

Flow of Procedures in the Intellectual Property High Court of Suits against Appeal/Trial Decision made by the JPO (Patent/Utility Model).

1. Designation of the first Date for Preparatory Proceedings

When the designated date was notified by the Court, please send the confirmation of the date to the Court immediately by fax.

2. The following documents are required to be submitted to the Court for the first date of preparatory proceedings (please strictly observe the deadline for submission).

Plaintiff	Defendant
<p>By the deadline specified in the written inquiry (about four weeks after filing the complaint):</p> <ul style="list-style-type: none"> ➤ Basic documentary evidence and its description <p>No later than 10 days before the designated date of preparatory proceedings (the deadline for submission may be specified separately):</p> <ul style="list-style-type: none"> ➤ A brief that states grounds for rescission of the decision ➤ Evidence other than basic documentary evidence and its description 	<p>Immediately after the service of the complaint:</p> <ul style="list-style-type: none"> ➤ Written answer

3. The first date for Preparatory Proceedings

On the first date for preparatory proceeding, points at issue shall be clarified and the schedule for the proceedings thereafter shall be coordinated (including the due dates of defendant's rebuttal and plaintiff's re-rebuttal as well as whether to schedule an explanatory session).

4. Preparation for the Second Date for Preparatory Proceedings

Plaintiff	Defendant
<p>By the deadline for submitting a brief for re-rebuttal when set by the Court:</p> <ul style="list-style-type: none"> ➤ A brief for re-rebuttal 	<p>By the deadline set by the Court in the first date of preparatory proceedings:</p> <ul style="list-style-type: none"> ➤ A brief for rebuttal ➤ Evidence and its description

5. The Second Date for Preparatory Proceedings

The clarification of points at issue and submission of evidence shall be substantially completed on this date. The Court shall conclude the preparatory proceedings and give a notice of the scheduled date for the oral argument, (See 7.infra) .

The third date for preparatory proceedings may be designated as necessary.

An explanatory session may be held on the second or third date for preparatory proceedings or the first date for oral argument. Technical advisors attend the session in general (See 6.infra) .

6. Preparation for Explanatory Session

Plaintiff	Defendant
<p>By the deadline for submission set by the Court:</p> <ul style="list-style-type: none">➤ Copies of the submitted briefs and documentary evidence for the technical advisors➤ Materials used in the explanatory session (submitted as documentary evidence)	<p>By the deadline for submission set by the Court:</p> <ul style="list-style-type: none">➤ Copies of the submitted briefs and documentary evidence for the technical advisors➤ Material used in the explanatory session (submitted as documentary evidence)

7. First Date for Oral Argument

On the first date for oral argument, the outcome of examination of the preparatory proceedings shall be stated. The parties may be requested to present five-minute explanation of the points in dispute.

8. Rendition of Judgment

The parties are not required to appear in the courtroom on the date for rendition of judgment.

The parties may receive the service of an authenticated copy of the judgment document after its rendition at the office of the court clerk who administers the case. Service by postal mail is also possible.

Note:

The aforementioned is a typical case for a suit against appeal/trial decision made by the JPO in the IP High Court (patent/utility model). The flow of proceedings may differ depending on the individual case.