

Practice Directions for Revocation Trial in the Patent Court of Korea

September 1, 2018, Patent Court

I. Purpose

The Practice Directions for Revocation Trial in the Patent Court of Korea (hereinafter, “Practice Directions”) are prepared to provide predictability of the proceedings by prescribing basic matters regarding argument and hearing in revocation of administrative decisions (including “international cases under Article 62-2 of the Court Organization Act) on patents, utility models, trademarks or design in order to facilitate expeditious, efficient and specialized trial proceedings, which would ultimately contribute to fairness of trial.

II. Submission of Complaint and Written Arguments between Parties

1. Submission of Complaint, etc. by Plaintiff

A. The plaintiff shall describe the following matters on its complaint in detail:

- ① Procedural background on the trial of the Intellectual Property Trial and Appeal Board of KIPO (hereinafter, “IPTAB”);
- ② A summary of the administrative decision (the arguments of the parties and the decision thereon by the IPTAB at the trial stage);
- ③ Parts admitted and not admitted among the grounds for the decision;
- ④ All arguments relating to the grounds for revoking the decision;

- ⑤ Notice of related cases (cases where administrative trial and litigation on the same patent, etc. are pending, the same shall apply hereinafter); and
 - ⑥ Opinion on the overall litigation proceedings, including any plan to request evidence.
- B. The plaintiff shall submit evidence corresponding to the foregoing items ① to ⑥ and explanatory documents describing the purport of the evidence. In particular, the plaintiff shall be careful not to miss the following basic evidentiary documents and requisite attachments thereto, such as a power of attorney for litigation, a corporate registry or a certificate of corporate nationality (if the party is a foreign corporation), and a certificate of service of administrative decision.
- ① Revocation case on rejection: Administrative decision, application, preliminary rejection, amendment, opinion, and rejection decision;
 - ② Revocation case on invalidation: Administrative decision, original register, registration publication, evidence relating to prior art (including prior utility model, prior-registered trademarks, prior-used trademarks, prior designs); and
 - ③ Revocation case on scope of rights: Administrative decision, original register, registration publication, explanatory documents and drawings of invention for review in a scope of rights confirmation action (including conception, trademark, design, etc. for review in a scope of rights confirmation action)
- C. If the complaint fails to set forth the requisite matters described in Paragraph A or omits the basic evidentiary documents or requisite attachments thereto as described in Paragraph B, the presiding judge or a court clerk authorized by the presiding judge issues an amendment order (See [Attachment 1]) to submit a supplemental brief or the omitted basic evidentiary documents or attachments. No later than 3 weeks from the receipt of the order, the plaintiff shall submit a preparatory brief, evidence, or documents according to the amendment order.

2. Submission of Answer, etc. by Defendant

- A. No later than 3 weeks from the service of the plaintiff's complaint or brief containing specific cause of action, the defendant shall submit an answer, including the following

matters, together with evidence cited in the answer and explanatory documents for evidence, in accordance with a preparatory order (See [Attachment 2]):

- ① Answer to the plaintiff's demand;
 - ② Parts admitted and not admitted among the plaintiff's arguments;
 - ③ Detailed rebuttal arguments on the parts not admitted among the plaintiff's
 - ④ Other arguments relating to the grounds necessary to maintain the decision;
 - ⑤ Notice of related cases ;
 - ⑥ Acceptance/denial of evidentiary documents submitted by the plaintiff; and
 - ⑦ Opinion on the overall litigation proceedings, including a plan to request evidence.
- B. The presiding judge shall issue an order (See [Attachment 3]) requesting the plaintiff to submit detailed rebuttal arguments, additional submission of evidence, etc. when then need for additional rebuttal arguments is recognized as a result of a comprehensive review of complaint, answer, and evidence submitted by the parties after the submission of the defendant's answer. No later than 3 weeks from the receipt of the order, the plaintiff shall submit a preparatory brief, evidence or documents, etc.

3. International Cases

- A. A party that applies for the argument in foreign language under Article 62-2 of the Court Organization Act shall submit an application for argument in foreign language (See [Attachment 4]) (for now, only English is available as the permitted foreign language).
- B. When the foregoing application is filed, the Court shall deliver to the other party a copy of opinion form (See [Attachment 5]) together with a copy of application

form. No later than 2 weeks from the receipt of the copies, the party shall submit the opinion of whether or not to agree to the application of the argument in foreign language.

- C. Application and consent of the argument in a foreign language shall be made before the first trial date in principle.

III. Case Classification and Preparatory Proceedings

1. Classification of Case

- A. Upon the completion of written arguments between the parties, the presiding judge shall classify the case as a case requiring immediate designation of trial date, a case requiring discussion on proceedings or designation of preparatory hearing date.

- B. International Cases

- 1) The Court may give permission for argument in a foreign language when the trial is not significantly delayed and the consent of the parties is obtained to any of the cases in respect of intellectual property rights, etc. under Article 62-2(1) of the Court Organization Act including a case in which a party is a foreigner, a case in which a major evidence examination should be done in a foreign language, or other cases with international implications equivalent to those cases.
- 2) The Court may revoke the permission where both parties withdraw the application and consent of the argument in foreign language or where arguments in a foreign language cause any significant delay in proceedings, and the revocation shall not affect the proceedings already underway. If a party seeks to withdraw the application or consent of the argument in foreign language, the party shall submit a withdrawal (See [Attachment 6]).

2. Case Requiring Designation of Trial Date

For a case requiring immediate designation of the trial date, in order to conduct the proceedings in a diligent manner, the presiding judge may issue a preparatory order (See [Attachment 7]) requesting the plaintiff and the defendant to submit a summary brief on disputed issues. In addition, the presiding judge may issue a preparatory

order (See [Attachment 8]) in consideration of the results of written arguments between the parties in order to designate deadlines for submission of arguments and evidence and for request for evidence that require a substantial amount of time, such as a request for an expert witnesses, etc.

