

## CHAPTER 23

### SECTION 75

#### AMENDMENT OF PATENT IN INFRINGEMENT OR REVOCATION PROCEEDINGS BEFORE THE COURT

Introduction	23.01 - 23.03
Central Limitation Process – EPC 2000	23.03
Amendment during proceedings before the Court	23.04
Directions for the electronic delivery of applications	23.05 - 23.07
By e-mail	23.06
Setting out amendments	23.07
Amendments filed in paper form	23.08
Action on receipt for the amendments	23.09
Consideration of proposals to amend	23.10 - 23.12
Notice of opposition	23.12
Court directions	23.13 - 23.15
Order of Court	23.14 - 23.15
Amendments not allowed, patent revoked or patent revoked pending appeal	23.16 - 23.17
Register entry	23.16 - 23.17
Clear Records	23.18 - 23.22
Final Journal Advert	23.19
Electronic Ledger	23.20
Court allows the specification to be amended or appeal allowed	23.23
Amendment of the B specification	23.23
Clear records	23.24 - 23.29
Register entry	23.24
Journal Advert	23.25
Electronic Ledger	23.26
Publishing action for production of the C specification	23.27
Publishing file returned from Publishing	23.29

## Annexes

Annex 1	Journal notice
Annex 2	Table
Annex 3	S 75a letter
Annex 4	S 75c letter
Annex 5	S 75e letter
Annex 6	Clear records sheet
Annex 7	Letter relating to Central Limitation Process
Annex 8	Copy Letter
Annex 9	Comptrollers Comments Log
Annex 10	Court of Session Journal Notice
Annex 11	Letter relating to Comptrollers Comments for Court of Session
Annex 12	Certificate for Advert
Annex 13	Certificate for Patent Specification and Register Entries
Annex 14	Letter relating to advertisement of terms of interlocutor

## **23 APPLICATION TO AMEND THE SPECIFICATION OF A PATENT UNDER SECTION 75 BEFORE THE COURT**

### **INTRODUCTION**

23.01 This chapter is concerned with the amendment of the specification of a granted patent during proceedings in the Courts of England and Wales and in the Scottish Court of Session. Proceedings in the courts of England and Wales are governed by the Civil Procedure Rules 1998 as amended. Proceedings in Scotland in the Court of Session are governed by rule 55 of the rules of the Court of Session. Amendments may also be filed under section 75 in revocation proceedings before the comptroller (see Chapter 14 for details).

23.02 Amendments to EP and GB patents are processed electronically on PECS (Patent Electronic Case System). On filing an application for amendment to amend an EP (UK) patent, the EP patent is allocated an EP Lit number which is used to create a dossier on PECS. The A1 enters the EP Lit number on the ledger and on Optics as a free text entry.

If an EP paper case already exists, this is requested from NMP and scanned onto the dossier along with the application for amendment by Index and Scanning section. If no paper file exists, a BDOC is requested and is scanned onto the dossier along with the application for amendment.

23.03 EPC 2000 – Central Limitation Process

Following the introduction of the central limitation process, an EP (UK) patent may now be amended centrally at the EPO as well as in each individual contracting state. On receipt of a new s75, the Register Plus website (<http://www.epoline.org/portal/public/registerplus>) should be checked to determine whether there is a request to centrally limit an EP (UK) patent. And If so, whether the applicant wishes to stay the UK proceedings until conclusion of the EPC process or wishes to proceed. A standard letter is issued. (See Annex 7).

A minute should be prepared as follows:

Official letter issued to attorney on XX.XX.XX. B/F for 1month (always to a Wednesday).

Letter created, locked and imported from PROSE.

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

## **AMENDMENT DURING PROCEEDINGS BEFORE THE COURT/COURT OF SESSION**

23.04 For proposals to amend under Section 75 before the court, applicants need to file an "application notice". The application notice consists of :-

- The prescribed form N244 (or the equivalent information). The form is available on the office website at [www.ipo.gov.uk/n244.rtf](http://www.ipo.gov.uk/n244.rtf)
- Particulars of the amendment
- The grounds for seeking the amendment

All this information must be filed at the court on paper and should also be served on the Comptroller electronically if reasonably possible (see rule 63.10 of the Civil Procedure Rules 1998 as amended). There is a fee payable to the court but not to the Comptroller.

