PATENT COURT

Practice Directions for Civil Appellate Trial in the Patent Court of Korea

September 1, 2018, Patent Court

I. Purpose

The Practice Directions for Civil Appellate 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 civil appellate cases involving "patent rights, etc." under Article 24 of the Civil Procedure Act (including "international cases" under Article 62-2 of the Court Organization Act) in order to facilitate expeditious, efficient, and specialized trial proceedings contributing to fairness of trial.

II. Case Filing and Preparatory Order

1. Preparatory Order to Appellant

A. If the grounds for appeal are not sufficiently described in a notice of appeal, the presiding judge shall immediately issue a preparatory order (See [Attachment 1]) requesting the appellant to submit a brief describing specific grounds for appeal.

B. No later than 4 weeks from the receipt of the preparatory order, the appellant shall submit a brief containing the descriptions of the following matters:

① Portions of the lower court's decision where the court is alleged to have erred in acknowleding facts or applying the law;

② A summary of the arguments made by the appellant and the appellee in the lower court and undisputed portions among the appellee's arguments;

③ A summary of the evidence submitted in the lower court and the purport of the evidence;

④ New arguments to be raised in appeal, new evidence to be presented in appeal and the purport thereof, and the reason(s) for the failure to present the arguments and evidence in the lower court;

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 Whether the appellant desires mediation or settlement.

2. Preparatory Order to Appellee

A. No later than 3 weeks from the receipt of the appellant's brief containing the grounds for appeal, the appellee shall submit a defensive brief describing the following matters:

① Answer to the appellant's arguments and undisputed portions among the appellant's arguments;

② A summary of the evidence submitted in the lower court and the purport of the evidence;

③ New arguments to be raised in appeal, new evidence to be presented in appeal and the purport thereof, and the reason(s) for the failure to present the arguments and evidence in the lower court;

④ Acceptance/denial of the evidentiary documents submitted by the other party;

⑤ Notice of related cases; and

⑥ Whether the appellee desires mediation or settlement.

B. If the foregoing brief is not submitted, the presiding judge may issue a preparatory order (See [Attachment 2]) requesting the appellee to submit a brief describing the foregoing matters in detail.

3. Instructions on Submission of New Arguments and Evidence

If an appellee seeks to submit any new arguments that had not been made in the lower court or request any new evidence, the appellee 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 or the request for evidence may be dismissed under Article 149 of the Civil Procedure Act. In particular, if the appellee seeks to add new or modified arguments or submit any evidence for the new or modified arguments that had not been submitted by the time of the conclusion of the preparatory hearing in the lower court, the appellee shall provide a detailed explanation for the failure to submit the argument or evidence within such period based on a justifiable cause, and the submission of such argument or evidence shall not significantly delay the litigation.

4. 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 3]) (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 4]) 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. Case Classification

A. Upon the submission of a brief describing the grounds for appeal, the presiding judge shall classify the case as a case requiring immediate designation of trial date, a case requiring a case management conference or designation of preparatory hearing date, or a case to be referred to an early mediation proceeding.

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 5]).

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 6]) 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 7]) in consideration of the results of written arguments between the parties in order to designate deadlines for submission of arguments and evidence and for requests for evidence that require a substantial amount of time, such as a request for an expert witness.

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 appellant and the appellee of the schedule of the video conference and issue a preparatory order for the preparation of the conference (See [Attachment 8]).

C. In a video conference for case management, the following matters may be discussed:

① Dates and the number of trial, 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 deadlines for such requests;

④ Whether to designate a technical adviser;

⑤ Whether to hold a technical explanatory session by the parties;

⑥ Whether to hold a hearing for claim construction first;

⑦ Whether to hold hearings by issues such as infringement, invalidation, calculation of damages, etc.;

⑧ How to proceed the trial in the case where trial for correction or petition for correction of the patent at issue is pending;

⑨ Whether to hold parallel hearing in the case where relevant cases such as invalidation, confirmation of the scope of rights, and infringement are pending;

⑩ Whether to refer the case to a mediation proceeding; and

⑪ Confirmation and summary of disputed issues.

D. A preparatory order for procedural matters (See [Attachment 9]) 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 appellant 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 appellee shall submit a comprehensive brief no later than 3 weeks from the date of the appellant's submission of its comprehensive brief (or a deadline designated in the preparatory order).

F. Each party shall describe all arguments in its comprehensive brief (including the arguments that were made in the lower court and not withdrawn) and submit main evidence for the arguments. If the Court has ordered the submission of comprehensive

briefs for specific issues in the preparatory order set forth in Paragraph D, the comprehensive briefs shall include all arguments relating to the specific issues. For the portions of which content is identical to that of the previously submitted briefs, the corresponding portions may be cited.

G. 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 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 Articles 286 and 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 appellant and the appellee. 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 directly

related to the case at hand (e.g., products implementing a patent in dispute, products practiced by the defendant, 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 correction in detail.

