

Question 1

You work as a Patent Administrator for Mr Lupin Flowers, a Patent Attorney in the well respected firm of Bloom and Budd LLP (association of EP professional representatives no. 899). Please fill in the screen shots in Annex A and submit these as your answer to this question. The information needed to do this can be found in Annexes B (Memo), C (International Application Status Report) D (European Patent Register extract) and E (Instructions from Japanese attorneys). There is no need to calculate any fees due. (20 marks)

Question 2

For the European regional phase application of question 1, when is the first renewal fee due? Show your calculations. (5marks)

Question 3

For the European regional phase application of Question 1, is there a Search fee due? If so, explain your answer. You may refer to the chart attached as Annex F. (2 marks)

Question 4

For the European application of Question 1, what other fees are due at the time limit for regional phase entry? Amounts need not be stated. (5 marks)

Question 5

For the European regional phase application of Question 1, will a translation of the Japanese priority document be required? Explain your answer. (2 marks)

Question 6

(a) What is the time limit for filing grounds of appeal in support of an appeal at the EPO?(2 marks)

(b) What can be done and by what time limit if the time limit for filing the grounds of appeal is missed? (3 marks)

Question 7

You are asked to file a PCT application for joint applicants one of whom is a UK resident and the other is a citizen of Taiwan and resident in that country.

(a) Is that possible, bearing in mind that Taiwan is not a contracting state of the PCT? Give your reasons. (2 marks)

(b) The specification for the PCT application is in English. If you do not want the application to be forwarded to the IB as Receiving Office, where can you file the application? Explain your answer. (2 marks)

Question 8

What are the official publication languages of the PCT? (5 marks)

Question 9

A PCT application was filed on 25th September 2012 with a priority date of 19th June 2012. The International Search Report was issued by the EPO as ISA on 21st February 2013. When is the Demand due? Show your calculations. (5 marks)

Question 10

If no demand for international preliminary examination is filed in a PCT application, what will the International Preliminary Report on Patentability (IPRP) be identical to? (1 mark)

Question 11

An examination report has issued on a UK patent application setting a deadline for response of 26th March 2014. You have missed this deadline. The compliance date for the application is not until 2015.

(a) Explain the easiest course of action that you can take to ensure that the response is properly filed. (3 marks)

(b) Show your calculation of the new deadline for response, if this action is followed. (2 marks)

Question 12

A UK patent application was filed on 4th November 2010 claiming an earliest priority of 5th November 2009.

Ordinarily, by when must this application be put in order for acceptance (the “compliance period”)?
(3 marks)

Question 13

The first substantive examination report issued on 24th May 2013 for the UK application in question 12. By when must the application be put in order for acceptance? (3 marks)

Question 14

(a) What extension of time is available as of right for the putting the application of question 13 in order for acceptance? (1 mark)

(b) How do you request this extension? (2 marks)

(c) Calculate the new date. (2 marks)

Question 15

A US corporation, Anybody Inc. has recently assigned its UK patent applications to another US Corporation, Somebody Inc. The Assignment needs to be recorded at the UK IPO. The Patent Attorney you are working for is authorised to act on behalf of both the Assignee and the Assignor.

Explain the options for the documents you will need to submit to the UK IPO and whether any other official requirements are involved. (4 marks)

Question 16

A registered UK Design application was filed on 11th March 2009. When was the first renewal (extension of term of protection) due? (2 marks)

If it was a registered Community Design when would the first renewal be due? (1 mark)

Question 17

Which of the following can you register as a trade mark:-

- (a) A smell, a functional shape, the generic name for a product, a sound, a device (logo), a descriptive word? (3 marks)
- (b) Your auntie thinks that logos can also be registered as designs – is she correct? Explain your answer. (2 marks)

Question 18

You have received an Article 94(3) Communication from the European Patent Office as in Annex G.

- (a) What is the normal deadline for filing a response? (3 marks)
- You realise before this deadline that the client is unable to provide you with instructions by the deadline and you are therefore unable to file a response. What action can you take as of right, and by when, to ensure that the application remains in good standing? (3 marks)

Question 19

Please state whether further processing is available for performing the following acts.

- (a) Responding to a UK office action
- (b) Filing a PCT Demand at the EPO as ISA
- (c) Responding to an Article 94(3) Communication (examination report) from the EPO
- (d) Filing the claims in a European patent application
- (e) Paying the designation and examination fees at the EPO
- (f) Paying a renewal fee at the EPO. (6 marks)

Question 20

- (a) A European patent application filed on the 10th February 2010 went to grant on 14th February 2014 and is being validated in the UK. When is the 5th year renewal fee due and to which office is it payable? (3 marks)
- (b) What action can be taken as of right if this date is missed? (3 marks)

Please explain your answer.

EPO Online Filing - Euro-PCT(1200E2K) - KAW0699				
File Edit View Tools Windows Help				
Euro-PCT(1200E2K) - Draft - KAW0699				
EP Phase	Names	States	Biological Material	Documents
Entry into the European Phase			Fee Payment	Annotations
☐ 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:				
PCT Application Number:		International Searching Authority (ISA)		
PCT Publication Number:				
EP Application Number:		International Preliminary Examining Authority (IPEA)		
International Filing Date:		☐ IPEA other than EPO ☒ IPEA is EPO		

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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Last saved on 22/03/2014

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:

+ X  

Applicants

Representatives

 Representative, Auth...