3. Case Requiring Discussion on Proceedings - Video Conference for Case Management

- A. The presiding judge may discuss the procedural matters of the case with the parties simultaneously through a video and audio communication means (hereinafter, “video conference for case management”). The presiding judge may designate a judge to be in charge of the above process.
- B. The Court may notify the plaintiff and the defendant of the schedule of the video conference and issue a preparatory order (See [Attachment 9]) for the preparation of the conference.
- C. In a video conference for case management, the following matters may be discussed:
 - ① Dates and the number of trials, and matters to be addressed in each of the trials;
 - ② Deadlines for submission of arguments and evidence (including deadlines for submission of comprehensive briefs and an affidavit of an expert witness, and the number of submission and length of briefs);
 - ③ Whether to request evidentiary methods requiring a substantial amount of time, such as verification, appraisal, and expert witness, and deadline for such requests;
 - ④ Whether to designate a technical advisor;
 - ⑤ Whether to hold a technical explanatory session by the parties;
 - ⑥ Whether to hold a hearing for claim construction first;
 - ⑦ How to proceed the trial in the case where trial for correction or petition for

correction is pending;

⑧ Whether to hold parallel hearing in the case where relevant cases such as invalidation, confirmation of the scope of rights, and infringement are pending; and

⑨ Confirmation and summary of disputed issues.

D. A preparatory order for procedural matters (See [Attachment 10]) may be issued based on the matters discussed in the video conference for case management.

E. When the foregoing preparatory order is issued to submit a comprehensive brief, the plaintiff shall submit a comprehensive brief no later than 3 weeks from the date of the video conference for case management (or a deadline designated in the preparatory order), and the defendant shall submit a comprehensive brief no later than 3 weeks from the date of the plaintiff's submission of its comprehensive brief (or a deadline designated in the preparatory order).

F. If a party seeks to add any new or modified argument [e.g., changing the closest prior art on which an argument about novelty and inventive step is based (hereinafter, "primary prior art") or addition or modification of prior arts or the combination relationship thereof] or request any new evidence, after the deadlines for submission of arguments and evidence designated in the preparatory order, the party shall clarify that that there is no intent or gross negligence to delay the completion of the litigation. If an explanation of such cause is not provided, the argument and the request for evidence may be dismissed under Article 149 of the Civil Procedure Act.

4. Case Requiring Designation of Preparatory Hearing Date

A. If deemed necessary for organizing arguments and evidence or for holding a technical explanatory session, a preparatory hearing requiring the appearance of the parties may be held. The presiding judge may designate a judge to be in charge of the above process.

B. If a party seeks to add any new or modified argument or request any new evidence after the conclusion of the preparatory hearing, the party shall clarify that there is no intent or gross negligence to delay the completion of the litigation. If an explanation of such cause is not provided, the argument and evidence shall be dismissed under

Article 149 of the Civil Procedure Act.

IV. Trial Date

1. Conduct of Trial Date

- A. Each party shall present an oral argument for no longer than 20 minutes, in the order of the plaintiff and the defendant. Even when a party has more than one attorney, the party shall present its oral arguments within the above time period. If deemed necessary, the presiding judge may extend or shorten the time.
- B. Any documents for oral arguments shall be submitted no later than 2 business days before the designated trial date.
- C. On the trial date, the parties, if deemed necessary, may bring the products related to the case at hand (e.g., products implementing a registered patent/design, a prior art, an invention/design for review, etc.), and provide explanation or demonstration of them with the approval of the presiding judge.
- D. Parties in international cases may argue their cases in a permitted foreign language. The presiding judge shall lead procedure in Korean in international cases. The Court shall have an interpreter interpret the words of the judicial panel and participants in the proceedings on the trial date, and simultaneous interpretation shall be provided in principle.

2. Issue-by-issue Hearing on Trial Date

- A. Where it is deemed necessary to hold separate oral hearings by claim and issue because multiple claims are combined or multiple issues are in dispute in the case, the Court may consult with the parties and hold separate oral hearings by issue.
- B. In particular, in a case where the parties are in dispute over the claim construction, according to which the arguments or evidence concerning the remaining issues may be different, and thus a hearing for claim construction need to be conducted first, the judicial panel may conduct a hearing for claim construction before other disputed issues upon consultation with the parties. If there are any pending correction trial

or petition for correction relating to the claims in dispute, the parties shall notify the judicial panel of the progress of such trial or petition. If there are any correction trial or petition for correction that is scheduled to be filed, the parties shall inform the panel of their plan on the correction trial or petition for trial in detail.

3. Parallel Hearing with Infringement Case

- A. When an infringement case and a revocation case of IPTAB decision involving the same patent right, etc. are pending concurrently before the same judicial panel and are litigated by the same parties, and when the need for parallel hearing is recognized, the Court shall, in principle, hold the trial on both cases in parallel.
- B. If it is necessary to organize related arguments in the infringement case and the revocation case, the Court may conduct preparatory proceedings for these cases in parallel.
- C. ① Related cases with the same registration number of intellectual property rights are in principle allocated to the same judicial panel, ② if the parties to a case are the same, and the same or similar intellectual property rights or registered intellectual property rights are assigned to different judicial panels, they may be allocated to the same judicial panel through re-allocation procedure (specific procedures are in accordance with the “internal regulation on case allocation in the Patent Court). The parties shall notify the judicial panels of such circumstances if related cases are allocated to or pending before different judicial panels.

V. Request for and Examination of Evidence

1. Request and Admissibility of Evidence

- A. If a party submits any evidentiary documents or files a request for witness, inquiry of facts, certified copy of document, document submission order, verification, appraisal, etc., the party shall specify what the party intends to prove by such evidentiary means in detail.
- B. If deemed necessary, the presiding judge may conduct a preparatory proceeding for discussing evidence examination procedure. The presiding judge may discuss procedural matters with the parties via a video conference for case management.

2. Verification or Appraisal

- A. If deemed necessary, the Court may conduct verification or appraisal procedures either upon a party's request or on an ex officio basis. If there is disagreement about technical matters between the parties, appraisal may be conducted for such matter.
- B. If deemed necessary, the Court may conduct a preparatory proceeding for the discussion on the admissibility of verification and appraisal, confirmation of objects and methods of verification and appraisal, factual premise to be confirmed for the conduct of appraisal, provision of necessary documents, and selection of an appraiser, etc. The presiding judge may discuss procedural matters via a video conference upon the consultation with the parties and issue a preparatory order (See [Attachment 11]).
- C. If a justifiable reason is deemed to exist, the Court may order submission of subjects of verification and appraisal.

