

July 19<sup>th</sup>, 2022**Performance of ZBM Patents & Trademarks in opposition and appeal proceedings before the EPO**

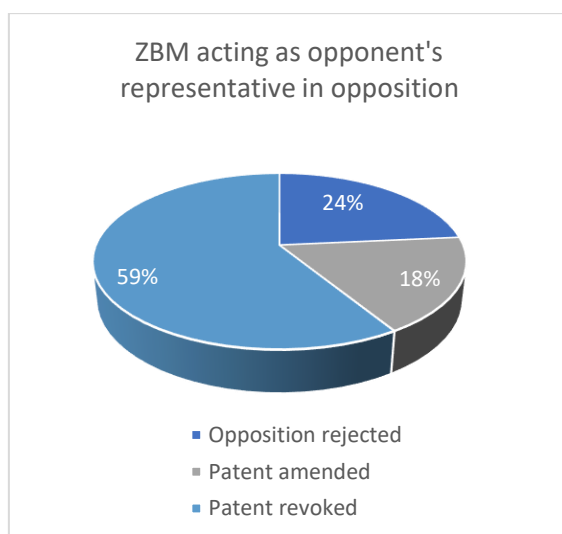
Since the work of oppositions and appeal in the EPO is highly specialized and challenging, we have considered it as being a good indicator of the performance of a patent law firm. Statistics have been prepared with the active cases in the period 2010-2022.

**1. Outcome for our clients of cases following an opposition and appeal procedure, if any,**

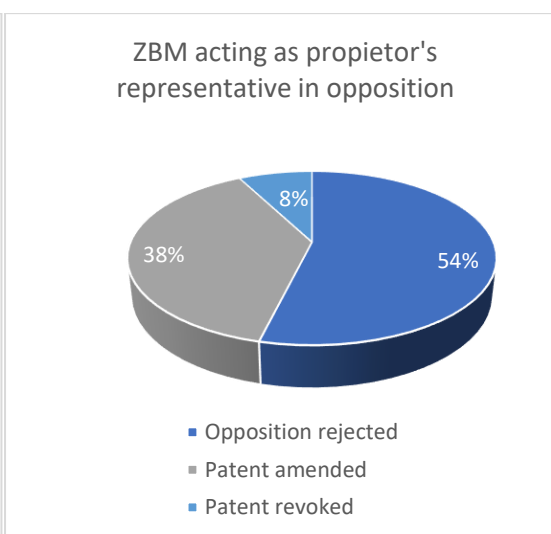
These figures embrace the results of the opposition/appeal cases handled by ZBM team in the specified period, including:

- Opposition cases that followed an appeal procedure with a final decision on the merits issued by the Board of Appeal
- Opposition cases in which we took over the representation in the appeal stage with a final decision on the merits issued by the Board of Appeal
- Opposition cases with a final decision on the merits issued by the Opposition Division when no appeal was filed by any of the parties
- Opposition and appeal cases that were withdrawn at some point of the opposition or the appeal procedure before a final decision on the merits, for instance, because of an agreement between the parties

- **Final outcome of the cases**  
**ZBM acting as opponent's**  
**representative**

