
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 7

PROCEEDINGS HEARD BEFORE THE COMPTROLLER

Conduct of hearings

Striking out a statement of case and summary judgment

83.—(1) A party may apply to the comptroller for him to strike out a statement of case or to give summary judgment.

(2) If it appears to the comptroller that—

- (a) the statement of case discloses no reasonable grounds for bringing or defending the claim;
- (b) the statement of case is an abuse of process or is otherwise likely to obstruct the just disposal of the proceedings; or
- (c) there has been a failure to comply with a section, a rule or a previous direction given by the comptroller,

he may strike out the statement of case.

(3) The comptroller may give summary judgment against a claimant or defendant on the whole of a case or on a particular issue if—

- (a) he considers that—
 - (i) that claimant has no real prospect of succeeding on the case or issue, or
 - (ii) that defendant has no real prospect of successfully defending the case or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a hearing.