3. Expert Witnesses

- A. If a party files a request for an expert witness, the party shall attach a basic statement of the expert witness (See [Attachment 10]) that can confirm the expertise and objectivity of the witness.
- B. A preparatory order (See [Attachment 13]) may be issued for the preparation of the matters necessary for the examination of an expert witness (deadlines for submission of an affidavit of the expert witness and an examination questionnaire for the expert witness, limitation of the time for examination, and deadlines for submission of arguments and evidence for impeaching the credibility of the testimony by the expert witness, etc.
- C. A direct examination of the expert witness shall be conducted within the scope of the affidavit of the expert witness. All documents to be presented or cited in the direct examination shall be submitted as evidence before the deadline for submission of affidavit of the expert witness and examination questionnaire.
- D. If an expert witness is a foreigner, the parties may be accompanied by interpreters for direct and cross examinations (however, if an expert witness testifies in a permitted

foreign language in international case, the party does not need to be accompanied by an interpreter). If an interpreter is accompanied, the party may provide documents regarding technical matters, etc. with the interpreter in advance for smooth interpretation. If a party cannot be accompanied by an interpreter, the party shall notify the Court thereof 4 weeks before the witness examination date and file a request for designation of an interpreter.

- E. If necessary, within the scope of related legal provisions, examination of an expert witness may be carried out remotely via relay device such as video conference.

4. Technical Advisors

- A. If deemed necessary, the Court shall hear the opinions of the parties and designate one or more technical advisors.
- B. A preparatory hearing may be held if it is deemed necessary for technical advisors to understand the case. On the date, the technical advisors may directly question the parties, etc. with the approval of the presiding judge. If it is necessary for a party to supplement its answer to the questions from the technical advisors, the party shall submit its opinion in writing by a deadline designated by the presiding judge.

VI. Preparation of Documents and Submission of Evidentiary Documents

1. Briefs

- A. General method of writing briefs

- ① The font size shall be 12pt, and there shall be a line space of no less than 250%.
- ② The length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules. However, if it is inevitably necessary to submit a brief in more than 30 pages or more than 2 volumes, the party shall submit an application for procedure consultation describing an explanation of such cause, and in such case, the Court may permit the submission of briefs exceeding the length.

- ③ If any evidence supporting an argument is submitted, a number for the evidence shall be indicated on the corresponding portion thereof.
- ④ Definition of technical terms shall be described as necessary and the sources thereof shall be submitted.
- ⑤ Summary briefs on disputed issues shall briefly state a summary of the grounds for revocation (See Annex of [Attachment 7]). of administrative decision, undisputed matters, a summary table of disputed issues, explanation on the evidence, additional evidence for submission, opinion on the acceptance/denial of evidentiary documents, requests for clarification, opinion on litigation proceedings, etc.
- ⑥ Comprehensive briefs shall include at the start a summary of all methods of offense and defense and main evidence (including prior arts).
- ⑦ In briefs except for a comprehensive brief, arguments shall not overlap with those already made in previous briefs and the corresponding portions of the previously submitted briefs shall be cited.
- ⑧ In international cases, a party permitted to make its argument in a foreign language may submit briefs in a permitted foreign language. In addition, both parties to an international case shall submit comprehensive briefs according to the order of the presiding judge.

B. Instructions

- ① If any rights relating to a patent, utility model, trademark or design at issue is changed, the details of such change and the ultimate holder of such rights shall be stated.
- ② In the case of revocation against rejection decision, the defendant shall state a preliminary rejection by a KIPO examiner, rejection decision, preliminary rejection by the IPTAB, and the grounds for rejection set forth in the IPTAB decision, and specify which of the grounds for rejection are disputed in the litigation proceedings.
- ③ If descriptions in the specification of a patent or utility model, such as claims,

etc., are changed due to amendment or petition for correction, and correction decision, etc., details of such change shall be specified before and after the change, and descriptions including claims, etc. in the specification at the time of the judgment shall be specified.

- ④ If it is necessary to conduct a hearing for claim construction first, the grounds therefor shall be specified, and the terms for which claim construction is necessary, descriptions relating to such terms in the specification, the parties' proposed claim constructions, and specific grounds for such constructions shall be stated.
- ⑤ The features of prior arts shall be specified in detail, and a feature comparison chart comparing the corresponding features of the patented invention and each of the prior arts shall be submitted. The comparable features of well-known technologies shall also be specified.
- ⑥ If an argument is made regarding lack of inventive step by a combination of prior arts, the primary prior art shall be selected, and a specific combination relationship of the prior arts and the reasons why such combination is easy shall be specified.
(Example) The inventive step of the Claim is denied by Prior Arts 1 to 3. (X)
If Element *** of Prior Art 2 is added to Prior Art 1 which is the primary prior art (or if Element *** of Prior Art 2 is combined instead of Element 2 of Prior Art 1), the patented invention is derived, and in consideration of ... since there is teaching, suggestion, and motivation, etc. of such combination, a person having ordinary skill in the art could have easily conceived such combination, and thus the inventive step of the patented invention is denied (O).
- ⑦ If a person having ordinary skill in the art is the standard for determining legal requirements (e.g., inventive step, a range of equivalence, freely exploited invention, etc.), the level of technical skill required of a person having ordinary skill in the art (level of education, qualification, field of employment, and duration of work, etc.) shall be specified in detail.
- ⑧ An argument regarding lack of written description in the specification shall specify applicable legal provisions according to the purpose of the argument first followed by the grounds on which the argument is based.

2. Explanatory Documents for Evidence

- A. All evidence and evidentiary purport thereof shall be briefly described.
- B. Among the prior arts submitted at the stage of administrative trial, the prior arts to be submitted and not to be submitted in the revocation action against the administrative decision shall be separately described. (See Paragraph A of 3 below for the order of prior arts)
- C. If evidence is submitted in relation to an argument regarding prior arts, it shall be clearly specified whether the evidence is submitted as prior art or as well-known technology. If multiple inventions are included in one document, it shall be clarified which of the inventions are claimed as prior arts.

3. Evidentiary Documents

- A. When technology or invention that are published or publicly known at the time of the patent application are referred, the term “prior art” shall be used instead of “cited invention.” Meanwhile, for the avoidance of confusion, the numbers assigned to the prior arts newly submitted at the stage of revocation action against the administrative decision shall follow those previously assigned to the prior arts submitted at the administrative trial stage (e.g., if Prior Arts 1, 2, and 3 were submitted at the administrative trial stage, and in the case where Prior Art 1 is to be submitted as it is and Prior Arts 2 and 3 are not to be submitted in the revocation action, a new prior art to be submitted shall be designated as Prior Art 4).
- B. Documents submitted by a party during the examination or administrative trial stage may not serve as basis for judgment unless such documents are submitted as evidence during the litigation proceedings. Therefore, a party shall submit necessary documents among those submitted during the examination and administrative stages as evidence. However, there is no need to submit the documents already submitted by the other party, and it is appropriate to cite them. In particular, each of the following documents shall not be omitted because they may serve as important basis for judgment during the litigation proceedings.
(Example) Administrative decision, application and initial specification, preliminary rejection notice, amendment and response, petition for re-examination, examiner’s rejection decision, petition for correction, and explanatory document/drawing/amendment of invention for review for confirmation,

prior art references, etc.

