FOR THE IMMEDIATE ATTENTION OF "NAME" ROOM 3Y31, CONCEPT HOUSE.**"

Yours faithfully

Name (Hearings Clerk)
Litigation Section,
Patents Directorate

Annex 5(c) (ex Parte: Newport)

c/o

**Patents Directorate
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ**

Direct Line: 01633 81****
Email: *****@.ipo.gov.uk
Switchboard: 01633 814000
Fax: 01633 814491
Minicom: 08459 222250
DX: 722540/41 Cleppa Park 3
Internet: <http://www.ipo.gov.uk>

Your Reference:
Our Reference:3Y31/Name/file reference

Date

Dear Sir

Title in bold

- 1) I am pleased to inform you that the hearing will take place on ***** (***day of the week, date***) at ***** (***time***). The hearing will be held at Cardiff Road, Newport, South Wales NP10 8QQ. Please report to reception shortly before the scheduled start.
- 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 to refer to any precedents at the hearing, please let me know what they are **at least 48 hours before the hearing** (tel no. 01633 81****) so that I can obtain copies for the hearing officer to read before the hearing. If the precedent is old or obscure, I may have to ask you to supply a copy.
- 4) Until the hearing, any further correspondence should be marked "**URGENT HEARING - FOR THE IMMEDIATE ATTENTION OF "NAME" ROOM 3Y31, CONCEPT HOUSE.**"

Yours faithfully

Name (Hearings Clerk)
Litigation Section,
Patents Directorate

ANNEX 6

TO: London Hearings clerks {SEND BY EMAIL}

RE: MAIN HEARING COURT ROOM BOOKING

Please note the following:

DATE:

TIME:

LOCATION:

HEARING OFFICER:

HEARING ASSISTANT:

PATENT NO:

PATENT NAME:

NAMES OF PEOPLE ATTENDING/CONTACT NAME & NUMBER:

ANNEX 7

HEARING DETAILS PRO FORMA

To be sent to shorthand writers when confirming hearing booking

Date of hearing:	Insert date
Patent numbers(s):	Insert number
Name of party/parties:	Insert name(s)
Contact details:	Insert contact details – eg name of agent and firm
Tel number:	Insert telephone number
Case reference:	Insert case reference
Hearing Officer:	Insert name of HO
Hearing Assistant:	Insert name of HA

ANNEX 8

CANCELLATION CHECKLIST

	EX PARTE	INTER PARTE
Paper Decision		
Complete Withdrawal		
Postponed/Reinstated		
Verbal		
Fax		
Letter confirmation		
Hearing Officer informed		
Hearing Assistant informed		
Case Examiner informed		
Court room (Accommodation) cancelled		
IT (videolink) cancelled		
London Hearings Clerk contacted ie : <i>Inter Partes</i>		
Short hand writer telephoned/letter issued		
Diary & Excel updated		
Files sent on		
Record Cards		
Hearings file amalgamated		

ANNEX 9

Send by email:

TO:

Head of Litigation Section

cc.Hearings Team
Hearings Clerk London
Intranet Editor

RE: WEEKLY HEARINGS LIST

Please find attached a list of hearings that have been appointed for the week commencing.....

ANNEX 10
(Case management Conference/Pre-hearing Review/Preliminary Hearing)

c/o

Patents Directorate
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ

Direct Line: 01633 81****

E-mail: *****@.ipo.gov.uk

Switchboard: 01633 814000

Fax: 01633 814491

Minicom: 08459 222250

DX: 722540/41 Cleppa Park 3

Internet: <http://www.ipo.gov.uk>

Your Reference:

Our Reference: 3Y31/name

Date

Dear Sir

Title in bold

- 8) I am pleased to inform you that the *case management conference/pre-hearing review/preliminary hearing* in the above proceedings will take place on ***** (**day of week, date**) at **** (**time**). It will be held at*****. Please report to reception shortly before the hearing is due to start.
- 9) The *case management conference/pre-hearing review/preliminary hearing* has been arranged to..... [*Hearing Officer to supply information*]. If there are any other issues that you want to raise, you should notify me and the other side as soon as possible.
- 10) 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. [I am pleased to confirm the following arrangements have so far been made] - *add as appropriate*.

Skeleton Arguments and Authorities

“[*Check with the HO which of the following three paragraphs should be included.*]

- 11) You are expected to provide a skeleton argument (an outline of the argument you intend to present at the hearing) at least **2 working days before the hearing**; 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. If you intend to refer to any precedents at the hearing, please let me know what they are **at least 24 hours before the hearing** (tel no. 01633 81****) so that I can obtain copies for the hearing officer. If a precedent is old or obscure, I may have to ask you to supply a copy.

April 2007

or

You do not need to supply any [other] documents specifically for this hearing/case management conference/pre-hearing review.

or

It would be helpful if you would supply [*HO to supply this information*] by"

- 5) Any further correspondence relating to this hearing should be marked **"URGENT HEARING - FOR THE IMMEDIATE ATTENTION OF "NAME" ROOM 3Y31, CONCEPT HOUSE."**
- 6) A letter in identical terms has been sent today to the other side.

Yours faithfully

Name (Hearings Clerk)
Litigation Section,
Patents Directorate