

EPO Oppositions and Appeals - the Case Law and Workshop

8-9 Mar 2022, London

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Updated for 2021! Drawing on case law and the experience of the faculty, this seminar considers the present workings of the opposition and appeal procedures at the European Patent Office. It provides an in-depth summary of both background and recent developments at the EPO and explains how these will impact on your day-to-day practice. It will give you the knowledge and skills to navigate this highly technical area.

Programme at a glance:

- ✓ Introduction to oppositions
- ✓ Filing and admissibility of oppositions
- ✓ Substantive examination of oppositions
- ✓ Evidence
- ✓ Oral proceedings
- ✓ Introduction to appeals
- ✓ Filing, admissibility and examination of appeals
- ✓ Petitions for review
- ✓ Oppositions and appeal case law summary
- ✓ Revised Rules of Procedure of the Boards of Appeal of the EPO
- ✓ Mock oral proceedings
- ✓ Mock oral proceedings conclusion

Full programme inside

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Course overview

Drawing on case law and the experience of the expert speakers, this seminar considers the present complex workings of the opposition and appeal procedures at the European Patent Office (EPO). It provides an in-depth summary of both background and recent developments at the EPO, including the new Rules of Procedure that entered into force on 1 January 2020, and explains how these will impact on your day-to-day practice. It will give you the knowledge and skills to navigate this highly technical area and adapt to the recent changes.

The second day of the seminar will be an opposition workshop, culminating in mock oral proceedings in which attendees can participate to gain practical experience in a safe environment. This session will also offer vital tips and feedback on written and oral presentation before the Opposition Division and Boards of Appeal.

You will also have ample opportunity to discuss your particular questions with our expert trainers who will be able to give you insights from both a patent lawyer's and the EPO's perspective.

Key topics to be covered:

- Introduction to oppositions
- Filing and admissibility of oppositions
- Substantive examination of oppositions
- Evidence
- Introduction to appeals
- Filing, admissibility and examination of appeals
- Petitions for review
- Oppositions and appeal case law
- Revised Rules of Procedure of the Boards of Appeal – January 2020
- Oral proceedings including a mock hearing

Who should attend

- Patent attorneys in private practice
 - In-house patent attorneys and lawyers
 - Trainee patent attorneys
 - IP managers and advisers
 - Patent managers and specialists
 - All those working or training in intellectual property
- Those already familiar with the field will also find this seminar valuable for updating their knowledge.

Expert trainer



Leythem Wall

Leythem Wall is a European and UK patent attorney and litigator specialising in the chemical, consumer products, energy, material, mechanical, medical and pharmaceutical sectors. Prior to founding Oxon IP, he was a Partner in major European and US Intellectual Property law firms, and before then in-house patent counsel for ExxonMobil and AkzoNobel. He has extensive experience in patent drafting, prosecution and particularly oppositions before the European Patent Office. Having worked in private practice and industry for European and US companies, he has significant knowledge of the US patent system, and how this compares with Europe.



Introduction to oppositions

- Parties
- Representation
- Languages
- Composition of opposition divisions

Filing and admissibility of oppositions

- Time limits
- Notices of opposition
- Admissibility
- Sufficient/insufficient substantiation
- Transfer of oppositions

Substantive examination of oppositions

- Extent and grounds of opposition
- Late submissions
- Communications and amendments
- Effect of withdrawal of oppositions

Evidence

- Admissible evidence
- Written and oral evidence
- Evaluation of evidence
- Standard of proof
- Burden of proof

Oral proceedings

- Requests for and summons to oral proceedings
- Procedure

Introduction to appeals

- The Boards of Appeal and Enlarged Board
- Nature of appeals
- Parties to appeals,
- The rule against *reformatio in peius*

Filing, admissibility and examination of appeals

- Time limits
- Written submissions
- New grounds of opposition

Petitions for review

- Grounds for petitions to the Enlarged Board for review of appeal decisions
- Emerging case law
- Review procedure

Oppositions and appeal case law summary

- Added matter
- Insufficiency
- Inventive step
- Novelty

Revised Rules of Procedure of the Boards of Appeal of the EPO

- Aims of the revision
- Case management measures
- Transitional provisions
- Key concepts for amendments to a party's case – 'convergent approach'

Mock oral proceedings

- Introduction
- Requests
- Novelty
- Added matter
- Admissibility
- Inventive step
- Auxiliary request

Mock oral proceedings conclusion

- Decision
- Feedback

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EPO Oppositions and Appeals - the Case Law and Workshop

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The 'Small Print'

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