3. Parallel Hearing with Revocation 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 requests new evidence in the appellate proceeding, the party shall provide a detailed explanation for the failure to submit the evidence in the lower court. The Court determines whether to admit the evidence in consideration of the circumstances, including whether a significant harm to the other party is expected from a delay in court proceedings or whether an expedited proceeding is necessary.

B. If a party requests evidence that is identical or similar in the evidentiary purport to the evidence that had been admitted and examined by the lower court (e.g., where the lower court appraised an amount of damages and a party files a request for a separate appraisal to impeach the appraised amount), the party shall provide a detailed explanation on the need for such evidence.

C. If a party requests the evidence that had been filed but rejected by the lower court or voluntarily withdrawn by the party in the lower court again, the party shall provide a detailed explanation on the need for such evidence.

D. If deemed necessary, the Court may conduct a preparatory proceeding for discussing the evidence examination procedure. The presiding judge may discuss procedural matters with the parties via a video conference for case management and issue a preparatory order therefor if deemed necessary (See [Attachment 10]) (a preparatory order for video conference is an example for calculating the amount of damages).

2. 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 11]) that can confirm the expertise and objectivity of the witness.

B. A preparatory order (See [Attachment 12]) may be issued for the preparation of

the matters necessary for the examination of the 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 the direct and cross examinations respectively (however, if the 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 the designation of an interpreter.

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

3. Order to Submit Documents

A. General

According to a party's request, the Court may order the other party to submit documents (including electronic documents) necessary to prove infringement or calculate the amount of damages occurred by the infringing act (e.g., accounting books, books relating to revenues or expenditures, contracts, tax invoices, tax returns, and statements of bank transactions).

B. Request for Submission of Materials List and Submission Order

A party may request the submission of materials list describing the purport of materials to be submitted and the facts to be proved by the materials. For electronic documents, a party may request the submission of hash values for each electronic document in order to ensure that the document at the time of submission is not altered after the submission (e.g., the representation of each electronic document containing a particular keyword that is necessarily accompanied by a given patented process and

its hash value)

C. Application for Order to Submit Materials

An application for order to submit materials shall include the following matters in detail:

1) Indication of material requested to be submitted;

2) Relevance between the foregoing material and proof of infringement or calculation of damages; and

3) Grounds for the fact that the other party is in possession of the foregoing materials.

D. Opinion of the Other Party

If an application for order to submit materials is filed, the Court shall request the other party to submit an opinion, and the other party, within 2 weeks from the receipt of the request for submission of the opinion, shall submit the opinion containing the following matters:

1) Existence of materials requested to be submitted;

2) Opinion on the relevance of the materials requested to be submitted and the evidentiary purport;

3) Whether or not the other party is in possession of the materials requested to be submitted (if the materials had been in existence but are not presently available, the time and the process should be specifically stated;

4) Reason(s) to refuse to submit the materials, if any; and

5) Portions that may be voluntarily submitted among the materials requested to be submitted.

E. Examination of Application for Order to Submit Materials

1) If deemed necessary such as when the existence or possession

of the materials is in dispute, the Court may examine the parties or witnesses before issuing an order to submit materials.

2) When the Court selects an appraiser or a technical adviser, the Court may refer to the opinion of the appraiser or the technical adviser in determining the possession of the materials and the relevance of the materials requested to be submitted and the evidentiary purport.

3) If the other party argues that there is a cause to refuse to submit the documents,

the Court may hold a closed preparatory hearing to examine whether the grounds for rejection are justifiable. The Court may order the party to submit the documents in order to hear the grounds for rejection, should prevent others from seeing the submitted documents: Provided, That the Court may notify the summary of the documents of the party in an appropriate manner to the extent necessary for the hearing.

F. Order to Submit Materials

The Court may determine the type and scope of materials to be submitted by comparing the adverse impact that the requesting party would suffer due to the lack of access to the materials and the adverse impact that disclosure of the materials would have on the disclosing party. If the disclosing party presents justifiable grounds such as the materials contain sensitive personal information or information that is not relevant to proving infringement or calculating the amount of damages, the Court may permit submission of the materials by redacting the corresponding portions according to the disclosing party's request.

G. Determination of Access Scope and Order to Maintain Confidentiality

If the materials to be submitted contain trade secret, the Court shall determine the extent to which the materials can be accessed or the persons who can access the materials within the purpose of the submission order (those who can access the trade secrets shall be limited to the attorney and the experts selected by the court, in principle). In this case, if the requirements set forth in each subparagraph of Article 224-3(1) of the Patent Act are satisfied, the Court may, upon the other party's request, order those who can access the materials above to maintain confidentiality by its ruling.

H. Disadvantages of Refusing to Submit Materials

When a party fails to comply with an order to submit materials without justifiable cause, the Court may recognize the arguments of the other party on the descriptions of the materials as true. In this case, when there is significantly difficult circumstances for the requesting party to assert the descriptions of the materials specifically and it is difficult to expect that the facts to be proved are to be proved by other evidence, the Court may recognize the arguments on the facts that the requesting party intends to prove by the descriptions of the materials as true.

