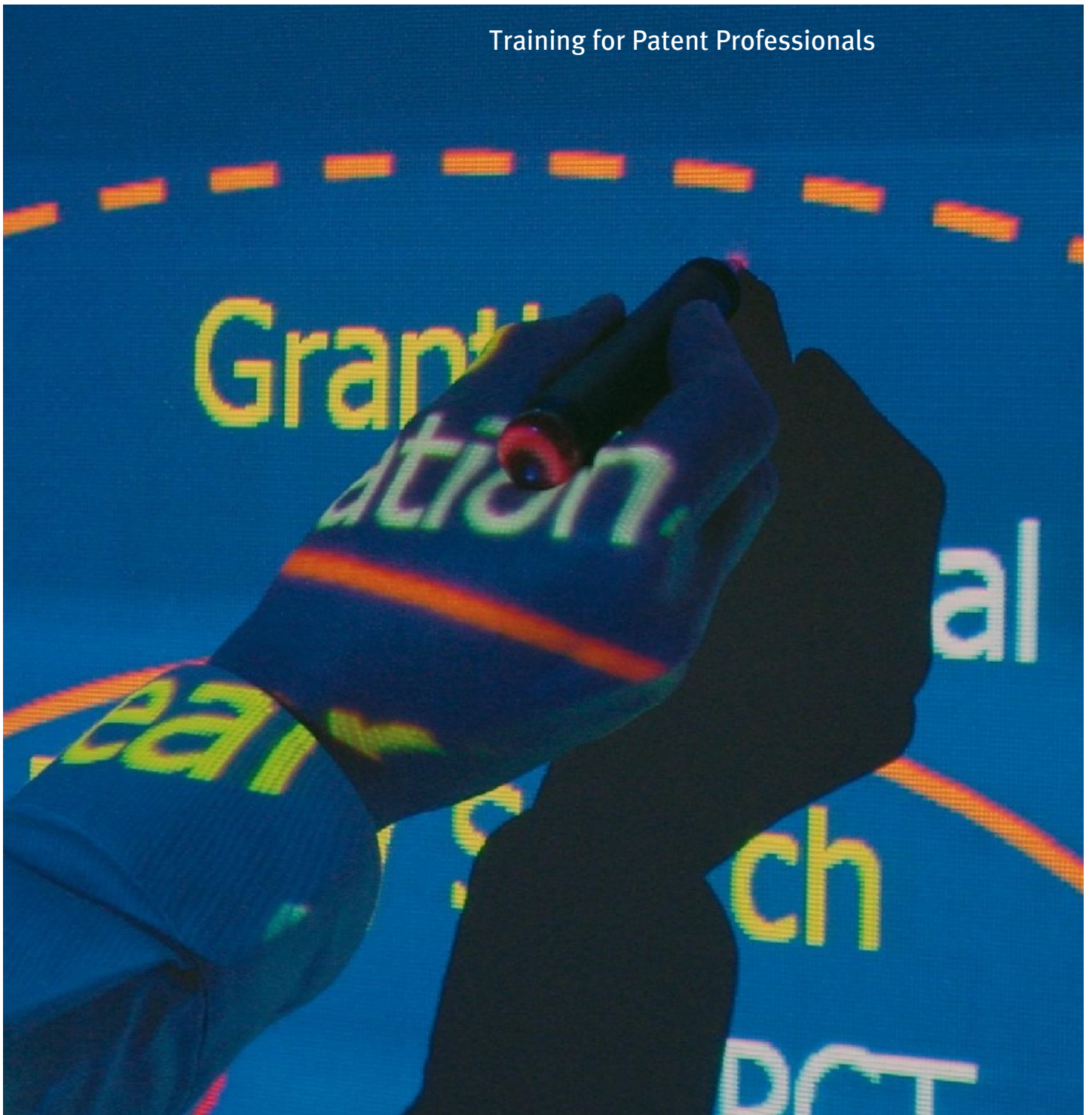




# DELTA PATENTS

Training for Patent Professionals



**Continuous Education for  
Patent Attorneys –  
Winning Oppositions and Appeals**

## ONGOING TRAINING FOR PATENT ATTORNEYS – WINNING OPPOSITIONS AND APPEALS

### Objective

Becoming proficient in opposition and appeal proceedings is not easy – actions may be months to years apart, and relatively few cases are involved. The chances of ultimately winning may be significantly affected by your submissions and conduct during proceedings, and in some cases during earlier proceedings. This course will increase your confidence handling these cases, allowing you to adapt your tactics as appropriate during opposition and appeal. The latest case law is fully integrated per topic to ensure full understanding and to keep the course focused on real-life.