- C. Documents written in a foreign language shall be submitted with a translation attached thereto; In particular, prior art references in foreign language shall be submitted with a translation of the full text, not excerpted translations, and machine (automatic) translation shall not be submitted. In the translations, the portions concerning evidentiary purport shall be highlighted by underlines, etc.
- D. Documents written in permitted foreign languages in international cases need not be translated. However, translation shall be submitted in the manner prescribed in the foregoing paragraph upon the Court's order issued in consideration of a significant need to facilitate the proceedings. The parties shall attach the translation in Korean or a permitted foreign language to documents written in a foreign language other than the permitted foreign language.
- E. If the document has a title, that title shall be given to the evidentiary documents, and if the document has no title, a summary of the document shall be given to the evidentiary documents [e.g., "Product Catalogue of Company oo (published on January 2, 2006)]. Evidentiary document submitted as prior art shall specify the purport thereof [e.g., "(Prior Art 1) Registered Patent Publication No. 0012345"]].
- F. Each evidentiary document shall contain only a single evidentiary item [e.g., in a trademark case, multiple blog postings shall be submitted as separate evidentiary documents]. However, if evidentiary items are mutually related, they shall be indicated as multi-level numbers (e.g., Plaintiff's Exhibit No. 2-1, 2-2, etc.)).
- G. If there is any products, models, photographs, video materials, etc., which may facilitate understanding of the technical details or the specific shape of the patent, utility model, etc., the parties shall submit them as evidence. In a case concerning a trademark or design, if the original document is in color, a copy of the evidentiary document shall also be submitted in color. (End)

[Attachment 1]

PATENT COURT
[*] Division
Amendment Order

Case No.: 2018Heo***** Invalidation of Registration (Patent)
[Plaintiff: Company ***; Defendant: ***]

The Court hereby orders the plaintiff to submit a brief containing specific details required to be included in the complaint within 21 days from the receipt of this order and submit, as reference documents, a certificate of service of administrative decision, a certificate of corporate nationality of the plaintiff, and the corporate registry of the defendant.

[*] [*], 2018

Court Clerk [***]

◇ **Instructions** ◇

※ If you fail to comply with this order, the complaint may be dismissed pursuant to Article 254(2) of the Civil Procedure Act.

※ Please include the case number (2018Heo*****) in all briefs submitted in relation to this case.

※ The Patent Court has established the “Practice Directions for Revocation Trial in the Patent Court of Korea.” Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. In particular, **the length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules.** Please prepare briefs in accordance with “VI. Preparation of Documents” and request evidence in accordance with “V. Request for Evidence” and “VI. Submission of Evidentiary Documents.” Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act. ※ **Particularly in case of a brief containing specific cause of action, the matters to be stated in the complaint as set forth in Section II. 1. A. of the Practice Directions shall be included, and the basic evidentiary documents and requisite attachments thereto, as set forth in Section II. 1. B. of the Practice Directions, shall be submitted.**

[Attachment 2]

PATENT COURT
[*] Division
Preparatory Order (Answer)

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

The Court hereby orders the defendant to submit an answer, evidence, etc. containing the following matters by [*] [*], 2018.

Following

1. Submission of Answer
 - ① Answer to the plaintiff's demand;
 - ② Parts admitted and not admitted among the plaintiff's arguments;
 - ③ Detailed rebuttal arguments on the parts not admitted among the plaintiff's arguments;
 - ④ Arguments relating to the grounds necessary to maintain the administrative decision; and
 - ⑤ Notice of related cases
2. An evidentiary method and a plan to request evidence for the matters set forth in Paragraph 1 above (e.g., evidentiary documents, witnesses, inquiry of facts, a request for certified copy of document, verification, appraisal, etc. However, evidentiary documents shall not overlap with those submitted by the other party, and if the defendant requests a witness, inquiry of facts, or a certified copy of document, the content that the defendant intends to prove by such evidentiary method shall be specified in detail).
3. Acceptance/denial of evidentiary documents submitted by the plaintiff (only the evidentiary documents of which authenticity cannot be accepted shall be indicated).
4. Translation of an evidentiary document prepared in a foreign language (machine translations shall not be submitted. Particularly for main evidence such as prior arts, etc., translations of the full text, not excerpted translations, shall be submitted. In the translations, the portions concerning the evidentiary purport shall be highlighted by underlines, etc. However, documents written in permitted foreign languages in international cases need not be translated).

[*] [*], 2018

Presiding Judge [***]

◇ Instructions ◇

With respect to the above-referenced case, please note the following:

- ① The Court intends to conduct a focused examination so as to ensure a diligent hearing procedure while reducing the number of parties' attendance at hearing. In this regard, the Court plans to limit the hearings to a single hearing in the absence of special circumstances.
 - ② Therefore, both parties shall submit all arguments and evidence by a due date designated by the Court. Please note that if a party is deemed as delaying the litigation proceedings by failing to comply with such due dates, the party may be subject to disadvantages, such as a restriction on submission of any further arguments, evidence among others.
 - ③ Please refrain from applying for a change of the date of a hearing or a preparatory hearing in the absence of special circumstances such as where a substantial amount of time is required to prepare for the hearing or collect evidence due to the complexity and difficulty of the disputed issues, etc. If it is unavoidable to request such change of the hearing date, please clearly specify the reason and if possible, indicate a desired date upon consulting with the other party.
- ※ The Patent Court has established the Practice Directions for Revocation Trial in the Patent Court of Korea. Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. In particular, the length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules. Please prepare answers according to "VI. Preparation of Documents" and request evidence in accordance with "V. Request for Evidence" and "VI. Submission of Evidentiary Documents" of the Practice Directions. Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act.

