

➔ Registration form

UNION-IP ROUND TABLE

Divergent paths? Navigating Claim Interpretation and Bifurcation Across Patent Forums

on **February 28, 2025**

at the **German Patent and Trademark Office [DPMAforum]**

Zweibrückenstrasse 12, 80331 Munich (DE)

➔ Yes, register me for the Round Table

01. Full Name
02. Title
03. E-Mail

➔ Yes, send me an invoice in the name of

04. Firm/Company
05. Street & no.
06. City & Zip code
07. Country
08. Phone

➔ Registration fee (coffee break and walking lunch included)

	In person	Online
Standard fee	09. <input type="checkbox"/> € 175	11. <input type="checkbox"/> € 120
Reduced fee*	10. <input type="checkbox"/> € 120*	12. <input type="checkbox"/> € 80*

*for **UNION-IP** members only.

Payable through wire transfer (free of charge for the recipient) to

UNION-IP bank account: IBAN: **BE08 7360 4195 7113** BIC: **KREDBEBB**

with mention of **"UNION-IP WRT 2025" + name of the participant**

13. I wish to receive a certificate of attendance

➔ Data Protection

By registering for the event the participant authorises UNION-IP to hold and process the provided personal information and to pass on said information to any third party where such would be required for the efficient administration of the event. The participant additionally authorises UNION-IP to use the provided information (name, surname, title, company and email):

14. for receiving announcements on future UNION-IP events:
15. to be shared with the other participants of the event. UNION-IP never rents or sells personal information to third parties.

ON OR BEFORE 28 FEBRUARY 2025 TO UNION@SKM-IP.DE

WHAT IS UNION-IP?

UNION-IP is an association of practitioners in the field of Intellectual Property, that is, of individuals whose principal professional occupation is concerned with Patents, Trademarks or Designs and related subjects who carry on their profession independently or as employees

UNION-IP is a private, free, international association that is not dependent on any national or international authority: it approves its own members, in accordance with its statutes, in total independence, and likewise decides on its own activities and its own budget.

UNION-IP aims on the one hand to work continuously on current developments in Intellectual Property in Europe, especially by making early submissions during the preparation of proposed laws and treaties with the intention of influencing them; and on the other hand, to devote itself to the improvement of professional and personal understanding between European practitioners in the Intellectual Property field in different countries and different branches of the profession.

WHAT IS A UNION-IP ROUND TABLE?

This Round Table is organized by **UNION-IP**, offering the opportunity for practitioners to hear from authoritative speakers on topics of interest in the European and International IP field and, just as importantly, to interact with and influence them by feeding back their own practical experience.

The integral Question and Answer sessions and friendly discursive nature of the event lead to real exchange and development of views on both sides. Participants tend to find these practitioner-lead events a real and useful antidote to the more commercial seminars familiar to all.

If you are not yet a member of **UNION-IP** and would like to join this friendly, active and interesting organization please go to our website where you can join online. Membership also entitles you to reduced prices for this, and other, **UNION-IP** events.

For more information: www.union-ip.org



German Patent
and Trademark Office



UNION OF EUROPEAN PRACTITIONERS IN INTELLECTUAL PROPERTY
UNION EUROPÄISCHER BERATER FÜR GEISTIGES EIGENTUM
UNION DES PRATICIENS EUROPÉENS EN PROPRIÉTÉ INTELLECTUELLE

UNION-IP Round Table

Munich, February 28, 2025

Divergent paths

Navigating Claim Interpretation
and Bifurcation Across
Different Patent Forums

DPMAForum, German Patent and Trademark Office
Zweibrückenstrasse 12, 80331 Munich

**Organized by the Patents and Litigation Commissions of
UNION-IP**

February 28, 2025

Divergent paths – Navigating Claim Interpretation and Bifurcation Across Different Patent Forums

Claim interpretation is at the heart of any substantive patent dispute. How broad or how narrow is a matter of life or death in validity, or success or loss in an infringement action. What seems an old matter has gained a new momentum with the recent developments at the European Patent Office – including the G1/24 referral to the Enlarged Board of Appeal – and the case law which the Unified Patent Court is establishing. So how do patent professionals navigate the current state of things, and what can they expect to face? From another perspective: how much can it be expected to have different outcomes in different forums and actions, and how does this change the patent prosecution and litigation strategies?

In the first panel of the Round Table, key aspects of claim interpretation in major forums will be discussed by high level professionals, with a focus on the Unified Patent Court, the European Patent Office and several national jurisdictions, from a strategical perspective.