For proposals to amend under Section 75 before the Court of Session, requirements differ, in that a patentee shall give notice of his intention to the comptroller to make an application to the Court of Session for leave to amend the patent under section 75. The application should also include:

- Particulars of the amendment sought

## **DIRECTIONS FOR THE ELECTRONIC DELIVERY OF APPLICATIONS**

23.05 Electronic delivery should be made either by e mail to [litigationamend@ipo.gov.uk](mailto:litigationamend@ipo.gov.uk) or on an electronic carrier (such as floppy disc or CD-R) delivered to this office and accompanied by an identifying letter.

#### By e mail

23.06

- The A3 should not accept an e mail for these purposes at any e mail address other than that given above. The e mail should be a plain text message.
- The e mail should be entitled "*proposal to amend under s75 before the courts/court of session*"
- The text may be provided as an attachment to the e mail.

If the A3 is unable to read the text, the e mail should be treated as not delivered, and in these circumstances the A3 should contact the applicant with a view to making alternative arrangements.

#### Setting out the amendments

23.07 Applicants are encouraged to use conventional word processing features such as markup, coloured text and strikeout/strikethrough to set out the amendments on the original version of the text in a way that makes it easy for the reader to appreciate the changes.

### **AMENDMENTS FILED IN PAPER FORM**

23.08 Any amendments filed in paper format should clearly identify the amendments on a copy of the specification.

### **ACTION ON RECEIPT OF THE AMENDMENTS**

23.09 The A3 should:

- Check the following have been provided:
  - The particulars of the proposed amendments.
  - The grounds on which the amendments are sought. (Not required for Court of Session).
  - Whether the applicant will contend that the claims prior to amendment are valid. (Not required for Court of Session).
  - If the application for amendment applies to an EP (UK) patent the A3 should ensure that the specification is the latest version using Register Plus and check that there are no central amendment proceedings ongoing, refer to 23.03.
  
- Complete the Journal notice see Annex 1 (Annex 10 for S75 before the Court of Session) and enter the section 75 details on the summary listing noting whether amendments have been filed electronically or in paper format. For s75 before the Court of Session, Publishing should be notified of the format changes due to the additional information required for advertisement.
  
- Request the name and address details of the solicitor representing the other side to enable them to receive copies of correspondence throughout the proceedings.

If the question of dispensing advertisement is raised prior to the Court Hearing, the applicant will inform us either in a letter or possibly a draft Court Order. On receipt, the s75 application should be stayed pending the outcome of the Court Hearing.

Alternatively, the applicant may request that prior to advertisement the Deputy Director considers the amendments. In this case, the A3 should refer the amendments to the Deputy Director who will then decide whether Comptrollers comments should be issued prior to advertisement and if so, will forward comments in due course.

Sometimes, on receipt of the application for amendment, the courts will

have already considered the amendments and dispensed with the need for them to be advertised for opposition. The A3 should action any Court Order received, make the appropriate entries on the Register and prepare a final advert for the Patents and Designs Journal.

Advert is created and imported using manual import (doc code is ADVERT).

- When the weekly journal is produced, send electronic amendments to "webmaster". The table should accompany the amendments and the A3 should advise webmaster which journal date the "notice" will appear in (see annex 2).

Webmaster will then arrange a link from the web notice to the full details of the amendment (electronic amendments only). Where the amendments have been filed in paper form only, full details will be available from the Litigation Section upon request.

- Issue S75(a) (see Annex 3 ) letter advising the applicant when the notice of proposed amendments will be advertised in the Journal. Issue a copy of the S75(a) letter to the other party to the proceedings. (see annex 8)
- For Court of Session issue S75 (see Annex 11) letter advising the applicant when the notice of the proposed amendments will be advertised in the Journal. Also confirming that a certified copy of the advertisement and marked up copy of the patent specification will be sent once the advertisement is published. The A3 should make a note on DiaryL of the date to prepare and issue the certified office copies.

Letter created, locked and imported from PROSE

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

The A3 will request the A1 to:

- arrange for the application to be indexed and scanned as a PECS case
- make a free text entry on OPTICS using REG ENT
- for EP cases, allocate an EP Lit number if one does not exist

The A1 attaches a request for indexing and scanning to the application and sends it to the Index and Scanning section. For amendments filed electronically, the A3 should print a paper copy of the amendments before liaising with the A1.

The new case will be placed by Index and scanning in the Ex parte team mailbox to be actioned by a member of the ex parte team.

