



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

SESSION 3.1 PARTIAL PRIORITIES AND TOXIC DIVISIONALS

FICPI has long been discussing the question of assigning partial priorities to parts of a more generic claim that encompasses several separable subject-matters disclosed in different priority applications.

Recent case law of different EPO Boards of Appeal has, however, shown that reasonable minds may still widely disagree on the concept of partial priorities and the requirements that a claim must fulfil to be assigned more than one priority date.

This session will report the current status of case law and opinions.

Jérôme Collin (FR)
Alexander Esslinger (DE)
Christopher Rennie-Smith (GB)

SESSION 3.1 PARTIAL PRIORITIES AND TOXIC DIVISIONALS

JÉRÔME COLLIN (FR) – MODERATOR

Jérôme COLLIN - MS (Ecole Nationale des Ponts et Chaussées), MA (University of California, Santa Barbara). Partner at REGIMBEAU, in charge of international matters.

Jérôme is qualified as a European Patent Attorney before the European Patent Office and as a French Conseil en Propriété Industrielle. Acting for various types of clients (startups, SMEs, multinational companies), he has extensive experience in proceedings before the EPO, including in oral proceedings before the Examining and Opposition Divisions, and before the Boards of Appeal.

Jérôme delivers opinions and advises clients on contentious issues and in litigation. He has a significant experience in transactional work, such as due diligences in a context merger & acquisitions. His technical expertise covers electronics and mechanical engineering, physics, and medical devices.

At FICPI, Jérôme currently serves as Reporter of the Commission d'Etudes et de Travail on International Patent Matters (CET3), as a tutor for the EUROSEAD patent drafting course, and as member of PEC. Jerome is also currently the French Delegate to the Professional Education Committee of the European Patent Institute (epi).



FICPI

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DR ALEXANDER ESSLINGER (DE) – SPEAKER

Alexander Esslinger is a German and European Patent Attorney with the firm Betten & Resch in Munich and Chairman of CET Group 5 of FICPI dealing with inventions in particular areas of technology such as computing and life-science.

He practices drafting, prosecuting, preparing opinions on and litigating patents primarily in the fields of computer software, telecommunications, semiconductor technology and medical appliances.

His main focus presently is the representation of international clients in nullity cases before the Federal Patent Court and infringement lawsuits before the respective patent chambers in Germany. Mr. Esslinger has given presentations and published several articles on patent law topics.



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SESSION 3.1 PARTIAL PRIORITIES AND TOXIC DIVISIONALS

CHRISTOPHER RENNIE-SMITH (GB) – SPEAKER

Christopher is a consultant with the London law firm Collyer Bristow LLP. After studying law at Cambridge University and comparative law at the Vrije Universiteit, Amsterdam and lecturing in law at Sheffield University, he was admitted as a solicitor in 1978. He then practised in London for over twenty years, specialising in intellectual property litigation.

In 1999 he was appointed a member of the Boards of Appeal at the EPO, becoming a member of the Enlarged Board in 2005 and chairman of a biotechnology technical board in 2010. He was chairman or member in hundreds of EPO appeal cases and, since 2007, many petitions for review. He was one of the draftsmen of the current Rules of Procedure of the Boards of Appeal.

He has lectured regularly in patent law since 2001 and from 2007 onwards was also involved in judicial training for both new members of the Boards of Appeal and judges from European national courts.

He retired from the Boards of Appeal in April 2014 and re-joined his previous firm where he now advises on all aspects of EPO proceedings and procedure, patent and other IP litigation in England and the co-ordination of parallel litigation.

He also acts as an arbitrator in IP disputes and continues to be actively involved in teaching and training in patent law and procedure.



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