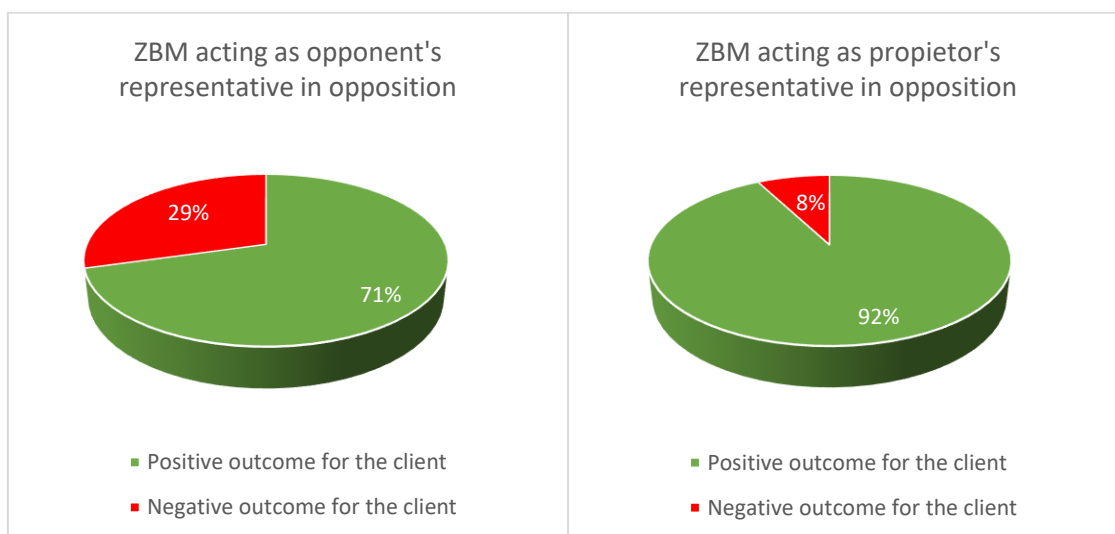


- **Final outcome of the cases**  
**ZBM acting as proprietor's**  
**representative**



- These figures show that when we acted as opponents' representative, in 59% of the cases the patent was revoked and in 18% of the cases was maintained in amended form.
- When we defended our clients' patents in an opposition procedure, in 54% of the cases the opposed patent was upheld as granted and in 38% of the cases in an amended form.

- **Outcome for our client**



These figures show what the previous results represent for our client:

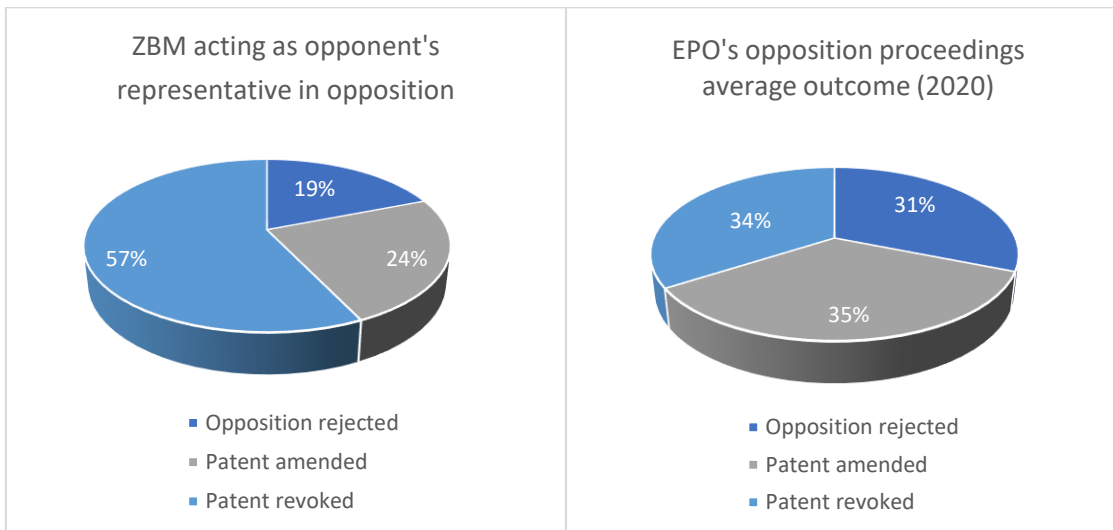
- Patents opposed by our clients: In 71% of the cases following an opposition procedure and an appeal procedure, if any, the patent was either revoked or maintained in amended form in such a way that does not affect the client's interests, fulfilling the client's needs.
- Opposition received against our clients' patents: In 92% of the cases, the patent was kept in force either as granted or in amended form in a way conferring to the client an effective protection to defend the market of interest.

