

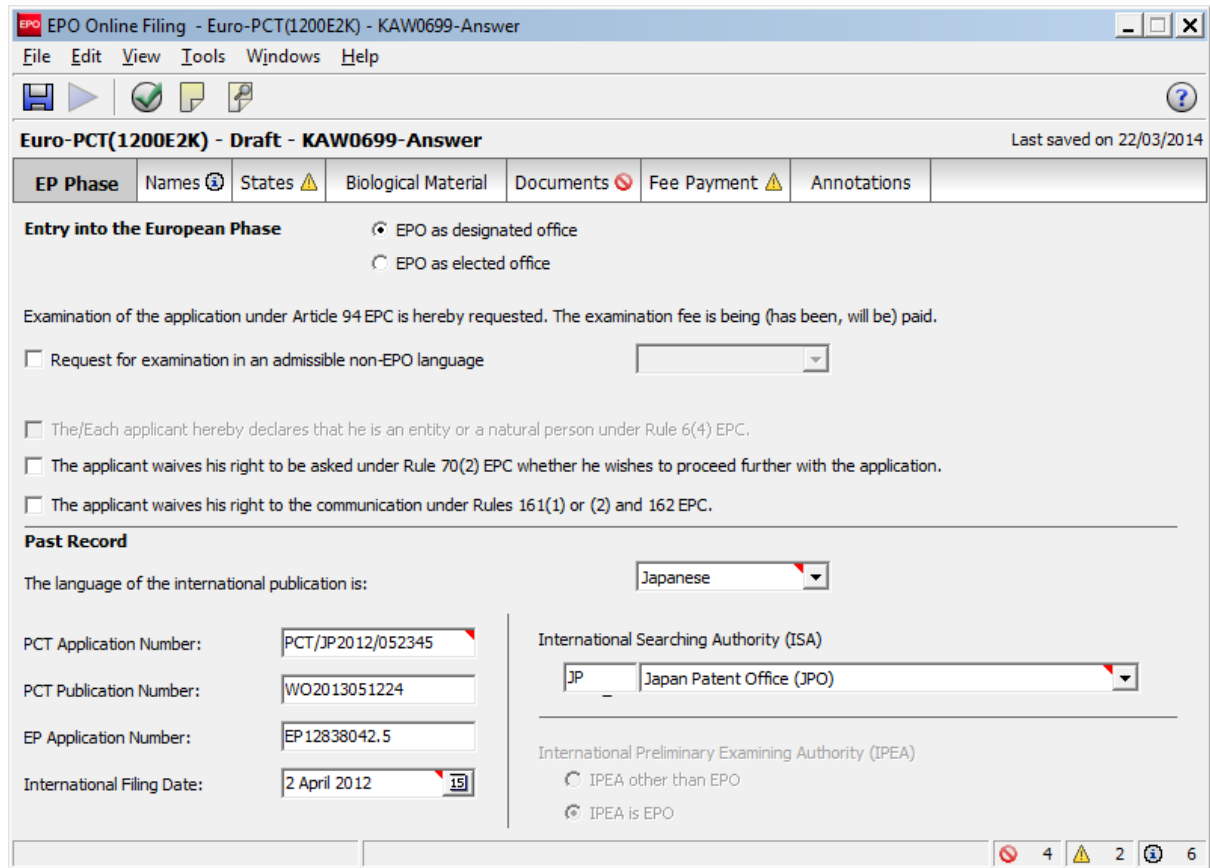
Answers

Answers

Note – Need 2013 calendar (Q. 9); 2014 calendar (e.g. Q. 11); + list of EPO closed days in 2014

Question 1.

20 marks. Deduct 0.5 mark for each error.



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EP Phase Names States Biological Material Documents Fee Payment Annotations

Entry into the European Phase

☒ EPO as designated office
☐ EPO as elected office

Examination of the application under Article 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.

☐ Request for examination in an admissible non-EPO language

☐ The/Each applicant hereby declares that he is an entity or a natural person under Rule 6(4) EPC.

☐ The applicant waives his right to be asked under Rule 70(2) EPC whether he wishes to proceed further with the application.

☐ The applicant waives his right to the communication under Rules 161(1) or (2) and 162 EPC.