### Course Concept

This course focuses on practical aspects changes, and incorporates all recent legislative developments and Case Law. The following topics will be covered:

#### *Brief summary of the procedures*

- ❖ Opposition procedure
- ❖ Intervention procedure
- ❖ Appeal procedure
- ❖ Petition for review procedure

#### *Key substantive topics*

- ❖ Priority
- ❖ Added subject-matter, Extension of scope
- ❖ Claim interpretation
- ❖ State of the art, novelty
- ❖ Inventive step
- ❖ Common general knowledge
- ❖ Sufficiency of disclosure

#### *The Basic Rules*

- ❖ Party status – joint parties, transfer, withdrawal
- ❖ Using a “straw man” – G4/97
- ❖ Representation and authorizations
- ❖ On-time and late-filed documents
- ❖ *Prima facie* test
- ❖ *Reformatio-in-peius*
- ❖ Acceptable evidence – written & oral
- ❖ Decision on taking evidence
- ❖ Prior use
- ❖ Standards of proof

#### *Opposition in depth*

- ❖ Strategies for filing oppositions
- ❖ Grounds for notice
- ❖ Ensuring admissibility
- ❖ Avoiding unnecessary limitations in notice
- ❖ Introducing new arguments, new grounds, new evidence
- ❖ Options open to proprietor and to opponent
- ❖ Possible decisions

#### *Appeal in depth*

- ❖ Strategies for filing appeals
- ❖ Grounds
- ❖ Ensuring admissibility
- ❖ Introducing new arguments, new grounds, new evidence
- ❖ Parties as of right
- ❖ Options open to appellant and to respondents

- ❖ Possible decisions
- ❖ Referrals to the Enlarged Board

#### *Petition For Review in depth*

- ❖ Strategies for filing petitions
- ❖ Grounds
- ❖ Ensuring admissibility
- ❖ Lessons learned from the first decisions

#### *Oral proceedings*

- ❖ Legal framework and basic rules
- ❖ Preparation and tactics, chances for postponement
- ❖ Dealing with the absence of the other party
- ❖ Taking client’s, witnesses and other experts
- ❖ Letting accompanying persons speak – G4/95
- ❖ Advantages and disadvantages of auxiliary requests
- ❖ Establishing grounds for a future appeal or Petition For Review
- ❖ Requesting apportionment of costs
- ❖ Possible decisions

#### *Bringing it all together*

- ❖ Writing a successful opposition
- ❖ Writing a successful appeal
- ❖ Tactical considerations during the proceedings

### Course Highlights

This 3-day program concentrates on the practical aspects and the in-depth legal knowledge, which are not addressed during preparation for the EQE.

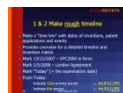
Competing courses are often given from the EPO’s viewpoint. Our speakers are from private practice, experienced in defending a client’s interests. In addition, opposition, appeals and oral proceedings are integrated to provide a complete training because actions during one aspect can influence the chance of success in one of the others.

In-depth explanation of key legal topics, supported by recent case law, ensures full understanding. Recent trends seen in case law are also addressed. This allows the strength and weakness of legal arguments to be assessed throughout proceedings.

Oral proceedings are dealt with extensively to prepare for the EPO’s impartial role. Topics covered include fully preparing and presenting the case, speaking when necessary, and reacting to the requests and arguments of the other party.

### Documentation

A comprehensive set of high quality, up-to-date materials will be provided, including:



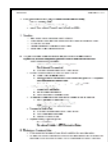
- All overhead sheets used during the course.



- Flowcharts explaining key legal topics.



- Checklists for writing oppositions and appeals, and for preparing for oral proceedings.



- Examples of opposition and appeal letters.

The copyrighted course material is provided for the personal use of the participants.