[Attachment 3]

PATENT COURT
[*] Division
Preparatory Order

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

The Court hereby orders the plaintiff to submit a brief, evidence, etc. containing the matters checked below **by [*][*], 2018.**

Following

- Detailed rebuttal of the defendant's answer
- Acceptance/denial regarding evidentiary documents submitted by the defendant (only the evidentiary documents of which authenticity cannot be accepted shall be indicated).
- Additional evidence submitted or requested by the plaintiff and the evidentiary purport thereof (e.g., evidentiary documents, witnesses, inquiry of facts, request for certified copy of document, etc.; however, evidentiary documents shall not overlap with those submitted by the other party, and if the plaintiff requests a witness, inquiry of facts, a certified copy of document, verification, appraisal, etc., the content that the plaintiff intends to prove by such evidentiary method shall be specified in detail).
- Translation of an evidentiary document prepared in a foreign language (machine translations shall not be submitted. Particularly for the main evidence such as prior arts, etc., translations of the full text, not excerpted translations, shall be submitted. In the translations, the portions concerning the evidentiary purport shall be highlighted by underlines, etc. However, documents written in permitted languages in international cases may not be translated).

[*] [*], 2018

Presiding Judge [***]

◇ **Instructions** ◇

With respect to the above-referenced case, please note the following:

- ① The Court intends to conduct a focused examination so as to ensure a diligent hearing procedure while reducing the number of parties' attendance at hearing. In this regard, the Court plans to limit the hearings to a single hearing in the absence of special circumstances.
 - ② Therefore, both parties shall submit all arguments and evidence by a due date designated by the Court. Please note that if a party is deemed as delaying the litigation proceedings by failing to comply with such due dates, the party may be subject to disadvantages, such as a restriction on submission of any further arguments, evidence among others.
 - ③ Please refrain from applying for a change of the date of a hearing or a preparatory hearing in the absence of special circumstances such as where a substantial amount of time is required to prepare for the hearing or collect evidence due to the complexity and difficulty of the disputed issues, etc. If it is unavoidable to request such change of the hearing date, please clearly specify the reason and if possible, indicate a desired date upon consulting with the other party.
- ※ The Patent Court has established the Practice Directions for Revocation Trial in the Patent Court of Korea. Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. **In particular, the length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules.** Please prepare briefs in accordance with “VI. Preparation of Documents” and request evidence in accordance with “V. Request for evidence” and “VI. Submission of Evidentiary Documents” of the Practice Directions. Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act.

[Attachment 4]

Application for Argument in Foreign Language

○ Case No.:

○ Submitted by:

○ Reasons for application¹

A case in which a party is a foreigner

A case in which a major evidence examination should be done in a foreign language

Other cases with international implications equivalent to the abovementioned

○ Foreign language seeking permission²:

[*] [*], 2018
Plaintiff/defendant [***]

¹ Please mark any of the following items that apply to the case and describe specific reasons related to each item.

² For now, only English is available as the permitted foreign language.

[Attachment 5]

Opinion on Application for Argument in Foreign Language

- Case No.:

- Submitted by:

- Opinion on the application for argument in foreign language³

Consent

Non-consent

[*] [*], 2018
Plaintiff/defendant [***]

³ Please mark any of the following items that apply to you.

[Attachment 6]

Withdrawal of Application of (Consent to) Argument in Foreign Language

○ Case No.:

○ Submitted by:

I withdraw the application of (consent to) argument in foreign language of the above-referenced case.

[*] [*], 2018
Plaintiff/defendant [***]

[Attachment 7]

PATENT COURT

[*] Division

Preparatory Order for Hearing (Submission of summary brief on disputed issues)

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

The Court has designated the first trial date to be held on [*] [*], 2018 at [*] AM/PM at the courtroom [*] of the Patent Court. In order to clarify the legal relationship in the litigation, the Court hereby requests the plaintiff and the defendant to submit a summary brief on the disputed issues by [*] [*], 2018 in accordance with the Drafting Guidelines for Summary Briefs on Disputed Issues as attached hereto as an annex.

[*] [*], 2018

Presiding Judge [***]

<Annex>

Summary Brief on Disputed Issues

Case No.:

Submitted by:

I. Summary of the Plaintiff's Grounds for Revocation of Administrative Decision

II. Undisputed Matters

III. Summary Table of the Issues in Dispute.

Disputed Issues	The Party's Arguments and Evidence on the Disputed Issues

IV. Explanation on the Evidence for Main Arguments in Submitted Evidentiary Documents (Electronic Documents)

No.	Name of Evidentiary Document	Date of Preparation	Author	Summary and Evidentiary Purport

V. Additional Evidence for Submission on the Disputed Issues

Evidentiary Method	Evidentiary Purport

VI. Opinion on the Acceptance/Denial of Evidentiary Documents Submitted by the Other Party

VII. Request for Clarification to the Other Party

VIII. Opinion on Litigation Proceedings

※ Drafting Guidelines for Summary Briefs on Disputed Issues

Summary briefs on disputed issues are intended to be utilized for the purpose of facilitating expeditious trial proceedings and conducting an examination in a diligent manner. Therefore, the plaintiff and the defendant should prepare and submit a summary brief on the disputed issues **in one or two pages** in accordance with the guidelines below. The Patent Court has established the Practice Directions for Revocation Trial in the Patent Court of Korea. Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. To facilitate prompt, efficient, and diligent trial proceedings, please read the Practice Directions and comply with the provisions therein. Please prepare a summary brief on disputed issues by referring to “VI. Preparation of Documents” of the Practice Directions.

1. In the section “Summary of the Plaintiff’s Grounds for Revocation of Administrative Decision,” the plaintiff’s argument on the specific error in the decision shall be briefly stated, but if multiple errors are alleged, such errors shall be stated in sub-sections.

For example, if a decision was made on whether an inventive step exists, a party shall not state that “the decision was erroneous in determining whether there was an inventive step” in an abstract manner, but shall specify the error in the decision in concrete details. Similarly, if a decision was made on the similarity of a trademark in dispute, a party shall not state that “the decision was erroneous in determining similarity of the trademark” in an abstract manner, but shall specify the error in the decision in concrete details.

