

CHAPTER 5

DECISIONS

Introduction	5.01 - 5.03
BL numbers	5.02 - 5.03
Issuing a Decision	5.04 - 5.06
HO action	5.04
Hearings Clerk action	5.05 - 5.06
Decision	5.05
Letter	5.06
Oral Decisions	5.07 - 5.08
Additional Actions	5.09 - 5.11
Hearings spreadsheet	5.09
Appeal period	5.10 - 5.11
NOPI Decisions	5.12 - 5.14
Circulating Decisions	5.15 - 5.17
Internal	5.15 - 5.16
Electronic version	5.15
Paper version	5.16
External	5.17
Putting Decisions and abstracts on the Office web site	5.18
Bundles	5.19
Appeals	5.20 - 5.22
If no appeal is filed	5.21
If an appeal is filed	5.22
Monitoring decisions	5.23

Annexes

Annex 1	Annexes 1(a)-1(c) – Decision letters for Patents & SPCs
Annex 2	Annexes 2(a)-2(c) – Decision letters for Design Right cases
Annex 3	Internal circulation lists
Annex 4	External distribution list
Annex 5	Annexes 5(a)-5(c) – Decision letters - Not Open to Public Inspection
Annex 6	Patents Database Maintenance Application

5 DECISIONS

INTRODUCTION

5.01 Decisions are usually written by the HO following an *inter partes* or *ex parte* hearing; occasionally however the HO will give an oral decision at the hearing. Where the part(y)ies agree, the HO may write a decision based on the papers filed. Decisions can be:

- Preliminary; where a preliminary point has been decided in order to progress the case to a substantive hearing
- Interim; where the final decision can only be issued once certain points have been fulfilled following the substantive hearing
- Substantive; where the definitive orders of the comptroller are made.

BL numbers

5.02 Each decision is allocated its own British Library number (BL number). The hearings clerk will allocate the BL number on receipt of the electronic version of the decision.

5.03 The list is available in the form of a spreadsheet and may be found on the 'H' drive under Litigation.

ISSUING A DECISION

HO action

5.04 The HO will:

- Email the decisionsandabstracts email box with the decision and abstract (summary). This alerts the hearings clerk a decision is to be issued.
- Request the hearings clerk sends a copy of the decision to the part(y)ies. If an abstract is not received within five days of the receipt of the electronic version of the decision, you need to follow up with the HO.

Hearings Clerk action

Decision

5.05 To issue an *inter partes* or *ex parte* decision, you need to:

- Open the decision document in Word XP, insert the appropriate electronic signature, allocate a BL number and provide a date for the decision. The date will be the date the decision is sent to you.
- Check application / publication number(s) are correctly quoted
- If the case is PECS-based, import the Word document into Madras. Where the patent file is a paper version, take a print of the decision and obtain further copies as shown below:

Ex parte:

Copy the signed version and pass to the A1 litigation assistant for external distribution (see Circulating Decisions).

Inter partes:

Make two copies and pass one to the hearings assistant and one to the *inter partes* case officer.

Note: If the decision is NOPI, wait until the 28 day NOPI period has expired before passing a copy to the hearings assistant.

- Where the decision is *ex parte* and OPI, place the signed copy in the OPI part of the patent file. Where the decision is *inter partes* and OPI, place it in the OPI “Decisions” section of the yellow proceedings file.

Note: Any decisions that are NOPI should be placed in the NOPI part of the patent or proceedings file until such time as the decision becomes OPI. The decision should be flagged with an ID label indicating it is NOPI.

- Save the signed version with the BL number and date in the decisions & abstracts

folder on the H drive.