## **CONSIDERATION OF PROPOSALS TO AMEND**

23.10 The A3 should then send the proposals for amendment to the Deputy Director responsible for the subject matter of the amendments for any comments and to confirm whether the Comptroller wishes to be represented in Court. (The “Comptroller’s comments”). Before issuing to the Deputy Director, the A3 will complete the Comptrollers Comment Log. (see annex 9)

Create, lock and import minute from PROSE (doc code MINUTE-LIT), then create and send a “PSM – Comptrollers Comments” message to the DD.

23.11 The Deputy Director will instruct the A3 to issue the “Comptroller’s comments”. This may take the form shown in standard letter S75(c) (see annex 4). This should be sent to the applicant(s) when the Comptroller has no comments to make on the proposed amendments and does not wish to be represented in Court. If the Deputy Director wishes to comment on the amendments, he will provide you with the appropriate text. You should not issue the “Comptroller’s comments” until the 14 day period for opposition has passed (or 28 days for S75 before the Court of Session). Make a note on DiaryL of the date the Comptroller’s comments are to be issued. Issue a copy of the letter to the other party to the proceedings.

Letter created, locked and imported from PROSE.

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

### Actions following Advertisement

Once the advertisement has appeared in the Patents and Designs Journal and within 35 days of the appearance of the advert, for cases before the Court of Session, a certified copy of the front page of the Patents & Designs Journal in which the advertisement appeared, and a certified copy of the marked up patent specification and register print-out should be issued to the attorney in accordance with Rule 55.5(4). The A3 should complete the appropriate certificates (see Annex 12 and 13) and ribbon and seal the relevant one to the marked up specification, register print out and the front page of the relevant Patents and Designs Journal. Both certificates should be signed and dated by an Officer duly authorized to issue certificates on behalf of the Comptroller-General.

### Notice of opposition

23.12 An opponent must file and serve on all parties and the Comptroller a notice opposing the application. The notice must include the grounds relied on. This must be filed within 14 days of the first appearance of the advertisement (Journal notice) or 28 days for s75 before the Court of Session.

The A3 must send the notice of opposition to the Deputy Director to ensure that this is taken into consideration before issuing the Comptroller's comments.

Create, lock and import minute from PROSE (doc code MINUTE-LIT), then create and send a "PSM – Opposition filed" message to DD.

## COURT DIRECTIONS

23.13 The applicant must apply to the Court in England and Wales for directions within 28 days of the date of the advertisement (Journal notice)

### Order of the Court. (Outcome of proceedings)

23.14 Unless the Court otherwise orders, the applicant must within 7 days serve on the Comptroller any Order of the Court relating to the application.

23.15 The Court Order will state the outcome of the Court proceedings ie whether the amendments have been allowed (see 23.18) or refused, whether the proceedings have been stayed, or whether the patent has been revoked (see 23.16). The Court Order should be referred to the Deputy Director for information/confirmation or clarification on how to proceed.

The proprietor may file a second set of amendments. These will require advertising unless the Court Order dispenses the requirement for advertisement, in which case the amendments may be referred immediately to the DD for a second Comptroller Comments letter. The Court Order may also direct that these further amendments are allowed and that the patent may be amended.

Create, lock and import minute from PROSE (doc code MINUTE-LIT), then create and send a “PSM – Court Order” message to the DD.

## **AMENDMENTS NOT ALLOWED, PATENT REVOKED OR PATENT REVOKED PENDING APPEAL**

### Register entry

23.16 The A3 should make a register entry using the REG ENT function on OPTICS to reflect the outcome of the Order. Where a patent is revoked by an Order of the Court but the Order has been stayed pending appeal, the

patent should not be revoked until either (a) the stay has expired and an appeal has not been filed within the period allowed or (b) where an appeal has been filed, a copy of the Order from the Court of Appeal has been received upholding the earlier decision.

- 23.17 The A3 should send a standard letter s75e (see annex 5) to the applicants' attorney acknowledging receipt of the Court Order and issue a copy to the other party to the proceedings. (see annex 8). The applicants should also be informed that the Register has been updated and that an advertisement reflecting the outcome of the decision will appear in the Journal.

Letter created, locked and imported from PROSE.

Advert is created and imported using manual import (doc code is ADVERT).

