

Intellectual Property Litigation Certificate – Module 2 (Oral Examination)

17 – 19 November 2015

ORAL EXAMINATION CANDIDATE TASK

1. Wait until the Invigilator calls you into the Examination Room. You may use the time while you are waiting to prepare for the Examination.
2. You may take notes (on paper or on a computer), reference materials (including the Case Study) and writing equipment into the Examination Room. You may use these as you deliver your presentation.
3. Page 2 of this Candidate Task (overleaf) contains the task you must carry out in the Oral Examination.
4. You have 10 minutes to deliver your opening submission.
5. You must start your opening submission when the Examiner tells you to begin.
6. You should deliver your submission as though you were presenting to judges in a court room.
7. The Examiners will not interrupt or ask questions.
8. Two minutes before you must finish the Examiner will give you a signal by holding up a card.
9. You must stop your presentation immediately when the Examiner tells you to stop.
10. Examiners are not permitted to give feedback on individual candidates' performance.

Task

You should refer to the Case Study and the delegate exercises you carried out during the LSC face-to-face course.

You appear on behalf of the Claimant, Arthur Little & Sons ('Little'). Little's objectives are:

- to prevent Deliver from selling the infringing products, and
- to recover substantial financial compensation for infringement against John Goodman Ltd as joint tortfeasor.

The hearing is taking place in the IPEC. You will present your opening submission on behalf of the Claimant Little.

You should limit your opening submission to the question of whether the First Defendant Goodman should be held liable as joint tortfeasor at common law with the Second Defendant Deliver for infringement of the patent for sale of infringing products. You should only refer to other aspects of the Case Study to the extent you consider necessary to achieve that limited purpose. For the avoidance of doubt, your submission should not argue that Goodman is a contributory infringer under s60(2) Patent Act 1977.

Total marks [20]

The maximum number of marks which can be awarded for the Oral Examination is 20. Your presentation will be assessed against the learning outcomes as follows:-

Learning Outcome

LO1	Understand the importance of preparation and the best way to undertake it.	Up to 3 marks
LO3	Understand the basic skills in the presentation of cases before courts and tribunals in particular the skills necessary for the presentation of cases before the IPEC.	Up to 10 marks
LO7	Be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner.	Up to 7 marks
Total		20 marks