

## DETAILED TABLE OF CONTENTS

Preface.....	v	v
About the Authors .....	xiii	vii
Summary Table of Contents.....	xv	ix
CHAPTER 1. EUROPEAN PATENT LAW AS		
INTERNATIONAL LAW. ....	1	—
I. European Patent Law Arises From Multiple		
Sources .....	2	—
II. History and Development of European		
Patent Law .....	3	—
A. The International Patent Institute (IIB) .....	3	—
B. The European Patent Convention (EPC) and		
the Strasbourg Convention .....	5	—
C. The European Patent Convention		
and Agreement to Centralize Grant		
Administration.....	8	—
D. The Integration of the IIB into the European		
Patent Organisation .....	9	—
1. Comparison to Structure of USPTO.....	12	—
E. European Patent Law After the European		
Patent Convention 2000 (EPC 2000) .....	12	—
III. European Patent Law as Explained by		
<i>Actavis UK</i> .....	14	—
IV. European Patent Law as a Creature of Treaty ...	21	—
A. The World Trade Organization’s Trade-		
Related Intellectual Property Rights		
Agreement of 1994 (TRIPS) .....	21	—
B. The World Intellectual Property Organization’s		
Patent Law Treaty (PLT) of 2005 .....	22	—
V. EU Directives .....	22	—
VI. National Efforts .....	23	
VII. Unified Patent Court Proposal and Plans		
for the Future.....	24	—

	<i>Main Volume</i>	<i>Supple- ment</i>
CHAPTER 2. THE STRUCTURE AND GOVERNANCE OF THE EUROPEAN PATENT ORGANISATION.....	27	—
I. Structure of the European Patent Organisation.....	27	—
II. Structure of the EPC.....	28	—
A. The Components of the EPC.....	28	—
III. General and Institutional Provisions .....	30	—
A. A System of Law Common to the Contracting States .....	30	—
B. The EPO is run by a Council of its Member States .....	31	—
1. Role of the Administrative Council.....	32	—
C. Structure and Role of the European Patent Office.....	33	—
D. The EPO has More Legislative Power and Judicial Independence Than the USPTO.....	34	—
E. An EPO Patent is a “Bundle of Patents” .....	36	—
F. Other Comparisons Between the EPO and the USPTO .....	37	—
IV. Other Articles of the EPC .....	37	—
V. Implementing Regulations and Guidelines for Examination.....	40	—
VI. Case Law of the EPC.....	40	
VII. Boards of Appeal.....	42	—
A. Comparison to the U.S. Patent Trial Appeal Board.....	44	—
CHAPTER 3. THE PATENT COOPERATION TREATY AND EURO-PCT PROCESS .....	45	5
I. Filing at the European Patent Office Through the Patent Cooperation Treaty .....	46	—
A. Filing through the U.S. Receiving Office....	49	—
1. Permitted Applicants and Competent Receiving Offices .....	50	—
2. Form of the International Application....	50	—
a. The Request .....	50	—
b. The Description.....	51	—

	<i>Main Volume</i>	<i>Supple- ment</i>
c. The Claims.....	51	—
d. The Required Fees.....	52	—
e. Designation of European Region.....	52	—
3. The Priority Claim.....	53	—
B. Filing Through the International Bureau.....	54	—
1. Permitted Applicants.....	55	—
2. Making the Application.....	55	—
3. Form of the Application.....	56	—
II. The PCT Process.....	56	6
A. The Search Process.....	56	—
B. Selecting the Competent Search Authority ..	59	—
C. Responding to the Search Report.....	60	6
1. Time Limits.....	61	—
2. Making Amendments to the Claims.....	61	—
D. Demand for the Examination.....	62	—
1. Determining Whether to Demand Examination.....	62	—
2. Selecting a Competent Examination Authority.....	64	—
3. Responding to an Examination Report...	64	—
4. Making Amendments.....	65	—
III. Entry into the European Regional Phase.....	65	—
A. Initiating Entry Into the European Patent Office.....	66	—
B. Appointing a Representative.....	68	—
C. Amending Claims Under the Euro-PCT Process.....	69	—
CHAPTER 4. PATENTABILITY UNDER THE EPC.....	71	9
I. Overview of Substantive EPC Law.....	72	—
II. Patentable Subject Matter Under the EPC.....	73	10
A. The Legal Basis.....	73	—
B. Distinguishing Characteristics of EPC Patentable Inventions.....	75	—
1. Technical Character Defined.....	75	—
2. Identifying Technical Character.....	76	—
3. Technical Character in Tradition and in Rule.....	77	—