In the next sections we break down the results by those achieved after the opposition procedure and those achieved after the appeal procedure.

**1.1. Performance in proceedings before the Opposition Division (OD)**

The figures below show ZBM results in the opposition procedure compared to the average outcome published by the EPO.

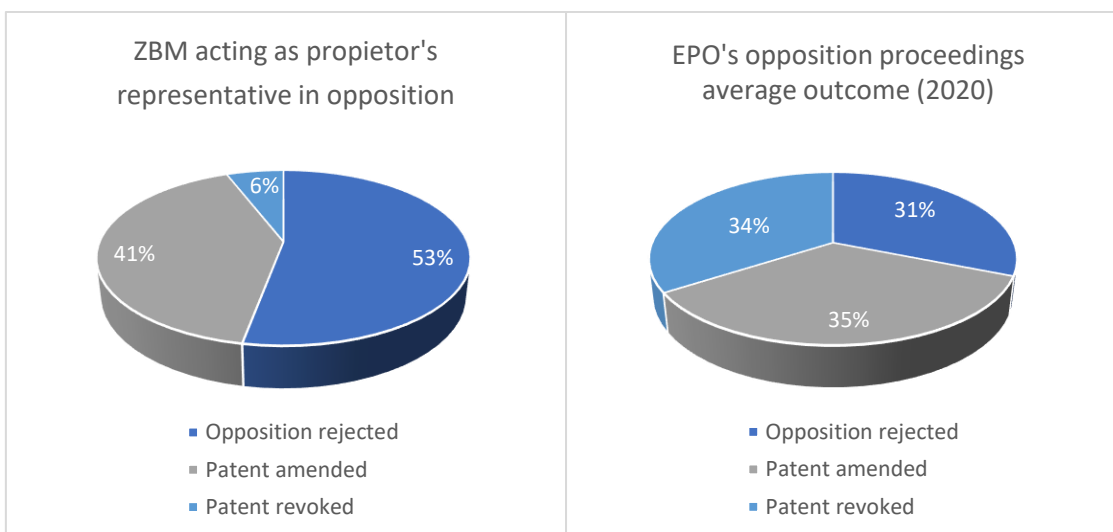
- **ZBM acting as Opponent’s representative**



When we acted as opponent’s representative, 19% was upheld as granted, whereas the average reported by the EPO is 31%. Furthermore, in 57% of the cases handled by ZBM the patent was completely revoked, which represents 23% more than the average reported by the EPO (57% vs. 34%).

In practice, we were able to satisfy the client's needs in 76% of these cases (19% of the amended patents + revoked patents), meaning that after the opposition procedure they no longer interfered with the client’s interests.

- **ZBM acting as proprietor’s representative**



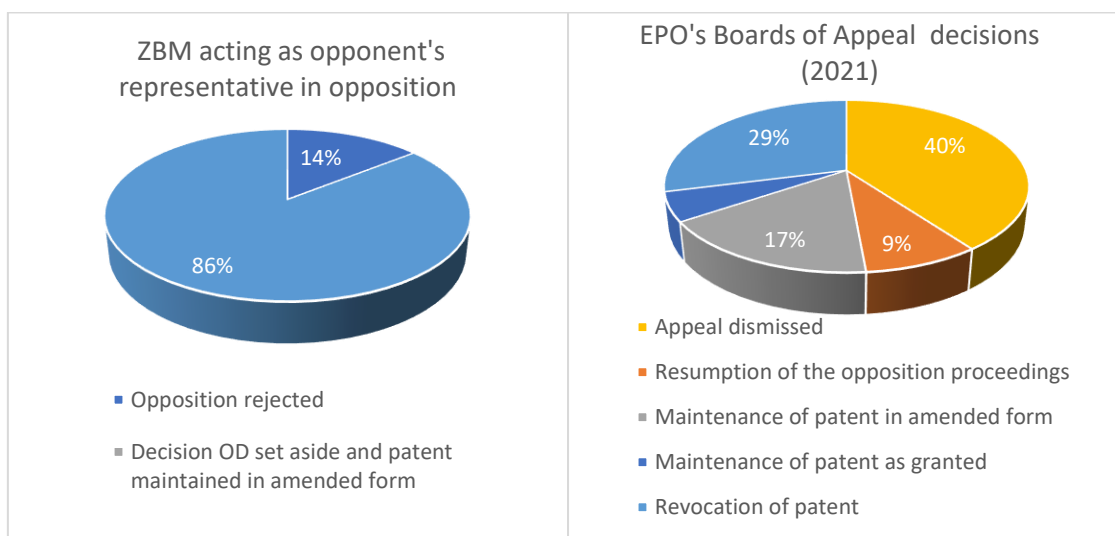
When we acted as proprietor’s representative, in 53% of the cases the patent was upheld as granted and in 41% in an amended form.