- Once the version is either imported to dossier on PECS or a print taken, open the file and delete the signature from the decision.
- If the decision is OPI, send to Webmaster (see paragraph 5.12 for NOPI decisions).
- Enter the BL number and date of the decision on the abstract.
- Once all actions have been carried out, delete the file from the folder

Letter

5.06 The letter should include the title of the proceedings as follows:

PATENT NUMBER (DEFENDANT'S NAME) ***** SECTION OF ACT***
(CLAIMANT'S NAME) *****

- Select relevant letter from the PROSE database (see annexes)
- Check address of part(y)ies - Refer to proceedings file / OPTICS
- Check the latest date for filing an appeal as this will need to be included
In the letter (see Appeals below)
- Print the letter and sign it
- Copy the letter(s) and place the cop(y)ies in the correspondence part of the proceedings file (*inter partes*) or in the correspondence section of the patent file (*ex parte*). Where the file is electronic (PECS), import to dossier from PROSE
- Send the letter and a copy of the decision to the part(y)ies

ORAL DECISIONS

5.07 Occasionally, the HO may make an oral decision at the hearing. If this is the case, you need to:

- Liaise within the relevant shorthand writer to ensure that the transcript is received with the timescale agreed. This is usually sent by email.
- On receipt, update the Excel spreadsheet to show the date the transcript has been received
- Forward the transcript to the HO for him/her to review.

- Liaise with the shorthand writer regarding any corrections

5.08 If the HO is satisfied with the transcript, you need to:

- Send a copy to the parties as the transcript will form a decision in its own right.
- Ensure the parties are aware that any appeal will run from the date the decision was made orally and **not** from the date the paper record is sent out. The shorthand writer will shortly afterwards send a bound version of the finalized transcript to be placed on the proceedings/patent file.

ADDITIONAL ACTIONS

Hearings spreadsheet

5.09 You need to update the hearings spreadsheet as follows:

- Insert date decision issued
- Insert date decision circulated (see paragraph 5.15)

Appeal Period

5.10 You need to action as follows:

- Enter the date the appeal period expires in your group wise plus one week in you Groupwise task field making sure you identify the case (eg application/patent number and applicant/proprietor)
- Place the proceedings file/patent file on the Appeals shelf to await the expiry of the appeal period

5.11 Some cases may not need an appeal route because they will have been allowed. Such cases should be returned to the appropriate officer as advised by the B3 following circulation of the decision.

NOPI DECISIONS

5.12 Decisions that are “Not open to Public Inspection” (NOPI) include those relating to:

- Section 40 of the Patents Act 1977
- Unpublished patent applications
- Design Right cases
- Decisions which contain potentially commercially sensitive material.

5.13 When the decision relates to one of the exceptions, the decision must be issued with the appropriate letter (see annex 5). The part(y)ies will be offered 28 days to request a redacted version open for public inspection. If they request this, they must give clear reasons as the general rule is that all decisions are OPI.

5.14 After the 28 day period has elapsed (and allowing a further 7 days for any post to arrive) the decision can then be made OPI. If a redacted version of the decision is agreed, you need to:

- Send a copy to the part(y)ies with letter 5(c).
- Inform the hearings assistant and advise that the redacted version is OPI and may be sent to the external contacts listed in annex 4.

CIRCULATING DECISIONS

Internal

Electronic version

5.15 You need to:

- Circulate the decision by email (see annex 3).

Target is two days from the receipt of the electronic version of the decision.

Paper version

5.16 You need to:

- Circulate to the B3 with a Clear Records Pro Forma. The B3 will update OPTICS and advise you of any other actions you need to take.

External

5.17 You need to:

- Provide the A1 with a copy of a paper version of the decision and ask the A1 to send a copy to each of the contacts shown in annex 4. If the decision is NOPI, this action should be carried out when the decision becomes OPI (see NOPI Decisions above).

PUTTING DECISIONS AND ABSTRACTS ON THE OFFICE WEB SITE

5.18 Once the decision is OPI and using the electronic version of the decision and abstract, you need to carry out the following action:

- Forward the unsigned electronic version of the decision by email to webmaster (the internet team) and request that they add this to the patents decision database
- Enter the information from the abstract in the Patents Database Maintenance Application (see annex 6). The abstract will appear on the Office's website the following day.

Note: Action the abstract the day after the paper version of the decision has been issued otherwise it will appear on the database before the part(y)ies have received it

The target date for both actions is two days from the date of receipt – but the decision must be OPI .