	<i>Main Volume</i>	<i>Supple- ment</i>
4. Technical Field to Which the Invention Relates.....	78	—
5. Drafting the “Technical Character”.....	79	—
6. T 0619/02 (or “Does This Perfume Smell Like Henri Matisse or Pearl Jam?”).....	80	—
C. The “As Such” Exceptions.....	82	—
D. Article 53—Policy Exclusions.....	84	—
1. Broad Categories are Excluded.....	84	—
2. The Varying Scope of Article 53.....	84	—
3. Flow Chart for Patentable Subject Matter.....	86	—
E. Comparison of Articles 52 and 53 With 35 U.S.C. Section 101.....	87	10
1. 35 U.S.C. Section 101.....	87	—
2. Differences.....	87	—
3. U.S. Case Law.....	88	—
4. Practical Effect.....	91	10
F. Industrial Applicability.....	92	—
III. Novelty Under the EPC.....	95	—
A. Article 54.....	95	—
1. Analogy to 35 U.S.C. Section 102.....	96	—
2. Absolute Novelty Under Article 54.....	96	—
3. Unpublished Applications are Included in the “State of the Art”.....	96	—
B. Unqualified Exceptions Under Article 55....	97	—
C. Comparison to U.S. Law and Practice.....	97	—
IV. Inventive Step.....	99	—
A. Article 56.....	99	—
1. Analogy to 35 U.S.C. Section 103.....	99	—
B. Overview of Problem-Solution Approach....	100	—
C. The Skilled Person is Competent, Knowledgeable, and Motivated but Uninventive.....	101	—
1. Comparison to Skilled Person Under U.S. Patent Law.....	103	—
D. The Problem-Solution Approach From the Viewpoint of the Skilled Person.....	105	—