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

## **CLEAR RECORDS**

- 23.18 A final entry for the Journal should be made (see 23.19), and the electronic ledger updated (23.20). A clear records proforma (see annex 6) should be used as a check list to ensure that all relevant actions have been completed.

### Final Journal Advert

- 23.19 A final advertisement for the Journal should be prepared as follows:-

#### **Section 75**

**Application to amend the Specification of a patent under Section 75 before the Court/Court of Session**

**Application refused by Court Order/dismissed by Court Order/Patent Revoked. *(use wording as appropriate)***

**Patent number**

**PROPRIETORS NAME**

**TITLE**

Application to amend under Section 75, refused /dismissed /patent revoked  
(use wording as appropriate) by Court Order dated .....

The date the advert is due to appear in the Journal should be entered on the  
clear records proforma on the dossier.

Advert is created and imported using manual import (doc code is ADVERT).

### Electronic Ledger

23.20 The Section's electronic ledger is found in Excel on the 'H' drive under  
Litigation/Ledgers. Locate the appropriate year and section and enter the  
outcome of the case (see Journal and register entry), and the date.  
Highlight the entry to show the case has been completed.

23.21 (Deleted)

23.22 (Deleted)

## **COURT ALLOWS THE SPECIFICATION TO BE AMENDED OR APPEAL HAS BEEN ALLOWED**

### Amendment of the B specification

23.23 For amendments to GB specifications

The description, claims and drawings annotated "P" and "working copy" are  
cloned from PREGRANT into the LITIGATION section of the dossier. The  
amendments are then applied using the assemble and enhance functions.  
The amended sections of the specification are annotated "C" and "working  
copy" along with any cloned sections not amended. The references to "P"  
and "working copy" in the original cloned documents are deleted. This  
enables Publishing Section to extract all the documents required to produce  
a "C" specification.

### For amendments to EP specifications

For amendments to EP patents, if the amendments cannot be applied using enhance or assemble, a copy of the BDOC should be printed from the dossier and the amendments applied manually. The amended BDOC should then be scanned onto the dossier by Index and scanning section. A file note is prepared as follows:-

*Amendments applied to BDOC and sent to Index and Scanning*

File note is created in Word and imported using manual import (doc code is FILE NOTE-LIT)

If the amendments are extensive and no replacement specification has been filed, one may be requested from the attorney.

Letter created, locked and imported from PROSE.

*Any replacement specifications should be checked by the A3 to ensure that the amendments made are in fact the same as those allowed by the Court. A file note should be prepared as follows:*

*Specification checked - amendments incorporated into retyped specification agree with those advertised and allowed by the Court.*

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

Once the patent is amended or the amended EP BDOC is scanned onto PECS, the amended patent should be referred to the appropriate Deputy Director. A file note should be prepared as follows:-

*Amendments allowed by Court Order dated xxxxxx applied to the B Specification on pages xxxxxx/ amendments in the form of replacement pages xxxxxx/ amendments in the form of replacement specification. (Delete as appropriate). Please confirm that I can now apply your electronic signature to the appropriate certificate.*

Create, lock and import minute from PROSE (doc code MINUTE-LIT), then create and send a “PSM – s75 and confirm your electronic signature can be added to the appropriate certificate” message to DD.

*Once a message is received from the Deputy Director, a section 75e letter (see annex 5) should be issued by the A3 notifying the applicant that a copy of the ‘C’ specification will be forwarded in due course by Publishing Section. The appropriate certificate should be dated with the date of the Court Order and a DD electronic signature applied. This should then be pasted into a Word document. and imported into the dossier using manual import (doc code CERTIFICATE). The certificates are located in the H drive.*

The following file note should be prepared as follows:

Amendments allowed on by Court Order dated xxxxxx. O/L issued (insert date). Clear records.

File note is created and imported using manual import (doc code is FILE NOTE-LIT).

Letter created, locked and imported from PROSE.

#### Amendments allowed by the Court of Session

Notification that the amendments are allowed will be in the form of a certified copy of the interlocutor which is the order of the Scottish Courts.

The relevant section that concerns the allowed amendment requires advertising once the certified copy of the interlocutor is received. The necessary information is extracted from the interlocutor and incorporated into the final advert (see 23.25).

Before seeking a certified copy, the attorney may seek advice on the suitability of the interlocutor for publishing purposes. Only information regarding the amendment is required for producing an advert and we may provide an advert template showing the suggested wording required. The final advert should state that the certified copy of the interlocutor is available to view on request.