BUNDLES

5.19 At some *inter partes* hearings bundles consisting of copies of all the papers that might be needed at the hearing are produced (see Chapter 4 for more information on bundles). These bundles are offered back to the parties. You should take the following action:

- Unless we receive a request to return the bundles to the party, you should destroy them once the appeal period has expired

Note: Bundles are **not** to be confused with the original evidence filed in the proceedings. This will always stay with the case.

APPEALS

5.20 The appeal periods are as follows:

- Patents: 28 days from the date of the decision
- Design right: 6 weeks from the date of the decision (substantive decision)
- Design right: 14 days from the date of the decision (procedural decision)

If no appeal is filed

5.21 After the appeal period has expired, and if no appeal has been lodged, you need to take the following action:

Inter partes cases

- Place all correspondence from the hearings folder on the proceedings file in date order and ensure that the file is clearly marked to indicate the number of evidence boxes accompanying the file
- Any loose papers should be added in date order to the relevant files
- Any correspondence that is subject to a confidentiality direction should be placed on the NOPI part of the proceedings.
- Send the case to the relevant case officer informing him/her that the appeal period

has expired and no appeal has been lodged

The case officer will review the proceedings and will advise the *ex parte* team about any subsequent action they may need to take eg clearing the case and closing the proceedings.

Ex parte cases

- Follow instructions on file from the HO if any are given.
- Return the file to the section / group from which it originated. Instructions will have been provided by the B3 (see Clear Records Pro Forma)
- Mark the movement card as cleared and place in the drawer relating to completed proceedings.

If an appeal is filed

5.22 See Chapter 6

MONITORING DECISIONS

5.23 In order to monitor decisions by HOs, Divisional Directors are sent each week a report generated from the hearings spreadsheet. To produce the report, you should:

- Open the spreadsheet on the H drive in the Litigation folder
- Leaving this open, open the Exception Report folder and click on the HER file
- Click on the button 'enable macros'
- Click on the update circle. This will generate the exception report for both *inter partes* and *ex parte* cases. The reports will show in the *inter partes* and *ex parte* tabs on the bottom row of the spreadsheet.
- Exit the HER file and open the Exception Report file
- Send the report by e-mail to each of the Divisional Directors and cc to the B2 manager of Litigation Section ((File/send to mail recipient as attachment)

ANNEX 1(a) (*patents ex parte*)

c/o

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

Direct Line: 01633 814341
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. Please find enclosed a copy of a decision dated *****.
2. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
3. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within the time period specified in the decision**. The latest date for appeal is therefore *****. Any request for an extension to the appeal period identified in the decision must be made to the court.
4. Once you have filed your appeal at the court, you must send a copy to the Notice of Appeal to the Comptroller as soon as practicable and no later than 7 days from the date of filing.
5. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

Yours faithfully

Name
Litigation Section
Patents Directorate

ANNEX 1(b) (*patents - inter partes*)

c/o

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

Direct Line: 01633 814341
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: Room 3Y31/name/file reference

Date

Dear Sir

Title in bold

1. Please find enclosed a copy of a decision dated *****.
2. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
3. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within in the time period specified in the decision.** The latest date for appeal is therefore *****. **Any request for an extension to the appeal period identified in the decision must be made to the court.**
4. Once you have filed your appeal, you must send a copy of the Notice of Appeal to both me and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.
5. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

[Bundles] (*optional delete as necessary*)

6. I note that you produced bundles for use at the hearing. If you would like these returned to you please inform me before the end of the appeal period, otherwise, the bundles will be destroyed.

A letter in identical terms is being sent to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate.

Annex 1(c)

Supplementary Protection Certificates (SPCs)

c/o

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

Direct Line: 01633 814341
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

Supplementary Protection Certificates: Council Regulation (EEC) No 1768/92 Application No:

1. Please find enclosed a copy of a decision dated *****.
2. Regulation 5 of the Patents (Supplementary Protection Certificate for Medicinal Products) Regulations 1992 extends the existing provisions of the Patents Acts 1949 and 1977 to certificates. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details of which may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
3. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within in the time period specified in the decision**. The latest date for appeal is therefore *****. **Any request for an extension to the appeal period identified in the decision must be made to the court.**
4. Once you have filed your appeal, you must send a copy of the Notice of Appeal to both me and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.

5. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

Yours faithfully

Name
Litigation Section
Patents Directorate.

ANNEX 2(a)
Design Right (Subsistence, Term & Identity)

c/o

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

Direct Line: 01633 814341
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. Please find enclosed a copy of a decision dated *****.
2. Decisions are normally made available for public inspection in full. If you are unhappy about any part of the decision being made public in this way (eg because it refers to commercially-confidential information) please let me know **within 28 days from the date of this letter**, explaining your concerns. If the hearing officer accepts your concerns, the decision will be made public in a suitably edited form.
3. The Copyright, Designs and Patents Act 1998 (as amended) gives you the right to appeal to the Chancery Division (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
4. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within the time period specified in the decision**. The latest date for appeal is therefore *****. **Any request for an extension to the appeal period identified in the decision must be made to the court.**
5. Once you have filed your appeal, you must send a copy of the Notice of Appeal to both me and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.

6. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

[Bundles] (*optional delete as necessary*)

7. I note that you produced bundles for use at the hearing. If you would like these returned to you please inform me before the end of the appeal period, otherwise, the bundles will be destroyed.

A letter in identical terms is being sent to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate.

ANNEX 2(b) (Appeal Tribunal)
Licence of Right – Design Right (Substantive)

c/o

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

Direct Line: 01633 814341
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

Dear Sir

Title in bold

1. Please find enclosed a copy of a decision dated *****.
2. Decisions are normally made available for public inspection in full. If you are unhappy about any part of the decision being made public in this way (eg because it refers to commercially-confidential information) please let me know **within 28 days from the date of this letter**, explaining your concerns. If the hearing officer accepts your concerns, the decision will be made public in a suitably edited form.
3. The Copyright Designs and Patents Act 1988 gives you the right to appeal to the Registered Designs Appeal Tribunal (constituted under section 28 of the Registered Designs Act 1949) against the decision if you wish to do so, the procedure being governed by the Registered Designs Appeal Tribunal Rules 1950 (as amended). If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details of which may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
4. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within six weeks from the date of the decision**. The latest date for appeal is therefore *****.
This period may be extended at the discretion of the Comptroller though any request for an extension will need to be made within the period specified.
5. The appellant should serve a copy of the appeal notice on the comptroller within 2 days of filing it with the Tribunal.

6. I must warn you that costs, which may be large, are normally awarded against a party which fails at the appeal.

[Bundles] (*optional delete as necessary*)

7. I note that you produced bundles for use at the hearing. If you would like these returned to you please inform me before the end of the appeal period, otherwise, the bundles will be destroyed.

A letter in identical terms is being sent to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate.

ANNEX 2(c) (Appeal Tribunal)
Licence of Right - Design Right (Procedural)

c/o

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

Direct Line: 01633 814341
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. Please find enclosed a copy of a decision dated *****.
2. Decisions are normally made available for public inspection in full. If you are unhappy about any part of the decision being made public in this way (eg because it refers to commercially-confidential information) please let me know **within 28 days from the date of this letter**, explaining your concerns. If the hearing officer accepts your concerns, the decision will be made public in a suitably edited form.
3. The Copyright Designs and Patents Act 1988 gives you the right to appeal to the Registered Designs Appeal Tribunal (constituted under section 28 of the Registered Designs Act 1949) against the decision if you wish to do so, the procedure being governed by the Registered Designs Appeal Tribunal Rules 1950 (as amended). If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details of which may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
4. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within fourteen days from the date of the decision**. The latest date for appeal is therefore *****.
This period may be extended at the discretion of the Comptroller though any request for an extension will need to be made within the period specified.
5. The appellant should serve a copy of the appeal notice on the comptroller within 2 days of filing it with the Tribunal.