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Determining the Closest Prior Art .....	106	—
a. T 1212/01—The Viagra Oppositions. ....	109	—
2. Establishing the “Objective Technical Problem” to be Solved.....	110	—
3. Assessing the Inventive Step.....	111	—
a. Combination Versus Juxtaposition or Aggregation .....	113	—
b. Ex Post Facto Analysis .....	115	—
4. The Relation Between Inventive Step and Claim Scope—T 939/92 ArgEvo.....	116	—
E. Comparison to U.S. Law and Practice .....	118	—
1. Available Prior Art.....	118	—
2. The Level of Skill in the Art.....	119	—
3. Use of the Problem-Solution Approach .	119	—
 CHAPTER 5. DISCLOSURE REQUIREMENTS FOR THE EP APPLICATION .....	 121	 13
I. Introduction .....	122	—
II. The Requirements of an Application.....	124	15
A. The Principle Requirements for Disclosing and Defining the Invention.....	125	—
B. The Requirement of Unity.....	127	—
C. The Interplay between the Disclosure, the Claims, and Amendments.....	129	—
D. Sufficiency of Disclosure .....	132	15
1. Article 83 EPC .....	132	—
2. Sufficiency Is Determined From the Application as a Whole .....	132	—
3. Disclosure of at Least One Way .....	133	—
4. Article 83 Requires Sufficient Information to Perform the Invention Over the Whole Area Claimed.....	134	15
5. Partial Sufficiency .....	137	—
6. Examples to Support Broad Claims .....	138	—
7. Sufficient for the Person Skilled in the Art.....	141	—
8. Best Mode .....	145	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. T 219/85—A Gem of an “Explanatory Memo” .....	146	—
9. Disclosing Test Conditions.....	146	—
a. Board of Appeals Decision: T 1233/10—Disposing a Vaguely Worded Claim .....	147	—
10. Rule 31 Deposit of Biological Materials	149	—
11. Proving Insufficiency .....	150	—
12. Comparison to 35 U.S.C. Section 112....	151	—
E. Clarity of Claims .....	153	—
1. Requirements of Article 84 .....	153	—
a. Article 84 EPC .....	153	—
2. Defining the Matter for Which Protection Is Sought.....	154	—
3. Reciting Technical Features .....	156	—
4. Reciting Essential Features .....	159	—
5. Using Means Language.....	160	—
6. Avoiding Undue Limitations .....	161	—
a. T 0061/94.....	161	—
7. Clarity and Conciseness .....	163	—
8. Limitation of Claims per Category.....	164	—
9. Support Within Disclosure .....	165	—
10. Aligning Claims With Disclosure .....	166	—
11. The Skilled Person Willing to Understand .....	167	—
12. Comparison to 35 U.S.C. Section 112....	168	—
F. Requirements for Amendments.....	172	—
1. Article 123 EPC .....	172	—
2. The Stringent Standard for Amendment. a. Case No. T 2039/12—Stringent Means Strict, Precise, and Exacting .....	174	—
b. Insertion of Word “Time” Before “Rate of Change” .....	175	—
c. Insertion of the Wording “To Not Exceed a Predetermined Maximum Allowable Rate” .....	176	—
3. Comparison to U.S. Prohibition against Adding Matter .....	178	—

	<i>Main Volume</i>	<i>Supple- ment</i>
G. Claiming Priority .....	180	—
1. Article 87 EPC .....	181	—
2. Article 88 EPC .....	182	—
3. Having the Right to Make the Priority Claim .....	182	—
4. Rule 53 EPC .....	183	—
III. Comparison to 35 U.S.C. Disclosure Requirements .....	183	—
A. Table of Comparisons of U.S. Code and EPC Articles .....	183	—
CHAPTER 6. RIGHTS CONFERRED BY AN EP PATENT .....	185	—
I. The EPC and National Law of European Courts .....	185	—
II. Article 69 of the EPC and Claim Interpretation— A Brief Pause .....	187	—
A. A Codified Standard—Unlike the United States .....	187	—
B. The Protocol on Interpretation of Article 69 EPC .....	188	—
C. Claim Interpretation under UK Patent Law .	189	—
D. Comparison to United States Law .....	191	—
CHAPTER 7. INTRODUCTION TO PROCEDURE OF EXAMINATION .....	193	—
I. General Approach to Examination Proceedings.	193	—
A. Independence of the EPO .....	194	—
B. The Guidelines for Examination .....	196	—
1. Work of the Examiner Generally .....	196	—
2. General Procedures Under the Guidelines .....	197	—
II. General Structure of Examination Proceedings .	197	—
A. The Meaning of Proceedings .....	197	—
B. Two-Stage Examination Process .....	198	—
C. Coordination of Search Division With Examination Division .....	199	—

