



Heidelberg Masterclass: EPO Opposition & Appeal

*This masterclass
is restricted to 20
attendees.*

Best Practices on the Proceedings on 1.5 Days

TOPICS

- Opposition Proceedings in the light of RPBA 2020: drafting notice of opposition anticipating admissibility hurdles, substantive examination, burden of proof
- Oral proceedings, taking of evidence, amendments of the patent
- Appeal Proceedings: important conclusions from recent case law on Articles 12 and 13 RPBA, substantive examination, final phase of appeal proceedings; remittal to department of first instance; reformatio in peius, res judicata and ratio decidendi, reimbursement of appeal fee
- Petition for review according to Article 112a EPC - recent decisions

YOUR SPEAKERS



Theodora Karamanli

Legal member of the Boards
of Appeal of the EPO,
Munich (Germany)



Dr Hendrik Wichmann

European Patent Attorney,
Wuesthoff & Wuesthoff,
Munich (Germany)

Aims and objectives

The revised Rules of Procedure of the Boards of Appeal (RPBA 2020) which entered into force on 1st January 2020 have changed the landscape for both opposition and appeal proceedings. They have a decisive impact on how the parties should present their case right from the beginning in order to avoid any later procedural and legal hurdles or pitfalls. It is emerging that invalid patents may be upheld if an opponent does not adequately present its case from the outset. For a patentee, valuable inventions may lose patent protection if procedural hurdles are not timely anticipated.

This masterclass will therefore provide you with an intensive overview of all relevant legal and practical issues concerning opposition and appeal proceedings before the EPO, taking into account the most recent case law.

In this highly interactive course, the speakers will explain all the important aspects of these proceedings, starting with the preparation of the opposition, covering the drafting of the notice of opposition, and concluding with the procedure before the opposition division of the EPO, as well as the potential subsequent appeal proceedings. In addition to the legal, formal and substantive requirements and particularities of contentious proceedings, the speakers will discuss useful tactical and strategic aspects. The individual parts of the seminar will be rounded up by tips for your own practice.

Who should attend?

Do you work in a corporate patent, IP or legal department and are regularly tasked with opposition and appeal proceedings before the EPO? Or do you deal intensively with these proceedings as a patent attorney or attorney-at-law in private practice? Then this Masterclass is designed to enable you to make the right decisions at the right point in time. Knowledge on patents is assumed.

YOUR SPEAKERS

Theodora Karamanli

Legal member of the Boards
of Appeal of the EPO,
Munich (Germany)

Mrs Karamanli started her career as a lawyer at the EPO in Munich in 1989. Since 1 March 2006 she has been a Legal Member of the Boards of Appeal. She has previously served as a member of the Disciplinary Board of the EPO as well as the Examination Committee for the European qualifying examination. Additionally, she can look back on more than 10 years expertise as a legal member in various opposition divisions. As a member of the Drafting Group she was also involved in the revision of the Rules of Procedure of the Boards of Appeal.

Dr Hendrik Wichmann

European Patent Attorney,
Wuesthoff & Wuesthoff,
Munich (Germany)

Dr Wichmann is a German and European patent attorney with more than 20 years expertise in the field of IP law. He is a partner at Wuesthoff & Wuesthoff in Munich and is president of the committee for biotechnology at the German chamber of patent attorneys. He has intensively dealt with the topics of this seminar, together with further aspects of European patent law, in numerous presentations and publications.

Networking

On the first evening of the course FORUM · Institut für Management GmbH is pleased to invite the participants to a behind-the-scenes tour in the beautiful castle of Heidelberg, followed by a joint dinner in a traditional and cosy Heidelberg restaurant.

1st day: 14:00-18:00 CET, 2nd day: 09:00-17:00 CET

Setting the stage

- The impact of the revised RPBA on first-instance proceedings

Preparing and filing the opposition

- Structuring the opposition:
 - Identity of the opponent
 - State of the art
 - Public prior use
 - Internet publications
 - Oral presentations
- Extent of opposition, grounds for opposition and their substantiation, principles of claim interpretation
- Notice of opposition: drafting and filing

Procedure of opposition

- Examining the admissibility of the opposition by the opposition division
- Preparing and conducting the substantive examination
- Early certainty, acceleration and stay of proceedings

Substantive examination

- Being bound to the extent of the opposition / Examination of the grounds for opposition
- Evaluation of evidence, burden of proof / Amendments of granted patent claims

Oral proceedings before the opposition division

- Conducting oral proceedings / Absence of a party to the proceedings
- Taking of evidence / Evaluation of late-filed grounds and evidence

Appeal

- Nature of appeal proceedings
- Revised Rules of Procedure
- Notice of appeal and statement of grounds of appeal
- Reply of the other party or parties

Appeal proceedings

- Written procedure / Oral proceedings / Late submission of arguments, objections and requests
- Final decision of the Board of Appeal
- Ratio decidendi
- Reformatio in peius
- Reimbursement of the appeal fee - revised Rule 103 EPC

Conclusion of the proceedings

- Possible results of opposition and appeal proceedings
- Special cases: withdrawal of opposition / appeal, request for revocation by patentee, etc.
- Apportionment of costs and fixing of costs

Intervention of an alleged infringer

Review of decisions of the Boards of Appeal according to Article 112a EPC

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REGISTRATION UNDER

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REGISTRATION FORM

Yes, I will attend

☐ Masterclass: EPO Opposition & Appeal

☐ Yes, I agree that FORUM Institut may inform me about events
by: ☐ email; and/or ☐ telephone.
I may withdraw my consent at any time.

Name

Position, department

Company

Street

Post code, city, country

Tel. no./Fax no.

E-mail

Contact person at office

Date, signature

Date and venue

30 June - 1 July 2022 | Heidelberg,

1st day: 14:00 - 18:00 CET;

2nd day: 09:00 - 17:00 CET

NH Heidelberg

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Fee

€ 1,480.00 (+ German VAT)

The fee includes course documentation (including free download) as well as refreshments, lunch and a certificate. You will receive an invoice as well as confirmation.

CANCELLATION POLICY

Our general terms and conditions (as of 01 November 2021) apply and are available upon request. We can send them to you at any time. Alternatively, you can access them online at www.forum-institut.com/t&c

YOUR CONTACT



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