[Example 1] In determining whether Claim 1 of the patented invention (hereinafter, “Claim 1”) involves an inventive step in the decision, for example, ① although Element 1 of the prior art should be understood as “A1,” it was erroneously understood as “A2” and thus unlawfully affected the outcome of the decision, ② although Element 1 of Claim 1 should be understood as “B1,” it was erroneously understood as “B2” and thus unlawfully affected the outcome of the decision, ③ although Element 2 of Claim 1 and Element 2 of the prior art are different from each other, they were erroneously found to be identical and thus unlawfully affected the outcome of the decision, ④ although Element 3 of Claim 1 and Element 3 of the prior art are identical, they were erroneously found to be different and thus unlawfully affected the outcome of the decision, ⑤ although a person having ordinary skill in the art could have easily overcome the difference between Claim 1 and the prior art, it was erroneously decided to the contrary and thus unlawfully affected the outcome of the decision, and ⑥ although the prior art is a publicly known art prior to the application, it was erroneously recognized to the contrary and thus unlawfully affected the outcome of the decision.

[Example 2] In determining whether the subject registered trademark is similar to the prior registered trademark in the decision, for example, ① although the portion “A” of the registered trademark lacks distinctiveness, it was erroneously determined to have distinctiveness and thus unlawfully affected the outcome of the decision, ② although Element “A” of the

subject registered trademark is not the essential portion or cannot be recognized by that part alone, it was erroneously decided to the contrary and thus unlawfully affected the outcome of the decision, ③ although the pronunciation (appearance or concept) of the subject registered trademark is not similar to the pronunciation (appearance or concept) of the prior registered trademark, they were erroneously determined to be similar and thus unlawfully affected the outcome of the decision, and ④ although the designated product A of the prior registered trademark is not similar to the designated product K of the subject registered trademark, they were erroneously determined to be similar and thus unlawfully affected the outcome of the decision.

2. “Disputed issues” refer to issues as to which there is a factual or legal dispute between the parties. After reviewing the complaint, answers, briefs, evidentiary documents attached thereto, etc., the plaintiff and the defendant shall state matters as to which there is no dispute between the parties and matters as to which there is a dispute between the parties separately in the sections “undisputed matters” and “disputed issues,” respectively (If there are multiple disputed issues, additional rows may be inserted in the table).

[Examples of Undisputed Matters] ① There is no dispute over the part in the decision that found the correction to be legally proper, ② there is no dispute over the part in the decision finding that Element 1 of Claim 1 is disclosed in or can be easily derived from the prior art, and ③ there is no dispute over the part in the decision finding that the limitations of Claims 2 to 5 are disclosed in or can be easily derived from the prior art.

[Example 1 of Disputed Issues] ① Whether Element 1 of the prior art should be understood as “A1” or “A2,” ② whether Element 1 of Claim 1 should be understood as “B1” or “B2,” ③ whether Element 2 of Claim 1 and Element 2 of the prior art differ from one another, ④ whether the difference between Element 3 of Claim 1 and Element 3 of the prior art should be understood as “P” or “K,” ⑤ whether a person having ordinary skill in the art can easily overcome the difference between Claim 1 and the prior art, and ⑥ whether the prior art was publicly known before application.

[Example 2 of Disputed Issues] ① Whether the portion “A” of the trademark has distinctiveness, ② whether Element “A” of the subject registered trademark is the essential part thereof or can be identified by that part alone, ③ whether the pronunciation of the subject registered trademark is similar to the pronunciation of the prior registered trademark, and ④ whether the designated product A of the prior registered trademark is similar to the designated product K of the subject registered trademark.

3. In the column “The Party’s Arguments and Evidence on the Disputed Issues,” a party shall set forth arguments on the disputed issues briefly and state evidence supporting the arguments. In this section, the party does not need to set out detailed grounds for the

arguments and it is sufficient to briefly state the gist of the arguments.

4. In the section “Explanation on the Evidence for Main Arguments in Submitted Documentary Evidence,” a party shall set forth a number, name, preparation date, author, gist, evidentiary purport, etc. of the evidentiary documents. For sake of convenience, however, the party may submit a separate document (i.e., an explanatory document for evidence) in lieu of the foregoing.
5. In the section “Additional Evidence Submitted on the Disputed Issues,” a party shall clarify whether there is any additional evidence for submission aside from those submitted previously, and if so, the party shall set forth the evidentiary method and evidentiary purport of such additional evidence. Please note that a request for submission of additional evidence must be submitted as a separate written application in order to be a legally proper request for evidence. Please note also that since the Patent Court in principle conducts examination of all evidence on the first trial date, requests for submission of all additional evidence must be completed by the time of submission of a summary brief on disputed issues.
6. In the section “Opinion on the Acceptance/Denial of Evidentiary Documents Submitted by the Other Party,” a party shall indicate “acceptance” if authenticity of an evidentiary document is accepted, “denial” if authenticity of an evidentiary document is denied, and “uncertain” if authenticity of an evidentiary document is not sufficiently known. ※ Authentication is the process by which an evidentiary document is proven to be genuine written by the purported author, and not a forgery.
7. In the section “Request for Clarification to the Other Party,” a party shall set forth the matters on to which the party seeks clarification from the other party.
8. In the section “Opinion on Litigation Proceedings,” a party shall set forth its opinion on the hearing procedures.

※ **Other Guidelines**

1. **Procedural Sequence and Duration of Hearing:** A hearing is in principle conducted in the following order: (i) confirmation of documents and evidence, (ii) review of the grounds for the plaintiff’s petition for revocation of the administrative decision and disputed issues, (iii) the parties’ oral arguments on disputed issues (within 20 minutes each), (iv) exchange of questions and answers, (v) supplemental arguments, etc. However, the sequence and duration of the hearing may be slightly adjusted on a case-by-case basis.
2. **Method of Presenting Arguments:** The parties shall present their arguments and evidence on disputed issues based on their summary briefs on disputed issues. If necessary, the parties may use presentation materials, but such presentation materials shall be submitted

by a deadline designated by the Court. The Court recommends presenting arguments and explaining or impeaching evidence by displaying drawings, charts, comparison tables, evidence, etc. on a screen in the Court.

3. If the parties need more time for arguments or adjustment in the procedural sequence due to the complexity of their arguments and evidence, the parties may inform the Court in advance of such circumstances and the anticipated time necessary for presenting the arguments and evidence, which the Court will take into consideration. (End)

[Attachment 8]

PATENT COURT
[*] Division
Preparatory Order for Hearing

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

The Court has designated the first trial date to be held on [*] [*], 2018 at [*] AM/PM at the courtroom [*] of the Patent Court. In order to clarify the parties' arguments and facilitate diligent proceedings, the Court hereby orders the plaintiff and the defendant to prepare for the matters set forth below.