	<i>Main Volume</i>	<i>Supple- ment</i>
III. Comparison of EPO Examination Process With USPTO Examination Process.....	199	—
A. Comparative Timeline of USPTO and EPO Procedures .....	200	—
B. Overview of Differences .....	202	—
CHAPTER 8. EPO SEARCH STAGE .....	205	—
I. The EPO Search Procedures.....	205	—
A. Disclosing Search Results Under Rule 141..	206	—
1. Comparison to U.S. Rules of Disclosure	208	—
B. EPO Search for Direct Filings.....	209	—
1. Pre-Search and Rules 62a and 63 .....	210	—
a. Comparison to U.S. Search Practice.....	212	—
2. Unity of Invention .....	212	—
3. Search Report .....	213	—
4. Search Opinion.....	215	—
C. EPO Search for Euro-PCT Applications .....	219	—
1. Rule 161 EPC .....	220	—
D. EPO Search for Other PCT Applications .....	221	—
1. Supplementary European Search Report .....	221	—
II. No Right to Amend Before Receipt of Search Report .....	223	—
A. No Claim Amendments Before Search .....	223	—
B. Prior Art for Examination Set by the Search .....	224	—
C. Rule 61 EPC and Examination.....	224	—
1. Search at the Examination Stage.....	224	—
III. Responses to EESR .....	225	—
IV. Right to Amend After Receipt of Search Report .....	226	—
A. Rule 137 EPC .....	226	—
B. Limitations of the Scope of Amendments Based on Search .....	227	—
V. Comparison to U.S. Law and Practice.....	227	—



	<i>Main Volume</i>	<i>Supple- ment</i>
CHAPTER 9. EPO SUBSTANTIVE EXAMINATION STAGE .....	229	—
I. The Examination Procedure .....	230	—
A. Making the Request.....	230	—
B. Examination by the EPO under Article 94(3).....	230	—
C. Examiner Decision to Grant or Refuse .....	231	—
D. Summons to Oral Proceedings .....	232	—
II. Addressing Objections Raised Under the EPC ..	232	—
A. Preliminary Issues: Rule 137(5) and Unsearched Subject Matter .....	232	—
B. EPO Time Limits.....	233	—
III. Complying With Article 83 .....	234	—
IV. Complying With Articles 84 and 123 EPC.....	235	—
A. Overview in Relation to U.S. Law .....	235	—
B. Complying with Article 84.....	237	—
1. Generally .....	237	—
2. Essential Features .....	238	—
3. Improper or Intermediate Generalization .....	239	—
4. Use of Functional Language .....	240	—
5. Example: Comparison to U.S. Law and Practice.....	243	—
C. Complying With Added Subject Matter Requirement Under Article 123 .....	246	—
1. Generally .....	246	—
2. Improper Generalizations.....	247	—
D. Example of Complying With Articles 84 and 123 .....	248	—
V. Addressing the Novelty Requirement .....	252	—
A. The Basics .....	252	—
1. Confirming Information Public .....	254	—
2. Confirming Enabling Disclosure.....	255	—
3. Taking Disclosure in its Entirety .....	255	—
B. Importance of Priority Date.....	256	—
C. Addressing Internet Publications .....	256	—
VI. Addressing the Requirement of Inventive Step..	258	—

	<i>Main Volume</i>	<i>Supple- ment</i>
A. The “State of the Art” Must Have Been Published Before the Priority Date.....	259	—
B. The Problem-and-Solution Approach in General .....	259	—
C. Practical Application of the Problem- and-Solution Approach.....	262	—
 CHAPTER 10. EXAMPLES OF REPLIES TO COMMUNICATIONS FROM THE EXAMINING DIVISION.....	 265	 —
I. Introduction to the Examples.....	267	—
II. Example Test Question from the European Qualifying Examination .....	 268	 —
A. Form of the Exam Question .....	268	—
B. Instructions to Candidates to Receive Full Marks .....	 269	 —
C. Analysis of the Facts .....	269	—
1. The Invention as Described in the Example Application .....	 269	 —
2. The Prior Art Disclosed by the Example Application .....	 269	 —
3. The Problem Disclosed by the Example Application.....	 270	 —
4. The Disclosed Examples of the Invention.....	 270	 —
5. Determining the Technical Features of the Example Invention .....	 271	 —
6. Comparing the Example Claims to the Invention Disclosed.....	 272	 —
D. Addressing Formalities Under Rule 43 EPC	273	—
1. Requirements of Rule 43 EPC .....	273	—
2. Use of the Two-Part Claim Form .....	274	—
3. Use of Reference Numerals With the Example Claims .....	 275	 —
4. Assessing the Claim Categories .....	275	—
5. Using Claims with Multiple Dependents	276	—
E. Dependent Claims as Support for Amendments.....	 276	 —
F. Substantive Issues of Exam Question .....	277	—
G. An Amended Claim to Earn All Points .....	279	—

