

Patent Administrators Certificate Mock Exam 2 Feb 2006
Marking Schedule

									Section Marks	Question Marks	Cumulative Total
1. Your attorney asks you to prepare the forms for a new UK patent application according to Annex 1. The client has also provided a copy of an English language specification entitled "Navigation system", which is to form the basis of the UK application. The description is 8 pages long, two pages of claims containing 11 claims, one page with an abstract and 4 sheets of drawings containing 12 figures.											
Please select and complete those application Forms which can be filed without an official fee.											
1	See completed PF 1/77 and 7/77								15		
									15	15	
2(a). In respect of the new UK filing of Question 1, the Application is filed on 27 February 2006.											
What subsequent fee-bearing actions will be required to continue the Application?											
2(a)	Request for Search (9A/77); Request for Substantive Examination (10/77); Application Fee (AF1 if not included in 9A/77)								3		
2(b). What is the latest time, without extension, for filing the relevant forms? Explain your reasoning:-											
2(b)	9A/77	27-Apr-06 2 months after filing date							1		
	10/77	Six months after publication							1		
	AF1	Two months after filing if not included in 9A/77							1		
								3			
2(c). Is a copy of the earlier German application required, and if so, by when? Explain your reasoning.											
2(c)	Yes								0.5		
	16 months from the priority date								0.5		
	i.e. 3 July 2006								0.5		
								1.5			
2(d). Is a translation of the earlier German application into English required, and if so, by when?											
2(d)	No longer required								0.5		
	unless requested by the Patent Office,								1		
	in which case a period for filing it will be specified.								1		
								2.5	10	25	
3. You filed a new UK patent application on 4 Feb 2005. Today, 2 Feb 2006, you are filing two identical applications at the UK Patent Office, claiming priority from that application of last year - a UK national application and a PCT application.											
In respect of (a) the UK national application; and (b) the PCT application:											
(i) What priority documents will be required?											
2(i)	(a)	UK - None because 4 Feb 2005 is already on file							1		
2(i)	(b)	PCT - Certified copy							1		
								2			
(ii) What is the procedure for supporting the claim to priority?											
2(ii)	(a)	Identification in PF 1/77 of 4 Feb 2005 application							1		
		by number							1		
2(ii)	(b)	Order certified copy - PF 23/77 or in the PCT Request							1		
								3	5	30	
4. Give two reasons for requesting accelerated prosecution in order to obtain early grant of a UK patent application.											
4	In order to initiate infringement proceedings as soon as possible								1		
	In order to be able to license the patent more quickly								1		
								2	2	32	

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5. A U.K. application is due to be accepted by 25th August 2007.											
A response to an official letter by the U.K. Patent Office was due on 24th January 2006. You have just discovered that no reply was filed.											
What actions must be taken to ensure that the application does not lapse and by what date?											
	5	Request an extension in writing							1		
		File a reply to the official letter							1		
		By 24th March 2006							1		
								3			
										3	35
6. A UK patent application was filed on 9 January 2002, claiming a priority date of 6 February 2001. The application was granted on 8 September 2004.											
6(a). When is the first renewal fee due? Explain your reasoning.											
	6(a)	31-Jan-06							0.5		
		Fourth anniversary of filing, NOT of priority							1		
		And then end of month							1		
								2.5			
6(b). If the fee has not been paid, and the client contacts you on 18 May 2006 indicating that they would like to renew the patent, what action can be taken, and by when?											
	6(b)	The renewal fee can be paid,							0.5		
		together with a surcharge,							0.5		
		within the 6 month grace period, i.e. by 31 July 2006.							0.5		
								1.5			
6(c). What can be done if the client contacts you on 18 August 2006 instead?											
	6(c)	Since the grace period expired on 31 July 2006, the patent has lapsed.									
		It is still possible to apply for restoration of the patent,							1		
		in which case it will be necessary to show that the proprietor always intended to pay the renewal fee within the time allowed.							1		
								2		6	41
7(a). In a European Patent Office Application, what is meant by:											
		A1 publication									
		A2 publication									
		A3 publication?									
	7(a)	A1 - Initial publication with Search Report							0.5		
		A2 - Initial Publication without Search Report							0.5		
		A3 - Subsequent publication with Search Report							0.5		
								1.5			
7(b). Which of these is the starting point for the next stage in prosecution?											
What further action is required and by when?											
	7(b)	Publication of Search Report - A1 or A3 respectively							0.5		
		Request Substantive Examination/Pay Exam fee							1		
		Six months after publication of Search Report							1		
								2.5			
										4	45
8. You received a first communication pursuant to Article 96(2) EPC (Examination Report) dated 20 October 2005.											
8(a). What is the last day on which a response could validly be filed before extension? Explain your reasoning.											
	8(a)	Four month response period							1		
		10 days from 21 Oct 2005 is 30 Oct 2005							0.5		
		Time limits calculated to end of month, not 30/31 date							1		
		28-Feb-06							0.5		

