



UNIFIED PATENT COURT LITIGATION SERVICES

INTRODUCTION TO R&G'S UPC LITIGATION SERVICES

We are ready to assist you in making the most of the exciting opportunities this new court affords, while also helping you navigate the challenges posed by a brand new pan European court system.

Our services include handling all aspects of revocation actions and supporting infringement actions before the UPC. As a completely new court system, the UPC will be heavily influenced by the case law and processes of the European patent office (EPO), and so the knowledge and experience of our European patent attorneys will be central to any litigation before the UPC, whether acting as advocates or technical experts in a wider litigation team.

WHAT TO EXPECT FROM THE UNIFIED PATENT COURT

The new Unitary Patent system includes a new European patent right along with a whole new court system, the UPC, to hear disputes relating to both Unitary Patents and European patents validated in participating member states.

A fundamental aim of the UPC system is to provide fast and cost effective litigation of European patents. Litigation will take place via a single action lodged at the UPC rather than separate actions across national European courts.

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The Rules governing the new court system suggest that proceedings will be predominantly based on written evidence. In line with litigation on continental Europe, some of the more expensive aspects of common law litigation such as discovery and expert witness testimony is expected to be less common.

Revocation actions bear much resemblance to EPO opposition proceedings, albeit with shorter deadlines and a shorter duration between launch and a final decision. This again points towards revocation actions being largely based on written evidence, with a discretionary interim conference, and an oral hearing at the end of proceedings.

A decision under the UPC will apply across 17 EU states, and will therefore have significant commercial impact across a large part of Europe. Further EU states may join in the future; however, presently notable absentees from the UPC system are the UK, Spain and Poland.



The array of courts of first instance (local regional and central divisions), spread throughout the participating states, could lead to the potential for forum shopping. The system will also allow for bifurcation between infringement and revocation proceedings which will be a new concept for many European litigators.

Our European patent attorneys have a right of audience at the UPC and so can represent clients in all proceedings before the new court.

WHY USE R&G FOR YOUR UPC LITIGATION

We are a renowned UK and European IP firm with a proven track record in contentious proceedings. Many of our firm's attorneys have practices focussing on contentious work, made up of representing clients in opposition and appeal proceedings before the European patent office (EPO) and supporting infringement and revocation actions before national courts.

In contrast to many firms that focus on a single jurisdiction, we have developed a strong reputation as a key partner in UK and European litigation actions. In recent years, our attorneys have supported litigation in Germany, France, the Netherlands, Switzerland and the

UK, as well as less traditional jurisdictions such as Slovakia, Portugal, Denmark and Estonia. Our pan-European experience makes us uniquely placed to understand and manage the complex range of challenges presented by the new UPC system.

Whilst many of the UPC courts will allow English as the language of proceedings, for the majority of the judges it will not be their native tongue. Through our daily interaction with the European patent office, we are highly experienced operating in a multi-lingual environment. In addition, our team boasts native English, German, Italian and Dutch speakers, so the switch to representing before a multi-national court will be second nature to our attorneys.

The UPC will be unique. Whilst certain aspects of the system are heavily influenced by the processes of the EPO and continental European courts, there are still aspects that are more familiar to a common law practitioner. One of our key strengths is our experience across all of these forums, enabling us to manage parallel litigation before the UPC, the EPO and in jurisdictions outside of the UPC.

Through our role as technical experts in infringement proceedings, we have also built up an extensive network of trusted litigation partners across the UK and Europe. Irrespective of where an action is brought, we will be able to assemble a team to best fit the needs of you or your client.

It is clear that the intention of the legislators is for the UPC to be lean, fast and efficient. Whilst blockbuster litigation will remain, the UPC will make patent litigation economically viable to companies for whom expensive litigation was previously out of reach.

We will remain flexible, tailoring revocation and infringement actions to suit our client's budgets and goals. This approach aligns with our existing ethos of providing our clients with bespoke services, and naturally positions us as "go to" attorneys for not just UPC litigation but for all IP services.