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Amending the Claim to Add a Technical Feature .....	279	—
2. Providing Basis for the Added Feature ..	279	—
3. Making Amendments that Comply with Client Instructions .....	282	—
4. An Example Amended Claim.....	283	—
H. Preparing a Reasoned Reply to Earn All Points.....	284	—
1. Discussing the Claim Amendments in the Reply .....	284	—
2. Addressing the Concerns Over Lack of Novelty.....	286	—
3. Addressing Concerns Over Lack of Inventive Step.....	287	—
a. Identifying the Closest Prior Art.....	287	—
i. Stating the Closest Prior Art.....	287	—
b. Formulating the Objective Technical Problem.....	288	—
c. Making Arguments to Support Inventive Step .....	290	—
III. Review of EPO Training Example on Inventive Step.....	293	—
A. Introduction to Example Problem .....	293	—
B. Analysis of the Facts of the Example.....	293	—
1. The Invention as Described in the Application .....	294	—
2. Comparing the Examined Claims to the Invention as Disclosed .....	295	—
3. The Problem Disclosed in the Application.....	296	—
4. The Prior Art Cited in the Search Report.....	297	—
5. The Differences in Technical Features ...	300	—
C. The Analysis of Inventive Step .....	300	—
1. Selecting the Closest Prior Art .....	302	—
2. The Examiner’s Formulation of the Objective Technical Problem .....	303	—
3. The Grounds for Finding the Lack of Inventive Step.....	305	—

	<i>Main Volume</i>	<i>Supple- ment</i>
IV. Example Reply Challenging Formation of the Objective Technical Problem.....	305	—
A. Analysis of the Facts .....	306	—
1. The Application .....	306	—
2. The Examiner’s Reasoning for Finding Lack of Inventive Step .....	307	—
3. Applicant’s Response Challenging the Examiner’s Formulation of the Technical Problem .....	309	—
CHAPTER 11. AUXILIARY REQUESTS .....	311	27
I. Using Auxiliary Requests .....	312	—
A. Multiple Fallback Positions.....	312	—
B. Expedite Examination .....	313	—
II. Legal Basis .....	314	—
III. Auxiliary Request Practice .....	314	—
A. In-the-Alternative Argument.....	314	—
B. Auxiliary Request Timing .....	316	—
C. Auxiliary Request Review .....	316	—
1. Admissibility of Requests .....	316	—
2. “Clear Allowability” of Late-Filed Requests .....	317	—
3. Convergence of Late-Filed Requests .....	317	—
D. Allowance of Auxiliary Requests.....	317	—
IV. Example Response—Use of Auxiliary Requests.....	318	—
A. Search Report .....	320	—
B. Applicant’s Response to the Search Report .	321	—
1. Amended Main Request.....	321	—
2. Auxiliary Request.....	322	—
3. Applicant Remarks Regarding Auxiliary Request.....	323	—
V. Further Example—Auxiliary Requests During Opposition and Appeal .....	323	28
A. Submission of Auxiliary Requests Before Oral Proceedings .....	324	—
1. First Auxiliary Request (ARI)—Claim 1 .....	325	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Second Auxiliary Request (ARII)— Claim 1 .....	326	—
B. Decision to Maintain Patent Based on the First Auxiliary Request.....	326	—
C. Changing Request Sequence During Proceedings .....	328	—
D. Boards of Appeal Maintains Patent Based on the Second Auxiliary Request .....	330	28
VI. Comparison to U.S. Law and Practice.....	331	—
CHAPTER 12. ORAL PROCEEDINGS.....	333	31
I. Overview of Oral Proceedings .....	334	—
A. The Right to Be Heard at the EPO .....	334	—
B. Initiation of Oral Proceedings .....	334	—
II. How Oral Proceedings Are Initiated.....	335	32
A. Summons to Oral Proceedings .....	335	32
1. Proper EPO Communication.....	335	32
2. Inappropriate Summons .....	335	—
B. Content of Written Submission .....	336	—
1. Requests .....	336	—
2. Late-Filed Requests.....	336	—
C. Timing of Oral Proceedings .....	337	—
1. Postponing Oral Proceedings .....	337	—
2. Late Arrival or Nonappearance at Oral Proceedings .....	337	—
D. Decision According to the State of the File..	337	—
E. Public or Private Oral Proceedings .....	338	—
F. Representation at Oral Proceedings .....	338	—
III. The EPO as a Venue for Oral Proceedings.....	339	—
A. The Panel.....	339	—
B. The Location .....	339	—
IV. The Oral Proceedings Process.....	340	—
A. The Procedural Sequence .....	340	—
B. Checking Attendee Credentials .....	341	—
C. Opening Oral Proceedings .....	341	—
D. Considering the Requests .....	341	—
E. Oral Proceedings Are a Working Meeting....	342	—
F. Requesting a Break During Oral Proceedings .....	342	—