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								Section Marks	Question Marks	Cumulative Total	
									2	66	
12. Your client wishes to file a divisional Application from her European Patent Application.											
12(a). Where must the divisional Application be filed?											
	12(a)	<i>The Divisional Application must be filed at the European Patent Office</i>							0.5		
		<i>At Munich , The Hague or Berlin</i>							1.5		
								2			
12(b). By when must the divisional application be filed?											
	12(b)	<i>It must be filed while the parent is pending and before a patent is</i>							1		
		<i>granted on the parent.</i>							1		
								2			
									4	70	
13. You are handling two European Patent Applications as follows:-											
(A) A European Patent Application with a filing date of 18th February 2005, claiming priority from a U.K. patent application filed on 20th February 2004. The European application was published with the search by the EPO on 23rd August 2005.											
(B) A European Patent Application based on a PCT application filed on 16th April 2004 and claiming priority from a U.K. patent application filed on 17th August 2003. The PCT application was published with the international search on 24th February 2005.											
In respect of each Application, what is the normal due date for the payment of the designation fees? Explain your reasoning.											
	13A	<i>Six months after publication</i>							0.5		
		<i>23-Feb-06</i>							0.5		
	13B	<i>EPO Regional Phase</i>							0.5		
		<i>17-Mar-06</i>							0.5		
								2			
									2	72	
14. Give three possible outcomes following an opposition procedure in the European Patent Office.											
	14	<i>the patent may be maintained unamended</i>							1		
		<i>the patent may be revoked.</i>							1		
		<i>the patent may be maintained in an amended form</i>							1		
								3			
									3	75	
15. In accordance with Article 122 of the European Patent Convention, many mistakes can be rectified by a procedure called restitutio in integrum if "all due care" has been exercised by the applicant and/or his agent. When attempting to recover the loss of a right because of a mistake by the agent, it is normally essential to be able to show that there is a system in place that would, under normal circumstances, ensure that such a mistake could not occur.											
Write down three requirements of staff, or the system they operate, which if in place would help to support a successful application for restitutio.											
	15	<i>One mark for each (max three marks).</i>									
		<i>A detailed knowledge of the provisions of EPC and its interpretation.</i>									
		<i>The availability in the firm of relevant literature such as the Official Journal of the EPO.</i>									
		<i>Such office systems as are capable of ensuring that failure to adhere to time limits shall not occur.</i>									
		<i>Reasonable care in the choice of employees.</i>									
		<i>Instruction of employees in detail as to their duties.</i>									
		<i>Regular supervision of employees to ensure duties performed correctly.</i>							3		
									3	78	
16. What are the minimum requirements contained in a PCT application in order to be given a filing date?											
	16	<i>Indication that it is a PCT Application</i>							1		
		<i>Designation of at least one contracting state</i>							1		
		<i>The name of the Applicant</i>							1		
		<i>Description</i>							1		

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	Claim or claims								1		
								5		5	83
	17. A PCT application has been sent to a Receiving Office which is not competent to receive the Application.										
	What will happen? What is the filing date?										
	17	The application will be forwarded to the International Bureau							1		
		which then becomes the Receiving Office							1		
		The application retains as its filing date the date of receipt by the non-competent office							1		
								3		3	86
	18. A search report and written opinion on patentability was issued on 21 July 2005 by the Searching Authority on a PCT application.										
	The Application has a priority date of 22 January 2004.										
	18(a). What are the time periods for determining when the Demand must be filed?										
	18(a)	The later of:							0.5		
		22 months after priority; or							0.5		
		3 months after issue of the Written Opinion							0.5		
								1.5			
	18(b). Calculate each date. Explain your reasoning.										
	18(b)	(i) 22 months from 22 January 2004 is Tue 22 Nov 2005							2.5		
		(ii) 3 months from 21 July 2005 is Friday 21 October 2005.							1		
								3.5		5	91
	19. Your client has filed a PCT Application on 26 January 2005 claiming priority of 27 January 2004.										
	19(a). What is the last date for entering the European Regional Phase? Explain your reasoning.										
	19(a)	31 months from the priority date							1		
		27 August 2006 is a Sunday when the EPO is closed							2		
		Date for entry extended to Monday 28 August 2006							1		
								4			
	19(b). When is the first renewal fee on the EPC application due and when must it be paid? Explain your reasoning.										
	19(b)	First renewal due 2 years from filing date.							1		
		So renewal due 26 January 2007							1		
		Payable at the end of the month 31 January 2007							1		
								3		7	98
	20. A PCT Application has been filed without being signed.										
	20(a). Can the Application receive a filing date?										
	20(a)	Yes							0.5		
	20(b). What is the procedure?										
	20(b)	Absence of the signature is a correctable deficiency.							0.5		
		The Receiving Office will invite the Applicant to furnish the missing signature.							0.5		
								1			
	20(c). What date will be allocated - original filing at Receiving Office or date of signature?										
	20(c)	original filing date at Receiving Office.							0.5		
										2	100