Advertisement of the terms of the interlocutor should be communicated to the attorney (see Annex 14) along with a request for a replacement specification, if required.

Once the amendment has been advertised as allowed, the specification can be amended as directed by the court (see 23.23). Once the specification has been amended and the certificate authorised, records can be cleared (see 23.24 – 23.29) and the case referred to publishing for production of a C specification.

## **CLEAR RECORDS**

### Register entry

23.24 If the Court allows the amendments, a register entry will be made to this effect by the A3. The A3 should then arrange for the B Specification to be amended and should provide instructions to Publication Section so they can produce a C specification.

### Journal advert

23.25 A final advertisement for the Journal should be prepared by the A3 as follows:-

#### **Section 75**

#### **Application to amend the Specification of a patent under Section 75**



specification” message to the Publishing Team Mailbox.

For EP cases, the corrected BDOC and the certificate should be printed from PECS. The certificate should be attached to the back of the BDOC and placed in a red publishing file, with an appropriate minute to Publishing. The publishing file should then be referred to Publishing section for production of the C specification. If the C specification was amended, then a C2 is requested. The A3 should complete the Publishing template on the H drive, in order to monitor the file travelling to and from Publishing.

23.28 (Deleted)

#### Publishing File returned from Publishing Section

23.29 On return of the Publishing file from Publishing section, the A3 will arrange for the minute, the BDOC and the CDOC to be scanned onto the dossier by Index and Scanning section and the red publishing file to be destroyed.

# Annex 1

Printed PDJ Notice

## Application for Amendment of Specification now open to Opposition

### Section 75 before the court

If you intend to oppose the following amendments, you must **within 14 days** from the appearance of this advertisement, file and serve on all parties and the Comptroller a notice opposing the application. This must include the grounds relied on.

### Section 75 before the comptroller and Section 27 amendments

If you intend to oppose the amendments filed under section 75 before the comptroller or amendments filed under section 27, you must **within 4 weeks** of the appearance of the advertisement under section 27 and **within 2 weeks** under section 75, file two copies of Patents Form 15 giving the comptroller notice of opposition to the amendments. You also need to file two copies of a statement setting out fully the facts of your case and the relief that you are seeking.

**Section:** 75 before the Court

**Patent Number:** 2345678

**Patent Court Action Number:** HC 12345

**Title** of **patent:**

XX

xxx

**International classification:** xx xxxxxx

**Name of patent proprietor:** XXX

**Patent proprietor's address for:**

XX

xx  
service

**These amendments may be viewed on our website**

.....

**Section: 75 before the comptroller**

**Patent Number: 2356487**

**Title of patent:**

XX

x

**International classification:**

XX

xxx

**Name of proprietor:**

XX

xxx

**For a copy of these amendments, phone Litigation Section (01633 814376)**

## Annex 2

### Applications for Amendment of Specification

<b>Sect.</b>	<b>PDJ No. &amp; Date</b>	<b>Opposition deadline</b>	<b>Patent No. and title</b>	<b>Int. Classi</b>	<b>Proprietor (Court action number if any and address for service)</b>
27		<b>4 weeks</b>			
75 Before the Comptroller		<b>2 weeks</b>			
75 Before the Court		<b>14 days</b>			
75 Before the Court of Session		<b>28 days</b>			

**Annex 3**  
**Letter S75(a)**

\*\*\*\*\*

c/o

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

**Direct Line:** 01633 81xxxx  
**E-mail:** \*\*\*\*\*  
**Switchboard:** 01633 814000  
**Fax:** 01633 814491  
**Minicom:** 08459 222250  
**DX:** 722540/41 Cleppa Park 3  
**Internet:** [www.ipo.gov.uk](http://www.ipo.gov.uk)

**Your Reference:**  
**Our Reference: 3Y31/Name/File Reference**

Date

Dear Sirs

**Patent number: xxxxxx (Proprietors Name)**  
**Application to amend the specification of a patent under Section 75 of the Patents Act 1977.**  
**Action No xxxx**

Thank you for your letter dated xxxxxx. The notice of proposed amendments will be advertised in the Patents & Designs Journal on xxxxxx.

In order to assist the Comptroller in deciding whether to be represented in Court, please let me know whether there are any other Court proceedings pending in respect of this patent and if so whether the other party involved in those proceedings has been notified of the application to amend.