	<i>Main Volume</i>	<i>Supple- ment</i>
CHAPTER 13. PROFESSIONAL CONDUCT DURING PROCEEDINGS AT THE EPO.....	343	—
I. Professional Conduct as Legal Representative...	343	—
II. The Representative's Duty to Act Honestly Before the Office .....	344	—
A. Rules of Professional Conduct Before the EPO .....	345	—
B. Duty of Confidentiality.....	345	—
C. General Professional Obligations.....	345	—
D. Rules of Conduct According to the ABA Model Rules .....	346	—
CHAPTER 14. NATIONAL VALIDATION [NEW CHAPTER].....	—	19
I. Introduction .....	—	35
II. Final Stages of EPO Proceedings.....	—	36
A. Notice of Intention to Grant .....	—	36
B. Amending Text for Grant .....	—	40
C. The Decision to Grant .....	—	42
D. The European Patent Bulletin .....	—	43
E. Date for Filing Divisional Applications .....	—	44
F. Suspension of Grant Proceeding .....	—	45
III. Validating Granted European Patent in EPC Member States.....	—	46
A. Countries in Which the European Patent Can Be Nationally Validated.....	—	46
B. Translation Requirements.....	—	48
C. The London Agreement.....	—	49
IV. National Validation in the EPC Contracting States.....	—	50
A. National Patent Offices.....	—	50
B. Different Sets of Claims.....	—	50
C. Effect of Revocation or Limitation of the European Patent.....	—	51
CHAPTER 15. TEXT FOR GRANT [NEW CHAPTER].....	—	53
I. Introduction .....	—	54
II. The Authentic Text at Grant .....	—	54

	<i>Main Volume</i>	<i>Supple- ment</i>
A. Text for Proceedings Before the EPO .....	—	55
B. Language Used by Parties During Proceedings Can Differ From Language of Authentic Text .....	—	56
C. Authentic Text for Actions Before the National Courts .....	—	56
III. Scope of Claims Determined by Authentic Text .....	—	57
IV. Use of Prosecution History During Claim Interpretation .....	—	58
A. The UK Position .....	—	58
B. The German Position .....	—	59
C. The Dutch Position .....	—	59
D. The EPO Position .....	—	59
V. Correcting Errors in the Text and Application Documents .....	—	59
A. Correcting Errors in Documents Filed With the EPO .....	—	60
B. Corrections to Description, Claims or Drawings .....	—	61
C. Addressing Inconsistencies Between the Claims and the Disclosure .....	—	63
D. Typographical and Linguistic Errors .....	—	63
1. Timing of Requests for Correction .....	—	64
2. Party to Decide on the Request for Correction .....	—	64
E. Correction of Named Applicant .....	—	65
F. Correction of Priority Claim .....	—	65
G. Correction of Designated Inventor .....	—	68
H. Correction to Translation of Text .....	—	69
I. Correction of Procedural Actions .....	—	69
J. Complete Replacement of the Application Documents .....	—	70
K. Missing Parts of Description and Drawings .....	—	70
L. Allowability of Clerical and Grammatical Corrections .....	—	71
M. Obligation to Draw Attention to Easily Remediable Deficiencies .....	—	72

