



Panel Session III: Don't take it for granted – developments in post-grant proceedings

Patentees cannot take for granted the life and scope of a granted patent. After grant, patent validity may be challenged or its scope amended through various proceedings including opposition, post-grant review, revocation actions and limitations. This creates ongoing uncertainty for patentees.

Most patent systems allow for at least some types of post grant proceedings. In Europe, there is the possibility of opposition proceedings before the EPO, patent revocation proceedings before national courts and limitation proceedings both before the EPO and national offices. Some European countries allow cumulative opposition and revocation proceedings, while others don't; some also allow national limitation actions while EPO oppositions are ongoing.

China allows multiple revocation actions involving the same parties and patents. The jurisdiction of the US Patent Trial and Appeal Board includes inter partes and post-grant reviews. *Ex parte* reexamination remains available at the USPTO. Other countries, like Japan, offer fewer opportunities, although Japan (along with the US) have recently revised their respective post-grant processes. France has recently developed case law limiting the availability of revocation actions by applying a limitation period and qualified standing.

This panel session will explore global strategies using various national and/or regional tools, from the perspective of both the patentee and the opponent.