This means that in 94% of the cases, we successfully defended the patent, conferring to the client an effective protection to defend the market of interest. This represents in total 28% more patents in force than the average reported by the EPO.

**1.2. Performance in proceedings before the technical Boards of Appeal (BoA)**

The figures below correspond to the ZBM cases following an appeal initiated by any of the parties in the appeal proceedings, including cases with a decision issued by the technical Boards of Appeal and appeal cases in which the appeal was withdrawn by the other party before a decision was taken.

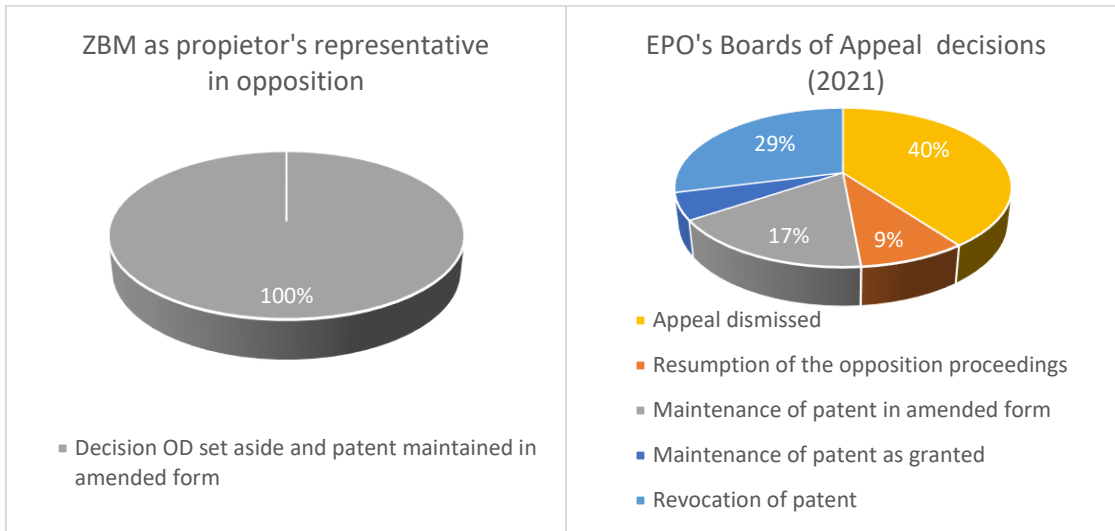
- **ZBM acting as opponent’s representative**



In 86% of the cases in which ZBM acted as opponent representative and followed an appeal procedure were cases with a positive outcome in the opposition procedure for our client as we managed to maintain the revocation decision issued in the first instance before the BoA.

Therefore, our performance before the BoA is considerably much better than the average reported by the EPO, in which only 40% of the cases the Board of appeal confirmed the Decision of the Opposition division (appeal dismissed).

- **ZBM acting as proprietor's representative**



When defending the proprietor, our client's position in the first instance never worsened in the second instance. In 100% of the cases, the patents were maintained in force in the second instance.