

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 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.

The Patent Rules 2007 came into force on 17 December 2007 and apply to all proceedings from 17 December 2007. However, other new practices may be applied to existing proceedings as from 17 December 2007.

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	Clarification of procedures and update of references to website in Annexes
Chapter 3, 7, 8, 14, 15, 16, 21 & 22	Clarification of procedures
Chapter 4	Clarification of impact of rule 30 New address for London office Changes to Annex 1 and addition of Annex 1.1
Chapter 5	Clarification of procedures and addition of Annex 1.1
Chapter 6	Clarification of procedures New address for London office
Chapter 9	Change reference from patent agent to attorney
Chapter 10, 11, 12 & 13	Changes in references to other chapters
Chapter 17	Change in Address for Service requirements Clarification of procedures
Chapter 18 & 19	Change in Address for Service requirements
Chapter 23	Clarification of procedures relating to the advertisement of amendments Addition of Annex 9
Chapter 24	Change in Address for Service requirements and changes to Annex 8
Chapter 25	Update of procedures for electronic patent files Addition of Document Codes as Annex 2 and addition of Annex 3
Chapter 20 & 26	Clerical alterations and format
Chapter 28	Clarification of procedures Addition of Annex 1
Logic of the Hearings Spreadsheet	Clarification of procedures
Document Codes	Now included as Annex 2 to Chapter 25
Index	Updated