

**G. Law of evidence**

1.	Introduction	805
2.	Admissible evidence	808
2.1.	Non-exhaustive list of admissible means of evidence	808
2.2.	Distinction between the admissibility of evidence and its probative value	809
2.3.	Freedom of choice when selecting evidence	809
2.4.	Witness testimonies and expert opinions	810
2.4.1	Hearing witnesses	810
a)	Role of witnesses and wording of request	810
b)	Relationship between witness and party	811
c)	Statutory declarations and hearing witnesses	812
d)	Ranking of means of evidence	812
e)	Hearing a witness before a national court	812
f)	References	813
2.4.2	Difference between witnesses and experts	813
2.4.3	Expert opinions (Article 117(1)(e) EPC)	813
2.4.4	Expert opinion submitted by a party	814
2.5.	Statements in writing	815
2.5.1	Sworn statements and affidavits	815
2.5.2	Relationship between witness and party	816
2.5.3	Statutory declarations and hearing witnesses	816
2.5.4	Ranking of means of evidence	817
2.6.	Other documents	817
3.	Taking of evidence	819
3.1.	Relevance of the evidence	819
3.1.1	Basic principles	819
3.1.2	Offering evidence – effect on the outcome of the dispute	820
3.1.3	Taking evidence (hearing of a witness) deemed unnecessary	821
3.1.4	Hearing the witness introduces new facts into the proceedings	821
3.1.5	Hearing the patent proprietor	821
3.1.6	Re-hearing a witness	822
3.1.7	Example procedure for hearing a witness	822
3.2.	Time frame for submitting evidence and ordering the taking of evidence	822
3.2.1	Evidence wrongly rejected by the examining division as late-filed	823
3.2.2	Evidence wrongly rejected by the opposition division as late-filed	823
3.2.3	Late-filed evidence before the board of appeal - rejected	823
3.2.4	Comparative tests to demonstrate a technical effect achieved by the claimed invention	824
3.2.5	Evidence rejected as prima facie irrelevant	824
3.2.6	Evidence submitted "in due time"	824
3.2.7	Parties' responsibilities	825
3.2.8	Large volume of evidence	826
3.2.9	Strategic procedural approaches of parties to presenting evidence	826
3.2.10	Parties treated equally (or not)	827
3.2.11	When to order the taking of evidence and hearing of witnesses at oral proceedings	827