6. I must warn you that costs, which may be large, are normally awarded against a party which fails at the appeal.

A letter in identical terms is being sent to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate

ANNEX 3

Internal Circulation of Office Decisions

Send by email to:

Mr P Back

Mr A Bartlett

Mr S Brown

Mrs S Chalmers

Mr B Cleary

Mr L Cullen

Mrs C Davies

Mr S Dennehey

Mrs S Eaves

Ms N Edmunds

Mr J Elbro

Mr T Howard

Mr H Jones

Mr P Marchant

Mr B Micklewright

Mr J Porter

Mr J Paciello

Mr S Probert

Mr G Rosemeyer

Mr J Rowlatt

Mr P Slater

Mr P Thorpe

Mr R Walker

Mrs S Williams

For restoration decisions send decision by email to the above and also to the following:

Mr S Bender

Mr G Jenkins

Section 13 uncontested decisions - send to:

Mr G Rosemeyer

Mrs S williams

ANNEX 4

Mary Vitoria
RPC Editor
Grove House
Blickling Road
Aylsham
Norfolk
NR11 6DA

Mr Woods
Floor 1
Zone 6
British Library
96 Euston Road
LONDON
NW1 2DB

Jane Osbeldiston
European Patent Office
DG3 Erhardtstrasse 27
D-80331
Munich 2
Germany

ANNEX 5(a) (Not Open to Public Inspection ex parte)

c/o

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

Direct Line: 01633 814341
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. Please find enclosed a copy of a decision dated *****.
2. Decisions are normally made available for public inspection in full. If you are unhappy about any part of the decision being made public in this way (eg because it refers to commercially-confidential information) please let me know **within 28 days from the date of this letter**, explaining your concerns. If the hearing officer accepts your concerns, the decision will be made public in a suitably edited form.
3. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
4. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within in the time period specified in the decision. The latest date for appeal is therefore *****. Any request for an extension to the appeal period identified in the decision must be made to the court.**
5. Once you have filed your appeal, you must send a copy of the Notice of Appeal to both me and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.

6. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

Yours faithfully

Name
Litigation Section
Patents Directorate

ANNEX 5(b) (Not Open to Public Inspection: inter partes)

c/o

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

Direct Line: 01633 814341
Email: *****@ipo.gov.uk
witchboard: 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. Please find enclosed a copy of a decision dated *****.
2. Decisions are normally made available for public inspection in full. If you are unhappy about any part of the decision being made public in this way (eg because it refers to commercially-confidential information) please let me know **within 28 days from the date of this letter**, explaining your concerns. If the hearing officer accepts your concerns, the decision will be made public in a suitably edited form.
3. The Patents Act 1977 gives you the right to appeal to the Patents Court (part of the High Court) against the decision if you wish to do so. The procedure for appeal is governed by Part 52 of the Civil Procedure Rules 1988 (as amended) and the associated Practice Direction. If you decide to appeal, a Notice of Appeal must be made in the appropriate format. Further details may be obtained from the High Court Appeals Office, Room WG7, West Green Building, Royal Courts of Justice, Strand, London WC2A 2LL (telephone number 020 7947 7383).
4. Two copies of the Notice of Appeal must be lodged with the High Court Appeals Office (address above) together with the fee (currently £200) **within in the time period specified in the decision**. The latest date for appeal is therefore *****. **Any request for an extension to the appeal period identified in the decision must be made to the court.**
5. Once you have filed your appeal, you must send a copy of the Notice of Appeal to both me and to any other party to the proceedings as soon as practicable and no later than 7 days from the date of filing the appeal.

6. I must warn you that costs, which may be large, are normally awarded against the unsuccessful party to the appeal.

[Bundles] (*optional delete as necessary*)

7. I note that you produced bundles for use at the hearing. If you would like these returned to you please inform me before the end of the appeal period, otherwise, the bundles will be destroyed.

A letter in identical terms is being sent to the other side.

Yours faithfully

Name
Litigation Section
Patents Directorate.

ANNEX 5(c) (redacted)

c/o

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

Direct Line: 01633 814341
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. Please find enclosed a copy of a decision dated *****.
2. This version is Open to Public Inspection, since it contains none of the sensitive information contained within the Not Open to Public Inspection version.

Yours faithfully

Name
Litigation Section
Patents Directorate.