Past Record

The language of the international publication is: Japanese

PCT Application Number: PCT/JP2012/052345

PCT Publication Number: WO2013051224

EP Application Number: EP12838042.5

International Filing Date: 2 April 2012

International Searching Authority (ISA)
JP Japan Patent Office (JPO)

International Preliminary Examining Authority (IPEA)
☐ IPEA other than EPO
☒ IPEA is EPO

4 2 6

Answers

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EP Phase **Names** States Biological Material Documents Fee Payment Annotations

Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication. Changes which have not yet been recorded by the International Bureau are set out here:

Applicants
Representatives
 FLOWERS, Lupin

Name and address | **Authorisation**

Last name: FLOWERS
 First name: Lupin
 Title:
 Company: Bloom and Budd LLP
 Department:
 Please use appropriate upper and lowercase letters

Country: GB United Kingdom
 Address: 12 Covent Garden Mews
 Postal code: WC2 4XJ
 City: London
 GB County:
 Telephone: +442076228844
 Fax: +442076228899
 e-mail: mail@bandbllp.com

4 2 5

The following is also correct (in fact preferable, although either option gets full marks). Deduct 3 marks if both options completed.

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Applicants
Representatives
 Bloom and Budd LLP

Name and address | **Authorisation**

Company: Bloom and Budd LLP
 Department:
 Association No.: 899
 Country: GB United Kingdom
 Address: 12 Covent Garden Mews
 Postal code: WC24XJ
 City: London
 GB County:
 Telephone: +442076228844
 Fax: +4420 7622 8899
 e-mail: mail@bandbllp.com

4 2 5

Answers

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EP Phase **Names** States Biological Material Documents Fee Payment Annotations

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Applicants
Applicant, Natural
Representatives

Last name:
First name:
Title:
Company:
Department:
Country:
Address:
Postal code:
City:
Region:
Telephone:
Fax:
e-mail:
Nationality:
Residence:
☐ Address for correspondence
☐ The applicant has already been recorded by the International Bureau.

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EP Phase **Names** States Biological Material Documents Fee Payment Annotations

Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication. Changes which have not yet been recorded by the International Bureau are set out here:

Applicants
Harajuku Heavy Engineering Comestibles Kabushiki Kaisha
Representatives
Bloom and Budd LLP

Company: Harajuku Heavy Engineering Cor Department:
Country: JP Japan Telephone:
Address: 1-1-83 Shimo Renjaku Mitaka-shi Fax:
Postal code: 1088080 e-mail:
City: Tokyo
JP Prefecture:
Residence: JP Japan
☐ Address for correspondence
☐ The applicant has already been recorded by the International Bureau.
☐ Harajuku Heavy Engineering Comestibles Kabushiki Kaisha is represented by the following employee acting pursuant to Art. 133(2) EPC:
Last name:
First name:
Title:
General authorisation:

4 2 5

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EP Phase Names **States** ⚠ Biological Material Documents ⚠ Fee Payment ⚠ Annotations

Designation Extension Validation

This entry into the European phase is deemed to be a request to extend the effects of the European patent application and the European patent granted in respect of it to all non-contracting states to the EPC designated in the international application with which extension agreements were in force on the date on which the international application was filed. However, the request is deemed withdrawn if the extension fee is not paid within the prescribed time limit.

Note: Under the automatic debiting procedure, extension fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

☐ All states with extension agreements

☒ Selected state(s): 1 selected

☒ BA Bosnia and Herzegovina

☐ ME Montenegro

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EP Phase Names States ⚠ Biological Material **Documents** ⚠ Fee Payment ⚠ Annotations

Proceedings Amendments and Translations Document Overview Sequence Listings Additional Documents

Original file name: Spoof Trans.pdf **Number of Pages:** 37

This pdf file contains:

☒ Translation of the description as originally filed From page: 1 to 25

☒ Translation of the claims as originally filed From page: 26 to 28

☒ Translation of abstract as published From page: 29 to 29

☒ Translation of any text in the drawings as originally filed From page: 30 to 37

5 3 3

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EP Phase Names States Biological Material Documents Fee Payment Annotations

Proceedings Amendments and Translations Document Overview Sequence Listings Additional Documents

Documents intended for proceedings before the EPO (R. 159 (1) (b) EPC) and for calculating the additional fee (Art. 2, item 1a, RFees):

Overview Description Claims Drawings

The description on entry into the European phase comprises the following parts:

Part	Pages from...to...	Number of pages
☒ International application as published	1 to 18	18
☐ Translation of international application as published		
☐ Translation of Art. 34 PCT amendments		
☐ Amendments on entry into the European phase		
Total number of pages - description:		18

