

Introduction

This manual is primarily intended to provide guidance to Patents Directorate staff in Litigation Section. The manual contains detailed, up-to-date desk instructions on the practice and procedures Litigation Section staff should follow in the formal examination and processing of statements and evidence filed in *inter partes* proceedings before the comptroller, the formal processing of *ex parte* proceedings including restoration applications and in arranging hearings, issuing decisions and carrying out any subsequent actions. Most of the circumstances that staff can expect to encounter are covered. However situations may arise which are not addressed in the manual. In such cases, advice should be sought from line management or a Hearing Officer as appropriate.

The guidelines contained in the manual do not constitute legal provisions and as such are not authority for any action by the Office, nor do they impose any particular line of action. The ultimate authority on practice and procedures relating to patents is the Patents Act 1977 and the Patents Rules 2007. For design right, the ultimate authority is the Copyright, Designs and Patents Act 1988 and the Design Right (Proceedings before the Comptroller) Rules 1989. For advice on the interpretation of the provisions of the Patents Act and Rules, reference should be made to the 'Manual of Patent Practice'. There is as yet no corresponding manual covering design right.

A recent review of the comptroller's tribunal relating to patents has resulted in changes to practice which are detailed in Tribunal Practice Notice 3/2009 and come into effect from 1 July 2009. Elements of the new practice may be applied to existing proceedings.

Further guidance on matters relating to proceedings before the comptroller can also be obtained from the Patents Directorate's 'Patent Hearings Manual'. It may also be appropriate to refer to the Civil Procedure Rules 1998 and associated Practice Directions.

This manual is divided into chapters covering different types of proceedings dealt with by the comptroller and distinct topics. Each chapter is further divided into sub-topics identified by sub-headings. The paragraphs are numbered sequentially with each number starting with the number of the chapter.

A list of commonly used terms and abbreviations is included together with a full index.

The manual is updated as appropriate to reflect changes in practice and to correct any errors. A schedule of the latest amendments is included below.

We welcome corrections to the information contained in this manual and also suggestions for improvement. They should be addressed to:

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Schedule of amendments

Chapter 1, 2, 3, 4 & 25	Clarification of procedures and update of Annexes
Chapter 7, 8, 13, 14, 15 & 16	Clarification of procedures and changes in references to other chapters
Chapter 9, 10, 11 & 12	Changes in references to other chapters
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