### Who should attend?

All Patent Attorneys in private patent offices and industrial patent departments who wish to increase their confidence when dealing with oppositions and appeals. The course is ideally suited for participants who have a good working knowledge of the EPC. It is potentially relevant for national continuous education, including CPD hours for CIPA Fellows (UK), permanent education hours for NIPA members (NL) and PVU hours for IPS hours (SE).

### Alternative training

This course is part of our **Ongoing Training for Patent Attorneys** program. The program provides practicing patent attorneys with up-to-date and in-depth knowledge to fine-tune their existing skills. Detailed brochures for these courses can be downloaded from [www.deltapatents.com](http://www.deltapatents.com).

### Course Language

All material and tuition will be in English.

### Attendance Limited to 20

A maximum of approximately 20 participants can take part in the course. This limitation will give the speaker the opportunity to discuss unclear issues in more detail and to answer any other questions.

### Certificate

All participants will receive a certificate after attending the course.

### Course Location

The course will be held in Eindhoven (NL). Please check [www.deltapatents.com](http://www.deltapatents.com)

### Meet the Speakers

The training will be given by Pete Pollard and/or Jelle Hoekstra.



- Jelle Hoekstra is a founding partner of DeltaPatents, and an experienced tutor. He is a contributor to the DeltaPatents' Questions and Answers book for the EQE Legal Paper. He is also the author of "Methodology for Paper C", which explains the application of relevant case law when writing oppositions for the EQE Opposition Paper. He is also the author of the book "References to the European Patent Convention" ([www.hoekstradoc.nl](http://www.hoekstradoc.nl))



- Pete Pollard is an associate partner and patent attorney at DeltaPatents. He is a major contributor to the DeltaPatents' book "Questions and Answers" for the EQE Legal Paper.

### Registration courses The Netherlands

The price for the "**3-day Winning Opposition and Appeals**" is **€1,300** (excluding 19% VAT). The price includes tuition, course materials, refreshments and lunches.

An administrative fee of €120 is charged for every booking. If more than one course is booked at the same time, only one administrative fee of €120 will be charged.

Please register online or use the form in this brochure.

### Contact

For more information please visit [www.deltapatents.com](http://www.deltapatents.com) or contact Mieke Zonjee ([training@deltapatents.com](mailto:training@deltapatents.com)).

### European Intellectual Property Education Foundation

The course is offered by EIPPEF, European Intellectual Property Education Foundation. The Foundation decides on the programme and price-setting of the offered courses. DeltaPatents provides the contents of the courses, the course material and the organisation.

# Registration Form

## Ongoing Training for Patent Attorneys

### Winning Oppositions and Appeals

You may register by **FAX** +31 40 2366708  
**MAIL** DeltaPatents B.V., Fellenoord 370, 5611 ZL Eindhoven, The Netherlands  
**WEBSITE** [www.deltapatents.com](http://www.deltapatents.com)  
**E-MAIL** [training@deltapatents.com](mailto:training@deltapatents.com)  
**DATE** to be announced  
**LOCATION** DeltaPatents' office, Eindhoven, The Netherlands  
**PRICE** €1.300 (3-DAY COURSE)

first name	
family name	
company	
address	
city	
post code	
country	
billing-address <i>(if different)</i>	
purchase order	
tel no	
fax no	
e-mail address	
preferred date	
<i>A registration fee of € 120 is charged for each booking. If more than one course is booked, only one registration fee will be charged.</i>	

**Cancellation policy:** Cancellations must be received in writing at [training@deltapatents.com](mailto:training@deltapatents.com). For cancellations 3 weeks or more before the course starts, a full refund of the course fee less a cancellation fee of € 100 is possible or transfer to a different course may be requested. Thereafter, up to 1 week before the course starts, a 50 % refund is offered or transfer at an additional charge of 25 %. For cancellations less than one week before the course starts, no refund will be given. In the event of circumstances beyond its control, or of over- or underbooking, DeltaPatents reserves the right to alter programme, tutor, location and/or date, to cancel any bookings not fully paid or to cancel the course.

DeltaPatents - Fellenoord 370, NL-5611 ZL Eindhoven, Phone +31-40-7876030 - Fax +31-40-2366708 - [training@deltapatents.com](mailto:training@deltapatents.com)