0 3 1

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Euro-PCT(1200E2K) - Draft - KAW0699-Ans.v2 Last saved on 12/02/2015

EP Phase Names States Biological Material Documents Fee Payment Annotations

Proceedings Amendments and Translations Document Overview Sequence Listings Additional Documents

Documents intended for proceedings before the EPO (R. 159 (1) (b) EPC) and for calculating the additional fee (Art. 2, item 1a, RFees):

Overview Description Claims Drawings

Number of claims on entry into the European phase: 14

Number of claims you intend to pay for (including first 15 claims): 14

The set of claims on entry into the European phase comprises the following parts:

Part	Pages from...to...	Number of pages
☒ International application as published	19 to 20	2
☐ Art. 19 PCT amendments		
☐ Art. 34 PCT amendments		
☐ Amendments on entry into the European phase		
Total number of pages - claims:		2

0 3 1

Answers

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EP Phase Names States Biological Material **Documents** Fee Payment Annotations

Proceedings Amendments and Translations Document Overview Sequence Listings Additional Documents

Documents intended for proceedings before the EPO (R. 159 (1) (b) EPC) and for calculating the additional fee (Art. 2, item 1a, RFees):

Overview Description Claims **Drawings**

The drawings on entry into the European phase comprises the following parts:

Part	Pages from...to...	Number of pages
☒ International application as published	1/8 to 8/8	8
☐ Translation of international application as published		
☐ Art. 34 PCT amendments		
☐ Amendments on entry into the European phase		
Total number of pages - drawings:		8

0 3 1

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EP Phase Names States Biological Material **Documents** Fee Payment Annotations

Proceedings Amendments and Translations Document Overview Sequence Listings **Additional Documents**

Other document

OTHER-1.pdf

• IA Status Report

Document Type: <other_document>

Type Name: IA Status Report

0 3 2

Answers

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EP Phase Names States Biological Material Documents **Fee Payment** Annotations

Payment Details Fee selection

Mode of payment: Debit from deposit account Currency: EUR

The European Patent Office is hereby authorised, to debit from the following deposit account with the EPO any fees and costs indicated in the fee selection:

Deposit account number: 28050505__

Account holder: Bloom and Budd LLP

☐ Only required if different from above - Reimbursement, if any, to be made to deposit account with the EPO: 28

Account holder:

☐ Additional copies of the documents cited in the supplementary European search report are requested. 0

0 0 3 1

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EP Phase Names States Biological Material Documents Fee Payment **Annotations**

Re: change of applicant

Author: Lupin Flowers

Subject: Re: change of applicant

Note: There has been a change of applicant recently recorded at the IB, as shown by the attached International Application Status Report. The new applicant is included in the Form 1200E.]

0 0 3 1

Answers

2.

The first renewal fee [for the second patent year] is due at the end of the month containing the second filing anniversary (1 mark)

= 30th April 2014 (1 mark)

This date has already passed, so the renewal fee is due 31 months after priority [time limit for regional phase entry] (1 mark)

= 3rd May 2014 (1 mark)

A Saturday, and Monday 5th May 2014 is Liberation Day in the Netherlands, so time limit extended to Tuesday 6th May 2014 (1 mark)

[No marks for answering that it is a UK Bank Holiday]

(Total of 5 marks for this question)

3.

A supplementary search fee is due (1 mark)

Because the EPO did not act as the International Searching Authority. (1 mark)

(Total of 2 marks for this question)

4.

Additional pages fee x 2 (1 mark)

Filing Fee (1 mark)

Examination Fee (1 mark)

Flat Designation Fee (1 mark)

One Extension Fee (1 mark)

(No claims fees: $14 < 15$) (Total of 5 marks for this question)

5.

Only if it is asked for. (1 mark)

This will happen if priority is relevant to patentability over the prior art. (1 mark)

Answers

(Total of 2 marks for this question)

6.

(a) The time limit is four months from the notification of the written decision against which the appeal is filed.

4 month period from the written decision appealed - (1 mark)

Notification – i.e. 10 day rule applies - (1 mark)

(b) The only possible remedy is re-establishment under Article 122 EPC (1 mark)

Request must be filed within two months of removal of the cause of non-compliance (1 mark)

and within one year of the expiry of the unobserved time limit (1 mark)

(Total of 5 marks for this question)

7.