ANNEX 6

PATENTS DATABASE MAINTENANCE APPLICATION

TO ADD NEW DECISION RECORD:

Open the Patents Database Maintenance Application

Click on icon - 'Add a new decision record' – top left hand corner underneath the word 'File'

A dialogue box will appear entitled 'New Decision Record'

Enter the BL number for the new decision record in the box eg O/307/06 and press OK

A New Decision Record will appear

Minimise the application so that it appears on the tool bar at the bottom of your screen

Go to the 'decisionsandabstracts' email box and open the abstract (summary) provided by the hearing officer or his assistant. You need to enter this information in the New Decision Record.

TO COMPLETE FOUR MAIN DIALOGUE BOXES:

Decision Date

Make a note of the decision date.

Maximise the New Decision Record by clicking on it.

Click on the arrow within the Decision date dialogue box. A drop down menu will appear. The default is to the current month but clicking on the left hand button will take you back a month and clicking on the right hand button will take you forward a month. Click on the date you want and it will appear automatically in the Decision Date box.

Hearing Officer

Re-open the summary in the 'decisionsandabstracts' box and make a note of the Hearing Officer.

Maximise the New Decision Record.

The Hearing Officer dialogue box has a drop down menu. Click on the arrow button

| in the box and the drop down menu will appear. Choose a Hearing Officer by left clicking on a name.

Hearing Type

| Re-open the summary in the 'decisionsandabstracts' box and make a note of the hearing type – either inter partes or ex parte.

Maximise the New Decision Record.

The Hearing Type dialogue box has a drop down menu. Click on the arrow button in the box and the menu appears. Choose ex parte or inter partes by left clicking with mouse.

Party/Parties

| Re-open the summary in the 'decisionsandabstracts' box and copy the party/parties name(s).

Maximise the New Decision Record.

| Left click in the Party/Parties dialogue box and paste in the names.

TO COMPLETE TABBED BOXES:

Application/Patents Nos:

| Re-open the summary in the 'decisionsandabstracts' box and copy the application / patent number. If there is more than one, you'll need to copy each separately.

Maximise the New Decision Record.

Left click in main Application / Patent Nos box, then right click.

A new dialogue box will appear with the word **New** highlighted in bold.

Left click and a further dialogue box appear entitled 'New Application/Patent'. Paste the number into the box – use keyboard command Ctrl and V. Click OK. The number will then appear in the main Application/Patent Nos dialogue box.

Provisions discussed

| Re-open the summary in the 'decisionsandabstracts' box and copy the relevant information.

Maximise the New Decision Record.

Paste the information into the box.

Related decisions

These may refer to an Office decision or a decision of the Court.

Re-open the summary in the 'decisionsandabstracts' box and copy the decision number. If there is more than one, you'll need to copy each separately. [For Office decisions, there is no need to include the letters 'BL'].

Maximise the New Decision Record.

Left click in Related Decisions dialogue box.

Left click again and the word **New** highlighted in bold will appear. Left click on this. You now have the option of either adding the BL number of an Office decision or a decision of the Court.

Left click on the option you want and a new dialogue box will appear. Click in the relevant box and paste the number into the box.

Press OK.

The relevant number now appears in the main Related decisions box.

Keyword

Re-open the summary in the 'decisionsandabstracts' box and make a note of each of the keywords.

Maximise the New Decision Record.

From the Available Keywords list, highlight the one you want to add, then click on the '<' button. The word will then appear under the hearing Selected Keywords. Repeat the process for each word.

Note:

If you select an incorrect word, you can delete it. Highlight the word and click on the '>' button. The word will be deleted from the 'Selected keywords' list and will once again appear in the Available Keywords list.

Concerning rights in

Re-open the summary in the 'decisionsandabstracts' box and copy the application / patent number.

Maximise the New Decision Record.

Paste the number into the box - use keyboard command Ctrl and V.

Summary

| Re-open the summary in the 'decisionsandabstracts' box and copy all the summary.

Maximise the New Decision Record.

Paste the summary into the box.

TO FINISH OR TO CLOSE RECORD

Click on the OK button – next to the Cancel button

Close the application as usual