4. Appraisal

A. Appraisal of Compensation for Damages

1) The Court may conduct an appraisal if an appraisal for calculating the amount of damages was not conducted in the lower court, the appraisal is necessary to determine a reasonable royalty or a contribution ratio of a patented invention, or the appraisal is otherwise acknowledged to be necessary.

2) Appraisal by accounting specialists may be carried out for effective analysis of related documents such as assigned quantity and profits per unit required to calculate lost profits or the profit of an infringer.

3) An appraiser can conduct field investigation with the permission of the Court.

4) An appraiser can ask questions to the parties regarding the matters required to calculate the amount of damages such as sales and business status, status of business management structure, status of the accounting system, status of affiliated companies, etc., information about the products practiced by the defendant, transaction flow (supply, production, storage, sales) of the products practiced by the defendant, work flow (document preparation, approval, accounting, payment and collection) of the product practiced by the defendant, and the parties shall explain to the appraiser matters necessary for the appraisal.

B. Appraisal of Technical Matters

If technical matters are in dispute between the parties, appraisal may be conducted.

5. 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 the technical advisors to understand the case. On the hearing 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.

6. Submission of Arguments and Evidence Regarding Amount of Damages

A. The party seeking damages shall state applicable legal provisions on which the calculation of damages is based and indicate the number of evidence relating to the argument for each of the required facts.

B. The respondent from whom compensation for damages is sought shall provide specific

answers to the arguments of the claimant, and if the claimant's arguments are different from the facts, the respondent shall disclose the actual sales period of products, quantities sold, unit cost of sales, sales amount, manufacturing cost, and profit rate.

C. If account books or books relating to accounting or finance recording sales or expenditures are submitted, the disclosing party shall attach a written confirmation of the person who prepared the books (for a company, the chief executive officer and the chief accounting officer) verifying that the submitted documents are the original documents or copies of the original documents without any modification, deletion, or omission. If the other party raises a reasonable doubt on the authenticity of the account books, the disclosing party shall submit additional documents (bank or financial documents, etc.), which are the basis for preparing the books.

VI.. Mediation

1. Early Mediation

A. Immediately upon the filing of an appeal case or at an appropriate time, the presiding judge may determine whether the case is suitable for mediation and refer the case to an early mediation proceeding.

B. In principle, the mediation judge shall be in charge of cases referred to an early mediation proceeding. The mediation judge may conduct mediation proceedings at suitable locations other than the Court after the consultation with the parties.

2. Mediation after Trial Date

Even after the first trial date, if deemed necessary, the presiding judge may refer the case to the mediation proceeding to enable the Patent Court Mediation Committee, etc. to mediate the case.

VII. 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 appeal, undisputed matters, a summary table of the issues in dispute, explanation on the evidence, additional evidence for submission, opinion on the acceptance/denial of evidentiary documents, requests for clarification, opinion on litigation proceedings, etc. (See Annex of [Attachment 6]).

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. Arguments regarding inventive step

① If descriptions in the specification of a patent or utility model, such as claims, 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 in the specification at the time of the judgment shall be specified.

② 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.

③ 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)

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 specified.

⑤ 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.

C. Arguments regarding lack of written description in the specification

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.

D. Arguments regarding infringement

① Products and methods practiced by the defendant shall be described specifically, individually, and factually to allow an enforcement agency to identify them without a separate judgment (e.g., names and model numbers of products are described,

and drawings or photos are attached).

② Arguments regarding products and methods practiced by the defendant shall be made in sufficient detail to enable the comparison of corresponding elements of the patented invention, and the patented invention shall be described in the same manner as the products and methods practiced by the defendant from a factual point of view.

③ A comparison chart comparing the corresponding elements of the patented invention and the products and methods practiced by the defendant shall be submitted.

E. Arguments regarding amount of damages

① A party seeking damages shall specify applicable legal provisions on which the calculation of damages is based and indicate the relevant evidence number for each of the requirements of those provisions.

② Regarding the plaintiff's factual arguments, the defendant shall provide a detailedrebuttal argument instead of a simple denial. Otherwise, the judicial panel may consider that any fact not specifically denied as being undisputed (e.g., ① if the plaintiff argues to calculate the amount of damages based on Article 128(2) of the Patent Act, the defendant's response denying the assigned quantity argued by the plaintiff shall state the actually assigned quantity. ② If the plaintiff argues to calculate the amount of damages based on Article 128(4) of the Patent Act, the defendant's response denying the profits argued by the plaintiff shall state the actual profits and the basis of the calculation such as sales revenues, expenses, profit margins, etc.

2. Explanatory Documents for Evidence

A. All evidence and evidentiary purport thereof shall be briefly described.

B. 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. Documentary Evidence

A. 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.

B. 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.

C. 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 X (published on January 2, 2006)].

Evidentiary document submitted as prior art shall specify the purport thereof on its title [e.g., "(Prior Art 1) Registered Patent Publication No. 0012345"].

D. 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.)].

E. 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).