The European unitary patent system represents the biggest change to the European patent system since the advent of the EPC in the 1970s. With change comes new challenges and uncertainty, but also new opportunities. Our UPC litigation team is available to help you navigate the challenges this new system presents, as well as help you capitalise on the new opportunities that it brings.

HERE TO HELP

We would be delighted to provide you with further information about our services and to organise an initial consultation.





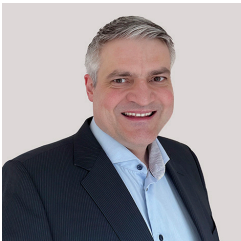
KEY CONTACTS



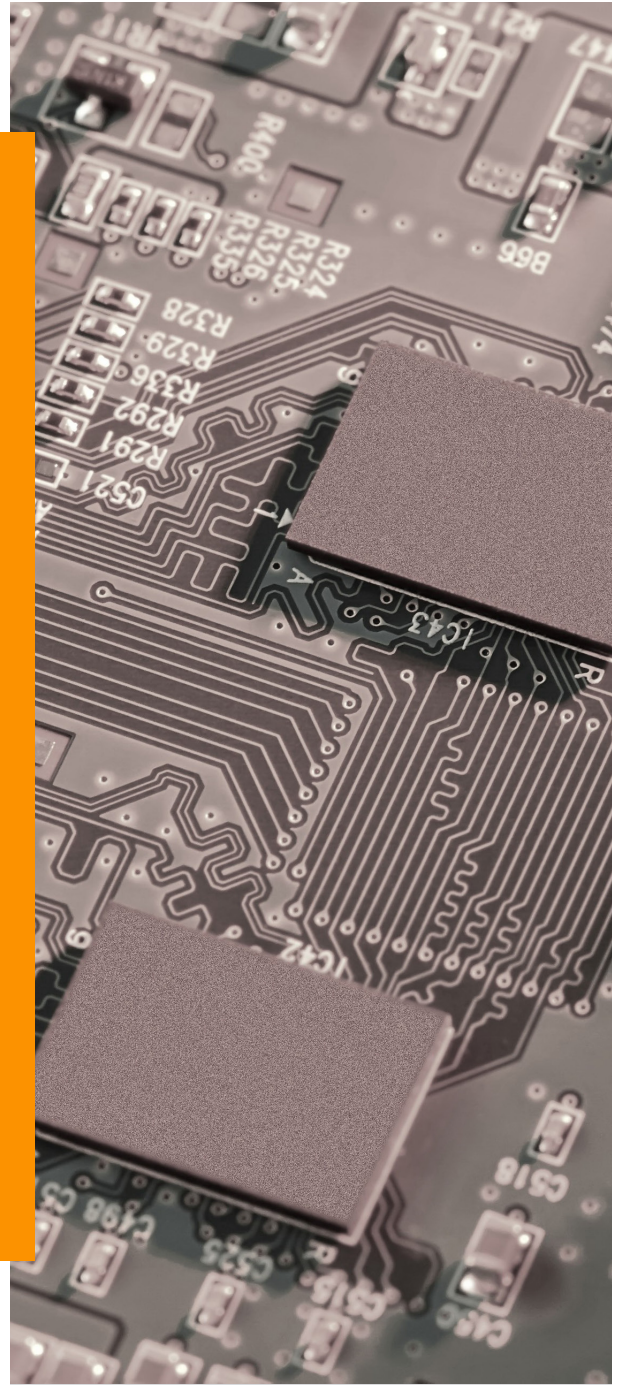
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Jan is a partner working across our London and Munich offices. He advises clients across a wide range of engineering matters. He has extensive experience of contentious matters and disputes.



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Robin is a partner in our Munich office specialising in pharma and biotech. His practice consists of handling oppositions before the European Patent Office and supporting clients in contentious proceedings before the national courts of Europe.



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Simon is a partner in our Munich office. He specialises in the field of patent litigation concerning telecommunications, mobile radio technology like 5G and 6G as well as video compression, smart devices and software patents.



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