

33-01 P U D T
Designating a Date of Oral Proceedings

1. A date of oral proceedings may be adjusted by a written request for adjustment of date (Form 1) between a demandant, a demandee, an opponent of an opposition to registration of trademark, and a right holder or an agent. In that case, a written notice of proceeding matters (→ 33-08), etc. shall be sent by facsimile or e-mail to parties concerned with a written request for adjustment of date. A date is sometimes decided before sending a written notice of proceeding matters.

2. Summons for appearance date shall be made by a simple method such as a telephone, facsimile or e-mail (the Patent Act Article 151→ Code of Civil Procedure Article 94, the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Article 56). A written confirmation of date (Form 2) is requested for parties concerned to confirm the appearance by facsimile or e-mail. A summons informing oral proceeding date shall be served under Form 3 to parties concerned in the following cases:

- (i) when it is not able to contact with a party concerned on the phone; and
- (ii) when a party concerned requests a summons.

3. A summons informing oral proceeding date shall be in principle served 2 weeks before the date.

4. When a summons informing oral proceeding date is not possible to serve, it is served by public notification.

When the oral proceeding date is designated before the day when service by public notification shall take effect (following the duration of 20 days from the

day the notification is published in the Official Gazette), public notification shall be served after the date is changed (→ 33-02.2).

5. When it is necessary to conduct another oral proceedings after the oral proceedings, it is preferable to inform the date for parties concerned appeared in court (→ 33-01.1).

(Revised Dec 2020)

[Form 1] Request for adjustment of date

Facsimile Transmission Sheet		Date:															
<p>TO: Mr./Ms.</p> <p style="text-align: center;">(Name of patent firm)</p>	<p>Tel</p> <p>Fax</p> <p>Number of pages (including this sheet)</p>																
<p>Request for adjustment of oral proceeding date and a written notice of proceeding matters for Invalidation Trial Case of Invalidation No. 20XX-800○○○○</p> <p>Patent No.○○○○○○○</p> <p>Demandant ○○○○</p> <p>Demandee ○○○○</p> <p>1. Request for adjustment of oral proceeding date</p> <p>A date for the oral proceedings is scheduled to be one of the following dates by a chief administrative judge. Please adjust the date and <u>send this form back to the sender by facsimile or e-mail.</u></p> <p>The oral proceedings are scheduled for about ○ hours.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 40%;">Date</th> <th style="width: 30%;">Starting time</th> <th style="width: 30%;">Your convenience</th> </tr> </thead> <tbody> <tr> <td>20○○/month/date (Wednesday)</td> <td>From PM(time)</td> <td></td> </tr> <tr> <td>20○○/month/date (Thursday)</td> <td>From PM(time)</td> <td></td> </tr> <tr> <td>20○○/month/date (Friday)</td> <td>From PM(time)</td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>※ Please fill in ○ for the convenient day or × for the inconvenient day</p>			Date	Starting time	Your convenience	20○○/month/date (Wednesday)	From PM(time)		20○○/month/date (Thursday)	From PM(time)		20○○/month/date (Friday)	From PM(time)				
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2. A written notice of proceeding matters

Matters proceeding at the oral proceedings are listed in a written notice of proceeding matters in a separate sheet (a date for oral proceedings is blank) for your advance preparation.

After the date is fixed, the same notice with the fixed date shall be sent again by mail (there is no change made in proceeding matters).

Sender ○○○○

Infringement and Invalidation Affairs Office,
Trial and Appeal Department, JPO

Tel:03(3581)1101

(Ext. XXXX)

FAX:03(3584)XXXX

[Form 2] Request for Date

Written Confirmation of Date

Date:

To: Chief Administrative Judge, JPO

Agent of Demandant

Agent of Demandee

Damandant ○○○○

Demandee ○○○○

Regarding Invalidation No.20XX – 800○○○

Invalidation trial case on Patent No. ○○○○○○ between the above parties,
we confirmed the date of oral proceedings held by a court of the JPO
on 20XX/month/date (day of the week) AM • PM(time)

Note: This form can be used for simple summons, a verbal notice of date for oral proceedings, etc.

[Form 3] Summons informing oral proceeding date

Summons Informing Oral Proceeding Date

Trial Number Invalidation No.20XX－800○○○

(Patent No.) (Patent No.○○○○○○○○)

Draft Date

Chief Administrative Judge

Agent for Demandant Mr./Ms.

Demandant for Trial ○○○○

Demandee for Trial ○○○○

The oral proceeding date for this trial case is designated on 20XX/month/date (day of the week), PM(time). You are requested to appear in court of the JPO (○th Floor).

If a person who is summoned does not appear in court without any legitimate reasons, that person may be punished with a fine of 100,000yen or less.

(Note)

If you have any query on this letter, please contact below.

Infringement and Invalidation Affairs Office, Trial and Appeal Department, JPO

Tel: 03(3581)1101 (Ext. XXXX) FAX: 03(3584)XXXX

(Revised December 2020)