Claim interpretation is particularly relevant and can lead to different outcomes in situations of overlapping infringement and invalidity proceedings. When a counterclaim for revocation is filed in response to an infringement action brought before a local or regional division of the Unified Patent Court, it is at the discretion of the seized division of the Unified Patent Court how to deal with the revocation counterclaim. One option is to proceed with the infringement action and to refer the counterclaim for revocation to the central division. Such bifurcation of proceedings, separating validity and infringement issues, shapes litigation strategies by influencing timelines, costs, and case outcomes. Its relevance may change with the rise of the Unified Patent Court. In Germany, validity and infringement issues are dealt with separately, with infringement cases often progressing faster while validity is addressed by the Federal Patent Court. The Unified Patent Court combines elements of bifurcated and unified systems although the use of the bifurcation is still very limited. Understanding the impact of bifurcation complements the first panel, as bifurcation is particularly sensitive to different results of claim interpretation.

The second panel thus examines the current status of bifurcation in patent litigation, exploring the practice of staying infringement proceedings pending validity decisions, highlighting its influence on case timelines and outcomes and offering insights into the strategic implications of these systems for patentees and infringers.

➔ Heading towards the Round Table

The DPMAForum is the main conference room of the German Patent and Trademark Office, located in the city centre of Munich and easy to reach in various ways. It can be accessed via S-Bahn (Isartor station) from any of the **Munich main train stations** or from **Franz Josef Strauß Airport**.

➔ Program

09:15 **Doors and Registration**

09:45 **Welcome words**

Reinier Wijnstra President of **UNION-IP** / Dutch and European Patent Attorney, Founder of WijnstraWise Patents

Eva Schewior President of the German Patent and Trademark Office

Rui Gomes President of the Patents Commission of **UNION-IP** / Portuguese and European Patent Attorney, UPC Representative, Head of Patents at J. Pereira da Cruz

10:00 **First panel: Claim interpretation as a patent litigation feature**

This panel will count with the views and experience of:

Heli Pihlajamaa Principal Director, European Patent Office

Detlev-Georg Schmidt-Bilkenroth Head of the Physics Examination Division, German Patent and Trademark Office

David Pearce VP of the Patents Commission of **UNION-IP** / UK and European Patent Attorney, Partner at Barker Brettel

Edger Brinkman Judge at The Hague Local Division of the Unified Patent Court and the Court of The Hague

and will be moderated by

Joana Santos VP of the Patents Commission of **UNION-IP** / Attorney-at-law, PharmD, UPC Representative, Partner at NLP Law Firm

11:15 **Break**

11:35 **Second panel: Bifurcation**

This panel will count with the views and experience of:

Tobias Pichlmaier Judge at the Munich Local Division of the Unified Patent Court, Presiding Judge at the Chamber of Antitrust Law at the District Court of Munich

Georg Werner Presiding Judge at the Chamber of Patent Litigation, Regional Court of Munich

François Pochart Previous President of the French Group of **UNION-IP** / European Patent Attorney, Attorney-at-law, UPC Representative, Partner at August Debouzy

and will be moderated by

Gisbert Hohagen President of the German Group and member of the Litigation Commission of **UNION-IP**, Attorney-at-law, UPC Representative, Partner at Taylor Wessing

12:35 **Round table discussion with all panellists**

13:30 **Closure**

Get together & walking lunch (included in the registration fee)

***All times are in Central European Time**

➔ How to register

Send in the completed registration form (see next page) on or before **28 February 2025** to

The secretariat of the Round Table
c/o Nils T.F. Schmid
SKM-IP PartGmbH Patentanwälte
Oberanger 45
80331 MUNICH (DE)
Tel: +49 89 200 00 330
E-Mail: UNION@SKM-IP.DE

either by editing the PDF (annotations), by printing & scanning, or by copying in a simple email the form data box numbers followed by the corresponding information. The information corresponding to bold item numbers (for example 01.) is required for completing your registration.

➔ Registration fee (coffee break and walking lunch included)

	In person	Online
Standard fee	€ 175	€ 120
Reduced fee*	€ 120	€ 80

*for **UNION-IP** members only.

The fee includes a coffee break and a walking lunch. Accommodation is not provided.

➔ Online participation

The online participation will provide access to video and audio from the meeting room speakers. Interaction with the speakers is possible through chat function.

➔ Credits for permanent formation

This event has not been previously accredited by a credit organisation for consultants and attorneys. The attendees can however obtain a certificate of attendance upon request.

➔ Organisation

Patents Commission and Litigation Commission of **UNION-IP**
c/o **UNION-IP** aisbl, Boulevard General Wahis 15, 1030 BRUSSELS [BE]