The Comptroller's comments on the proposed amendments will be sent to you after the expiry of the 14 day opposition period.

A copy of this letter has been sent to the other side.

Yours faithfully

*Your name*  
Litigation Section  
Patents Directorate

**Annex 4**  
**Letter (s75c)**

\*\*\*\*\*

c/o

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

**Direct Line:** 01633 81xxxx  
**E-mail:** \*\*\*\*\*  
**Switchboard:** 01633 814000  
**Fax:** 01633 814491  
**Minicom:** 08459 222250  
**DX:** 722540/41 Cleppa Park 3  
**Internet:** [www.ipo.gov.uk](http://www.ipo.gov.uk)

**Your Reference:**  
**Our Reference: 3Y31/Name/File Reference**

Date

Dear Sirs

**Patent number: xxxxxx (Proprietors Name)**  
**Application to amend the specification of a patent under Section 75 of the**  
**Patents Act 1977.**  
**Action No xxxx**

I refer to your application for amendment filed on xxxxxxxx.

The Comptroller has considered the proposed amendments in the context of clarity, added matter and support under sections 14(5) and 76 of the UK Patents Act.

The Comptroller has no comments to make on the proposed amendments and does not wish to be represented in Court unless otherwise directed by the Court.

A copy of this letter has been sent to the other side.

Yours faithfully

*Your name*  
Litigation Section  
Patents Directorate

**Annex 5**  
**Letter s75(e)**

\*\*\*\*\*

c/o

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

**Direct Line:** 01633 81xxxx

**E-mail:** \*\*\*\*\*

**Switchboard:** 01633 814000

**Fax:** 01633 814491

**Minicom:** 08459 222250

**DX:** 722540/41 Cleppa Park 3

**Internet:** [www.ipo.gov.uk](http://www.ipo.gov.uk)

**Your Reference:**

**Our Reference: 3Y31/Name/File Reference**

Date

Dear Sirs

**Patent number: xxxxxx (Proprietors Name)**

**Application to amend the specification of a patent under Section 75 of the Patents Act 1977.**

**Action No xxxx**

Thank you for your letter dated xxxxxxxx .and copy of the Order of the Court dated xxxxxx.

The outcome of the proceedings will be advertised in the Patents and Designs Journal on xxxxx and noted in the patents register.

A copy of this letter has been sent to the other side.

Yours faithfully

*Your name*

Litigation Section

Patents Directorate

## ANNEX 6

1. **Clear records.** Patent number GB/EP .....

DATE	
JOURNAL	<i>Insert date</i>
LEDGER	√
OPTICS	√

Records cleared by

Your name Room: Ext:

( date )

2. **Publishing Section**

Please prepare a C specification.

*[You must advise Publishing Section which section the proceedings relate to. You should also state whether a schedule of amendments, replacement pages or a complete specification is to be produced. You must also provide the date of the relevant Order Court as this will be the effective date the amendments were allowed by the Court]*

## ANNEX 7

\*\*\*\*\*

c/o

8QQ

**Patents Directorate  
Concept House  
Cardiff Road Newport  
South Wales NP10**

**Direct Line:** 01633 81xxxx  
**E-mail:** xxxxxxxxxxxxxxxxx

**Switchboard:** 01633 814000

**Fax:** 01633 814491  
**Minicom:** 08459 222250

**DX:** 722540/41 Cleppa Park

**Internet:** www.ipo.gov.uk

**Your Reference:**  
**Our Reference: 3Y31/Name/File Reference**

**Date**

*Dear Sirs*

**Patent number: xxxxxx (Proprietors Name)**  
**Application to amend the specification of a patent under Section 75 of the Patents Act 1977.**

**Latest date for reply xx xx xx**

*I refer to your application for amendment filed on xx. Xxxxx. Xxx .*

*On checking the European Patent Office register, it appears that you have filed an application to centrally limit your patent at the EPO. In these circumstances there are two options available to you*

- a. staying the request until the conclusion of the central limitation process, or
- b. proceeding with the request to amend under Section 75

If the national and central process results in different amended claims, you should be aware that there may be an issue as to which amendment takes precedence.

You should advise me of your decision regarding the above by xx. Xxxxx. xxxx .

A copy of this letter has been sent to the other side.