CHAPTER 16. SELECTING AND MAINTAINING COUNTRIES FOR VALIDATION [NEW CHAPTER] ..... — 57

- I. Introduction ..... — 73
  - A. Validation Options..... — 74
- II. The European Patent After Grant ..... — 75
  - A. The Validation Period..... — 76
  - B. Transfer to National Jurisdiction..... — 77
  - C. The London Agreement and Automatic Validation ..... — 78
  - D. Assignment of European Patent After Grant ..... — 80
- III. Factors in Selecting Countries for Validation..... — 81
  - A. Costs ..... — 81
    - 1. Translation Costs ..... — 81
    - 2. Renewal and Annuity Fees..... — 83
    - 3. Comparison of U.S. Costs to EP Costs for Frequently Selected States ..... — 85
  - B. Data on Markets of EPC States ..... — 86
- IV. Costs of EPO Filing Compared to Direct Filing Through National Offices ..... — 87

CHAPTER 17. THE UNITARY PATENT AND THE UNIFIED PATENT COURT [NEW CHAPTER] ..... — 91

- I. Introduction ..... — 92
- II. The Unitary Patent Package ..... — 93
  - A. The Unitary Patent Regulation..... — 94
    - 1. European Patent with Unitary Effect..... — 94
    - 2. Comparing the Unitary Patent to the Classic European Patent ..... — 95
    - 3. Comparing the Unitary Patent Process to the Classic European Patent Process..... — 96
    - 4. Filing a Request for Unitary Effect ..... — 98
    - 5. Combining Types of European Patents .. — 99
    - 6. Registering an Offer to License..... — 99
- III. The Unified Patent Court..... — 100
  - A. Law Applied by the UPC ..... — 100
    - 1. The UPC Adopts the Law of the EPC .... — 101
    - 2. The UPC Agreement Provides Substantive Law on Infringement..... — 101



	<i>Main Volume</i>	<i>Supple- ment</i>
3. Prohibition Against Direct Infringement	—	101
4. Prohibition Against Indirect Infringement and Inducing Infringement .....	—	102
5. Uses of an Invention That Are Allowed.....	—	102
6. Other Sources of Law.....	—	104
B. Structure of the UPC .....	—	104
1. Composition of Judicial Panel.....	—	105
2. The Appeals Court.....	—	106
3. Court of Justice for the European Union...	—	106
C. Bringing Actions .....	—	106
1. Standing to Sue.....	—	106
2. Infringement Actions.....	—	107
3. Revocation Actions .....	—	109
4. Discovery .....	—	109
5. Language of the Proceedings .....	—	110
IV. Remedies .....	—	110
A. Permanent Injunctions.....	—	110
B. Damages .....	—	111
1. Knowingly Infringing Activities .....	—	111
2. Infringement Without Knowledge or Reasonable Grounds to Know.....	—	112
3. Other Corrective Measures.....	—	112
V. Revocation of a Patent.....	—	113
APPENDIX A [REDESIGNATED]. SUMMARY CHART OF U.S. PATENT STATUTE AND RULES COMPARED WITH CORRESPONDING EPC ARTICLES AND RULES.....	349	115
APPENDIX B. SUMMARY CHART OF U.S. PATENT STATUTE AND RULES COMPARED WITH CORRESPONDING EPC ARTICLES AND RULES [NEW APPENDIX].....	—	117
Table of Cases .....	365	159
Index .....	371	—