(a) Yes (0 marks)

The application can be filed by joint applicants provided that at least one of them is entitled to make the application (1 mark)

The UK resident is entitled to make the application (1 mark)

(b) File either at the UK IPO (1 mark)

or the EPO [both of which are competent to receive applications in English from an applicant who is a UK resident] (1 mark)

(Total of 4 marks for this question)

8.

Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, Spanish

(Half a mark for each one so 5 marks in total for this question)

9.

The Demand is due within later of three months of issuance of the ISR (1 mark)

= 21/02/2013 [a Thursday] + 3M = 21/05/2013 [a Tuesday] (1 mark)

Answers

Or 22 months from priority (1 mark)

= 19/06/2012 + 22M = 19/04/2014 (1 mark)

ISA is closed that day (Saturday). Monday 21 April 2014 is Easter Monday, so the due date is extended to the next working day, Tuesday 22/04/2014 (1 mark)

(Total of 5 marks for this question)

10.

The written opinion of the International Searching Authority [WO-ISA] (1 mark)

(Total of 1 mark for this question)

11.

(a) A two month extension of time is available as of right [under Section 117B, extensions of time limits specified by the Comptroller] (1 mark)

File a written request for extension and file the response (1 mark)

Both within the extended period (1 mark)

(b) 26/03/2014 + 2M = 26/05/2014 (1 mark)

Which is [Late May] bank holiday – time limit extended to [Tuesday] 27th May 2014. (1 mark)

(Total of 5 marks for this question)

12.

By four and a half years from the earliest priority (1 mark)

05/11/2009 + 4 ½ years = 5th May 2014 (1 mark)

Which is [early May] bank holiday – time limit extended to [Tuesday] 6th May 2014. (1 mark)

(Total of 3 marks for this question)

13.

There is less than one year between the issue date of the first examination report and the “ordinary” compliance date (question 12)

So the compliance date is extended to one year from the date of the first examination report (1 mark)

24/05/2013 + 1 year = 24th May 2014 (1 mark)

A Saturday, and 26th is [late May] bank holiday – time limit extended to [Tuesday] 27th May 2014 (1 mark)

(Total of 3 marks for this question)

14.

(a) Two months (1 mark)

(b) File Patents Form 52 + pay the corresponding fee (2 marks)

within the extended period (1 mark)

(c) $24/05/2014 + 2M = 24^{\text{th}}$ July 2014 [a Thursday] (1 mark)

(Total of 5 marks for this question)

15.

Patents Form 21 + fee (1 mark)

identifying the assignment [parties, date] (1 mark)

AND

documentary evidence of the assignment, e.g. copy of assignment signed by assignor (1 mark)

or signature of form 21 on behalf of both parties (1 mark)

(Total of 4 marks for this question)

16.

5 years from the filing date (1 mark)

$= 11/03/2009 + 5\text{years} = 11^{\text{th}}$ March 2014 [a Tuesday] (1 mark)

End of the month containing the 5th filing anniversary = 31st March 2014 [a Monday] (1 mark)

(Total of 3 marks for this question)

17.

(a) A smell, a sound, a device (logo) (1 mark each)

(b) Yes. (1 mark)

They are included in the definition of a design [under the CDR and UK Registered Designs Act.]
(1 mark)

(Total of 5 marks for this question)

Answers

18.

(a) 08/01/2014 + 10 days = 18/01/2014 (1 mark)

18/01/2014 + 4 months = 18/05/2014 (1 mark)

A Sunday, so the due date is Monday 19th May 2014. (1 mark)

(b) File a request for extension of the time limit before the original deadline expires (1 mark)

of up to two months (1 mark)

18/01/2014 + 6 months = 18/07/2014 (a Friday) (1 mark)

(Total of 6 marks for this question)

19. (a) No (b) No (c) Yes (d) No (e) Yes (f) No (1 mark each)

(Total of 6 marks for this question)

20.

(a) Due date is the end of month containing the filing anniversary [10th February 2014] (1 mark)

= 28th February 2014 (1 mark)

The patent was not granted at the start of the 5th year [10/02/2014], so the fee is payable to the EPO (1 mark)

(b) 6month's extension available with late payment fee (1 mark)

= 31st August 2014 (1 mark)

A Sunday, so extended to Monday, 1st September 2014 (1 mark)

(Total of 6 marks for this question)