Following

1. The plaintiff and the defendant shall submit all arguments and main evidence therefor **by [*] [*], 2018**.
2. A request for evidence that requires a substantial amount of time, such as a request for a witness, a request for an appraisal, etc., shall be filed in writing **by [*] [*], 2018**.
3. Instructions
 - A. A request for a change of the trial date and a request for an extension of the deadline for submitting or requesting arguments and evidence shall be filed in writing at least one (1) week before the designated date with an explanation of a justifiable cause for the request.
 - B. If a party seeks to add any new or modified argument (e.g., changing of the primary prior art or addition and modification of prior arts or the combination relationship thereof in the arguments relating to novelty and inventive step) or request any new evidence after the deadlines for submission of arguments and evidence, the party shall clarify that there is no intent or gross negligence to delay the completion of the litigation. If an explanation of such cause is not provided, the argument and the request for evidence may be dismissed under Article 149 of the Civil Procedure Act.
 - C. On the trial date, the plaintiff and the defendant will be allowed to present oral arguments for no longer than 20 minutes each in the respective order, unless otherwise specified. Any documents for oral arguments shall be submitted by no later than 2 business days before the designated hearing date.

- D. The parties, if deemed necessary, may present products or models on the trial date that are directly related to the case at hand, or photos, video materials, etc. that may be helpful for understanding related technologies.
- E. The Patent Court has established the “Practice Directions for Revocation Trial in the Patent Court of Korea.” Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. **In particular, the length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules.** Please prepare briefs in accordance with “VI. Preparation of Documents” and request evidence in accordance with “V. Request for Evidence” and “VI. Submission of Evidentiary Documents” of the Practice Directions. Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act.

[*] [*], 2018

Presiding Judge [***]

[Attachment 9]

PATENT COURT
[*] Division
Preparatory Order for Video Conference for Case Management

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

In order to clarify the parties' arguments and facilitate diligent proceedings, the Court hereby orders the preparation of the matters set forth below.

Following

1. Schedule for Video Conference for Case Management

A video conference for case management will be held on [*] [*], 2018 at [*] AM/PM, via a video conference (Skype)⁴⁾. The parties and interested persons are requested to access Skype at least 5 minutes before the conference begins and complete inspection of the setup for the video, speaker, and microphone.

2. Contents of Video Conference for Case Management

In a video conference for case management, the below matters and schedules will be discussed. Since the subsequent litigation proceedings will proceed in accordance with the matters and schedule discussed, the parties are requested to prepare for the arguments and evidence in advance (*see* Article 147 of the Civil Procedure Act). To facilitate efficient conference proceedings, the counsels for the parties are requested to have prior discussions with each other regarding the matters set forth below.

- A. Dates and the number of trials, and matters to be addressed in each of the trials;
- B. Deadlines for submission of arguments and evidence (including deadlines for submission of comprehensive briefs and affidavit of an expert witness, and the number of submission and length of briefs);

⁴⁾ For the video conference, it is necessary to install the Skype program (downloadable from www.skype.com) with equipment such as a web camera (a webcam), a headset (a speaker and a microphone), etc.

- C. Whether to request an evidentiary method requiring a substantial amount of time, such as verification, appraisal, and an expert witness, and the deadline for such request;
- D. Whether to designate a technical advisor;
- E. Whether to hold a technical explanatory session by the parties;
- F. Whether to conduct a hearing for claim construction first;
- G. How to proceed the trial in the case where trial for correction or petition for correction is pending;
- H. Whether to hold a parallel hearing in the case where related cases such as invalidation, confirmation of the scope of rights, and infringement are pending; and
- I. Confirmation and summary of the disputed issues.

3. Instructions

- A. In order to facilitate the proceeding, the factual and legal issues disputed in this case shall be submitted at least 7 days before the conference date. In particular, if the parties are in dispute over the interpretation of claims, the parties shall identify the claims and terms (including phrases and paragraphs) at issue and submit the proposed interpretation thereof.
- B. In the case where a preparatory order which is issued separately as discussed in a video conference for case management designates a deadline for submission of arguments and evidence, if a party seeks to submit arguments or evidence after the deadlines, the party shall provide an explanation for the failure to submit the argument or evidence within the designated period based on a justifiable cause. Any argument and evidence, for which a justifiable cause is not sufficiently explained, may be dismissed under Article 147(2) and Article 149 of the Civil Procedure Act.
- C. Arguments relating to the grounds for invalidation of a patented invention shall contain the matters set forth below, and the party seeking to add or modify an argument concerning any of the below matters after the final deadline shall provide an explanation for a justifiable cause thereof.
 - ① The level of technical skill required of a person having ordinary skill in the art (including the level of education, qualification, field of employment, and duration of work); and
 - ② Prior arts: Specific combination relationship in combining multiple prior arts or in adding and changing the primary prior art.
- D. The Patent Court has established the “Practice Directions for Revocation Trial in the Patent Court of Korea.” Please refer to the website of the Patent Court

(<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. In particular, **the length of a brief shall not exceed 30 pages in accordance with the Civil Procedure Rules.** Please prepare briefs in accordance with “VI. Preparation of Documents” and request evidence in accordance with “V. Request for Evidence” and “VI. Submission of Evidentiary Documents.” Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act.

[*] [*], 2018

Presiding Judge [***]

[Attachment 10]

PATENT COURT
[*] Division
Preparatory Order for Procedural Matters

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

With respect to the case above, the Court hereby designates the deadlines for submission of arguments and evidence and the trial date based on the discussions held between the parties via a video conference for case management held on [*] [*], 2018, as set forth below.

Following

1. The deadline for submission of a comprehensive brief by the plaintiff shall be **[*] [**], 2018**, and the deadline for submission of a comprehensive brief by the defendant shall be **[*] [**], 2018**.
2. In the foregoing comprehensive brief, all arguments relating to the disputed issues shall be described, and main evidence for the arguments shall be submitted. If a party seeks to add any new or modified argument (e.g., addition and changing of the primary prior art in the arguments relating to novelty and inventive step or freely exploited technology or addition and modification of prior arts or the combination relationship thereof, etc.) or request any new evidence after the submission of the comprehensive brief, the party shall clarify that there is no intent or gross negligence to delay the completion of the litigation. If an explanation of such cause is not provided, the argument and the request for evidence may be dismissed under Article 149 of the Civil Procedure Act.
3. The first trial date will be held on **[*], 2018 at [*] AM/PM**, at the courtroom ○○ of the Patent Court.
 - A. The disputed issues to be discussed at the first trial are ... (e.g. whether Claim 1 of Patent No. [*****] lacks an inventive step).
 - B. On the trial date, the plaintiff and the defendant will present oral arguments for no longer than 20 minutes each, in the respective order.
 - C. Any documents for oral arguments shall be submitted no later than **2 business days** before the designated trial date.

