



KNOCK, KNOCK: WHO'S THERE?

A DISCUSSION OF "STRAW PERSON" PROCEEDINGS

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ANAND & ANAND



Capture Innovation

Straw Person Proceedings

Ability of “any person” to initiate a proceeding

Invalidity / opposition

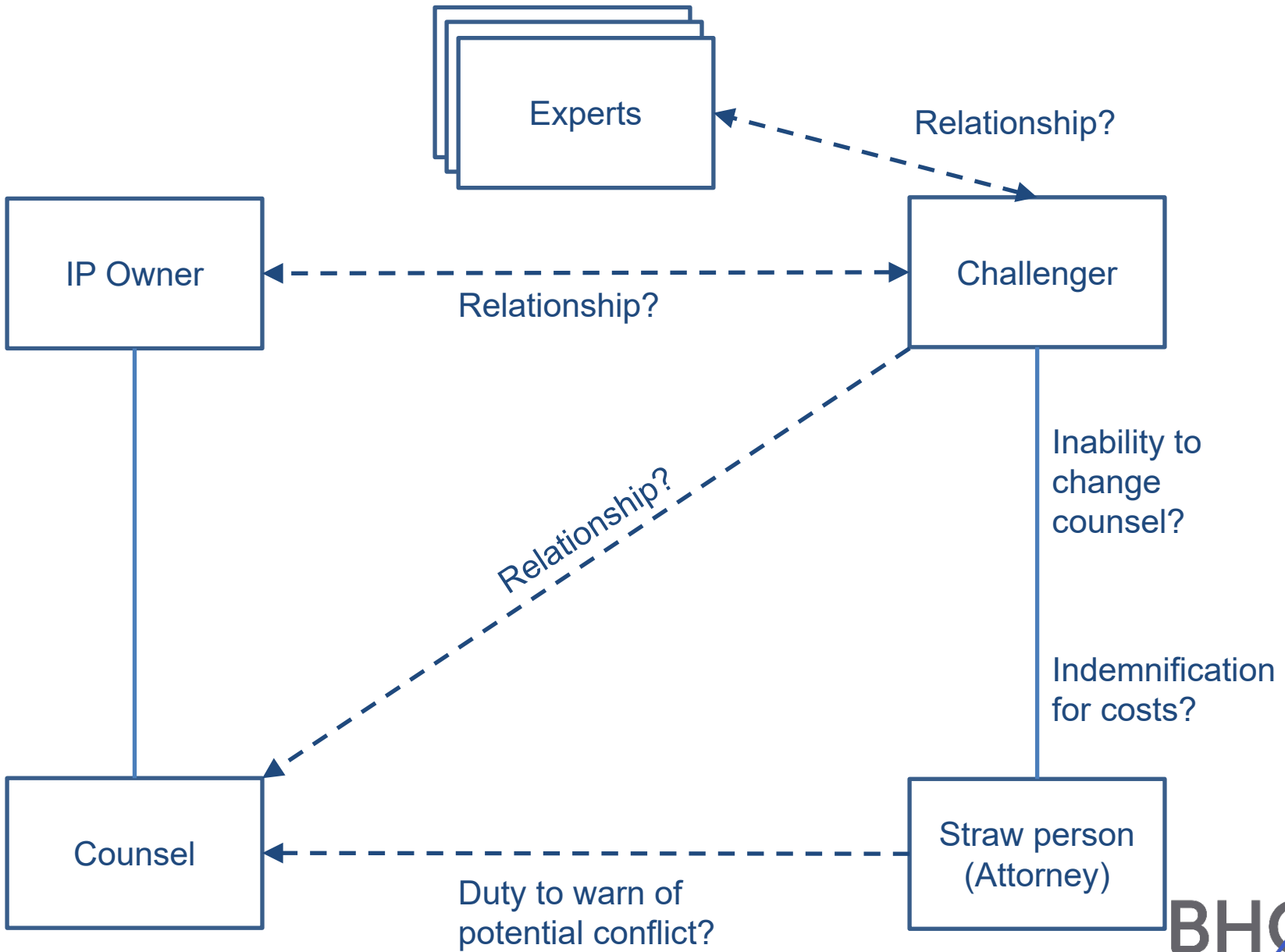
Reduce barriers for legitimate IP challenges

Potential risks to IP owners

Potential risks to IP attorneys

Consider

1. Are straw person proceedings permitted in your jurisdiction and, if so, in what contexts?
2. In these contexts, is the Opponent permitted to submit evidence (which may be cross-examined) or merely written representations?
3. Are you aware of any particular risks or limitations in your jurisdiction relating to the use of straw person proceedings?
4. Are you aware of any actual instance in which a practitioner in your jurisdiction has been placed in a difficult position due to their involvement in a straw person proceeding?
5. Do you recall your national/regional attorney groups raising concerns with the use of straw person proceedings?
6. Have any positions been taken within the profession in respect of straw person proceedings generally?



Consensus ?

1. Are straw person proceedings beneficial and should they continue to be made available?
2. Should FICPI lobby for harmonization or should any other approaches be undertaken?
3. Should limitations be placed upon the use of such proceedings?
4. Could or should potential risks mitigated by legislation or by private arrangements?