*Yours faithfully*

Your Name  
*Litigation Section*  
*Patents Directorate*

## ANNEX 8

\*\*\*\*\*

c/o

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

**Direct Line:** 01633 81xxxx

**E-mail:** xxxxxxxxxxxxxxxxx

**Switchboard:** 01633 814000

**Fax:** 01633 814491

**Minicom:** 08459 222250

**DX:** 722540/41 Cleppa Park 3

**Internet:** [www.ipo.gov.uk](http://www.ipo.gov.uk)

**Your Reference:**

**Our Reference: 3Y31/Name/File Reference**

Date

Dear Sirs

**Patent Number** ..... (.....)

**Action No.**

Please find enclosed a copy of a letter sent to the xxxxxxxxx

Yours faithfully

Your Name

Litigation Section

Patents Directorate



## ANNEX 10

### Section 75

#### Before the Court of Session

If you intend to oppose the amendments lodged under Section 75 before the court, you must **within 28 days** from the appearance of this advertisement, give written notice of that intention to the applicant and to the Deputy Principal Clerk, Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ.

**Section:** 75 before the Court of Session

**Patent Number:** GB/EP(UK)XXXXXXXX

**Proceedings:** Proprietor v Other Party

**Court of Session**

**Action Number:** XXXX

**Title of Patent:**

**International Classification:** XXXX

**Name of Patent Proprietor:** Proprietor

**Proprietor's address  
for service:** XXXXXXXX

**These amendments may be viewed on our website/For a copy of these amendments phone Litigation Section 01633 814736.**

## ANNEX 11

\*\*\*\*\*

c/o

### Patents Directorate

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

**Direct Line:** 01633 81xxxx  
**E-Mail:** xxxxxxxxxxxx  
**Switchboard:** 01633 814000  
**Fax:** 01633 814491  
**Minicom:** 08459 222250  
**DX:** 722540/41 Cleppa Park 3

**Your reference:**

**Our reference:** 3Y31/Name/File Reference Number

Date

Dear Sirs

**Patent Number : xxxxxx (Proprietors Name)**

**Application to amend the specification of a patent under Section 75 of the Patents Act 1977.**

**Court Action no. xxxxx**

Thank you for your correspondence dated xxxxxx. Notice of the proposed amendments will be advertised in the Patents & Designs Journal on xxxxxx.

The Comptroller's comments on the proposed amendments will be sent to you after the expiry of the 28 day opposition period. A certified copy of both the advertisement and marked up copy of the patent specification showing the amendments sought will be sent once the advertisement is published.

A copy of this letter has been sent to the other side.

Yours faithfully

Your Name  
Litigation Section  
Patents Directorate

## **ANNEX 12**

**Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ**

**I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation and Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of an advertisement published in the:**

**Patents & Designs Journal No. XXXX on xxXXXXxx**

**I also certify that subject to the payment of the prescribed renewal fees, the patent will remain in force for a period of twenty years from the date of the filing of the application as shown therein.**

**In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or the inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.**

**In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.**

**Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.**

**Signed**

**Dated**

## **ANNEX 13**

**Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ**

**I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation and Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the entries made to date in the Register of Patents, and Schedule of Amendments sought under Section 75 to amend the patent specification before the Court of Session in respect of the patent which is in force in the United Kingdom.**

**I also certify that subject to the payment of the prescribed renewal fees, the patent will remain in force for a period of twenty years from the date of the filing of the application as shown therein.**

**In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or the inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.**

**In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.**

**Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.**

**Signed**

**Dated**

## ANNEX 14

\*\*\*\*\*

c/o

### Patents Directorate

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

**Direct Line:** 01633 814334

**E-Mail:** \*\*\*\*\*

**Switchboard:** 0300 300 2000

**Fax:** 01633 814491

**Minicom:** 0300 0200 015

**DX:** 722540/41 Cleppa Park 3

**Your reference:**

**Our reference:** 3Y31/Name/File Reference

Date

Dear Sirs

**Patent Number : xxxxxxx (Proprietor Name)**

**Application to amend the specification of a patent under Section 75 of the Patents Act 1977.**

**Action No xxxxx**

Thank you for your e-mail dated xxXXxx and the copy of the certified Interlocutor dated xxXXxx.

The terms of the interlocutor will be advertised in the Patents and Designs Journal dated xxXXxx and the fact of the order will also be noted in the patents register.

Yours faithfully

Name

Litigation Section

Patents Directorate