4. A request for an expert witness relating to the disputed issues shall be filed by [*][*], 2018. The request for an expert witness shall be attached with a basic statement that can confirm the expertise and objectivity of the expert witness [see Attachment 13]. ※ If the requested expert witness is adopted and it is necessary to examine the witness at the first trial, the date of the trial may be changed through discussions.

※ The Patent Court has established the “Practice Directions for Revocation Trial in the Patent Court of Korea.” Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. In particular, **the length of a comprehensive brief shall not exceed 30 pages in accordance with the Civil Procedure Rules**. Please prepare comprehensive briefs in accordance with “VI. Preparation of Documents” of the Practice Directions.

[*][*], 2018

Presiding Judge [***]

[Attachment 11]

PATENT COURT
[*] Division
Preparatory Order (Video Conference)

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

In order to clarify the parties' arguments and facilitate diligent proceedings, the Court hereby orders the plaintiff and the defendant to prepare for the matters as set forth below.

Following

1. Schedule of Video Conference

A video conference for discussing the schedule of evidence investigation, etc. will be held on **[*] [*], 2018 at [*] AM/PM**, via a video communication means (Skype).⁵⁾ Access to Skype and complete inspection of the setup for the video, speaker, and microphone are requested to be finished at least 5 minutes before the conference begins.

2. Contents of Video Conference

In the video conference, the matters and schedule below will be discussed. To facilitate efficient conference proceedings, the counsels for the parties are requested to have prior discussions with each other regarding the matters below.

- ① Whether to request evidence that requires a substantial amount of time, such as a request for an expert witness, appraisal, verification, and etc. and filing period ;
- ② Deadlines for submission of other arguments and requests for evidence;
- ③ Submission of a factual premise that needs to be confirmed and documents necessary for appraisal process; and
- ④ Selection of an expert witness, appraiser, or verifier

3. Instructions

A. If a party seeks to add any new or modified argument or request any new evidence after the deadlines for submission of arguments and evidence, the party shall clarify that there is

⁵⁾ For the video conference, it is necessary to install the Skype program (downloadable from www.skype.com) with equipment such as a web camera (a webcam), a headset (a speaker and a microphone), etc.

no intent or gross negligence to delay the completion of the litigation. If an explanation of such cause is not provided, the arguments and the requests for evidence may be dismissed under Article 149 of the Civil Procedure Act.

- B. The Patent Court has established the “Practice Directions for Revocation Trial in the Patent Court of Korea.” Please refer to the website of the Patent Court (<http://patent.scourt.go.kr>) for further details. For facilitating prompt, efficient, and diligent trial proceedings, please carefully read the Practice Directions and comply with the provisions therein. In particular, **the length of a brief shall not exceed 30 pages under the Civil Procedure Rules**. Please prepare briefs in accordance with “VI. Preparation of Documents” and request evidence in accordance with “V. Request for evidence” and “VI. Submission of Evidentiary Documents” of the Practice Directions. Any submission of arguments or requests for evidence that are not in compliance with the foregoing matters may be dismissed under Article 149 of the Civil Procedure Act.

[*] [*], 2018

Presiding Judge [***]

[Attachment 12]

Basic Statement of Expert Witness

Personal Information	Name		Date of Birth	
	Address			

Neutrality			
1	Are you a relative of either the plaintiff or the defendant (if a party is a corporation, a chief executive, officer, or an employee; the same applies hereinafter)?	Y	N
2	Are you in a creditor-debtor relationship with either the plaintiff or the defendant?	Y	N
3	Have you ever worked or do you currently work with either the plaintiff or the defendant, or have you ever been or are you currently in a contractual, employment, or other similar relationships with either the plaintiff or the defendant?	Y	N
4	Have you ever provided testimony as a witness in a lawsuit involving either the plaintiff or the defendant, or the patent/products at issue?	Y	N
5	Have you ever provided consultation to either the plaintiff or the defendant with respect to this lawsuit?	Y	N

Expertise	
1	Describe your area of expertise specifically.
2	With regards to your area of expertise, specifically describe (1) your current and past occupations (including the duration of employment, position/title, and assigned duties) and (2) documents that can confirm your expertise, such as a diploma/license, papers/reports, among others. ※ <i>You may add a separate attachment in case more space is needed.</i>

**Obligation of
Expert Witness**

The expert witness shall make statements based on facts and special knowledge in a manner unbiased to any party. In addition, as an expert in the relevant area, the expert witness shall make statements based on the facts/theories objectively verified and widely acknowledged in the area and shall not make any statements based on his or her subjective theory/interpretation.

I hereby state that the foregoing statements are all true.

Date: _____

By: _____

[Attachment 13]

PATENT COURT
[*] Division
Preparatory Order for Hearing (Expert Witness)

Case No.: 2018Heo**** Invalidation of Registration (Patent)
[Plaintiff: ***; Defendant: ***]

The Court hereby orders the plaintiff and the defendant to prepare for the matters set forth below to facilitate a diligent examination of the expert witness on the trial date to be held **on [*] [*, 2018 at [*] AM/PM.**

Following

1. Submission of Affidavit of Expert Witness
 - A. The plaintiff shall submit an affidavit of its expert witness and an examination questionnaire for the expert witness **by [*] [*, 2018.** A direct examination shall be conducted within the scope of the affidavit of expert witness.
 - B. Any and all documents to be presented or cited in the direct examination of the expert witness (including related patents, translations, photos of actual products, and reference documents) shall be submitted as evidence **by [*] [*, 2018.**
2. The direct examination and cross examination of the expert witness shall be limited to 20 minutes each.
3. Each party may be accompanied by interpreters for direct and cross examinations. If a party cannot be accompanied by an interpreter, the party shall notify the Court thereof **by [*] [*, 2018** and file a request for the designation of an interpreter (however, if an expert witness testifies in a permitted foreign language in international case, the party does not need to be accompanied by an interpreter).
4. Any arguments and evidence for impeaching the credibility of the testimony by the expert witness shall be submitted **by [*] [*, 2018.**

[*] [*, 2018

Presiding Judge [***]