Name and address | Authorisation

Last name:

First name:

Title:

Company:

Department:

Please use appropriate upper and lowercase letters

Country:

Address:

Postal code:

City:

Region:

Telephone:

Fax:

e-mail:

9 4 6

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EP Phase Names States Biological Material Documents Fee Payment Annotations

Euro-PCT(1200E2K) - Draft - KAW0699

Last saved on 22/03/2014

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
Representative, Asso...

Name and address Authorisation

Company:

Department: Association No.:

Country: Telephone:

Address: Fax:

Postal code: e-mail:

City:

Region:

6

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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Last saved on 22/03/2014

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:

☐ Address for correspondence
☐ The applicant has already been recorded by the International Bureau.

+ X

Applicants

Applicant, Natural

Representatives

Last name:
 First name: Company:
 Title: Department:
 Please use appropriate upper and lowercase letters

Country: Telephone:
 Address: Fax:
 Postal code: e-mail:
 City: Nationality:
 Region: Residence:

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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):

☐ BA Bosnia and Herzegovina
☐ ME Montenegro

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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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

☐ Translation of the claims as originally filed

☐ Translation of abstract as published

☐ Translation of any text in the drawings as originally filed

Translation of international...
SPECTRANEPO-1.pdf
• Spoof Trans.pdf

From page: to

From page: to

From page: to

From page: to

From page: to

5 3 3

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EP Phase Names States  Biological Material Documents  Fee Payment  Annotations

Last saved on 23/03/2014

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		
☐ Translation of international application as published		
☐ Art. 34 PCT amendments		
☐ Amendments on entry into the European phase		
Total number of pages - description:		

8

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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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:

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

The set of claims on entry into the European phase comprises the following parts: Pages from...to... Number of pages

Part

☐ International application as published

☐ Art. 19 PCT amendments

☐ Art. 34 PCT amendments

☐ Amendments on entry into the European phase

Total number of pages - claims:

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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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		
☐ Translation of international application as published		
☐ Art. 34 PCT amendments		
☐ Amendments on entry into the European phase		
Total number of pages - drawings:		

4 3 3

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EP Phase Names States Biological Material Documents Fee Payment Annotations

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Proceedings Amendments and Translations Document Overview Sequence Listings Additional Documents

Document Type: <other_document>

Type Name:

Other document

OTHER-1.pdf

* <other_document>

2

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Payment Details | Fee selection

Mode of payment: 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:

Account holder:

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

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

Account holder:

1 1 3 1

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EP Phase Names States States Biological Material Documents Fee Payment Annotations

Last saved on 23/03/2014

Author:

Subject:

Note:

New Note

3

Memo

30th April 2014

Dear Administrator,

New EP Regional Phase Filing Instructions from Kenzo Yamamoto

Kawabunga Ref: HHEC-P007

Our ref: KAW0699

Please prepare a Form 1200E for me to review and sign ready for filing on Thursday afternoon, 1st May 2014. The fees are to be debited to our deposit account no. 28050505.

Re: the change of applicant, I have checked WIPO's PATENTSCOPE database and find that the assignment has already been recorded by the IB, but is not yet reflected in the European Patent Register. A copy of the International Application Status Report and an extract from the EP Register are attached.

Please add the new applicant to the Names section of the Form 1200E, and add a copy of the International Application Status Report under the Documents tab, identifying it as "IA Status Report".

Please annotate the Form 1200 in my name, 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."

The PCT specification as published by WIPO in Japanese has 18 pages of description, 2 pages of claims and 8 sheets of drawings.

Thanks,

Lupin

(12) International Application Status Report

Received at International Bureau: 09 April 2012 (09.04.2012)

Report generated on: 30 April 2014 (30.04.2014)

(10) Publication number:	(43) Publication date:	(26) Publication language:
WO2013/051224	11 April 2013 (11.04.2013)	Japanese (JA)
(21) Application Number:	(22) Filing Date:	(25) Filing language:
PCT/JP2012/052345	02 April 2012 (02.04.2012)	Japanese (JA)
(31) Priority number(s):	(31) Priority date(s):	(31) Priority status:
2011-219223 (JP)	03 October 2011 (03.10.2011)	Priority document received (in compliance with PCT Rule 17.1)

(51) International Patent Classification:

A23L 1/10 (2006.01)

(71) Applicant(s):

Harajuku Heavy Engineering Comestibles Kabushiki Kaisha. [JP/JP]; 1-1-83 Shimo Renjaku, Mitaka-shi, Tokyo 1088080 (JP) *(for all designated states)*

(72) Inventor(s):

HASE Yoko; 3-1-1 Kudan-kita, Chiyoda-ku, Tokyo 10860091 (JP)

(54) Title (EN): SHOT PEENED WAGASHI

(54) Title (FR): WAGASHI GRENAILLAGEÉ

(54) Title (JA): ショットピーニング和菓子

(57) Abstract:

(EN): The present invention relates to a method and apparatus for the production of semi-wet wagashi having a toughened outer skin produced by a shot peening process.

(FR): La présente invention concerne un procédé et un appareil pour la production de wagashi semi-humide ayant une peau extérieure trempé produit par un procédé de grenaillage.

(JA): 【課題】 本発明は、ショットピーニングプロセスによって製造靱性外皮を有する半ウェット和菓子の製造のための方法および装置に関する。

International search report:

Received at International Bureau: 24 August 2011 (24.08.2011) [JP]

International Report on Patentability (IPRP) Chapter II of the PCT:

Not available

(81) Designated States:

AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

European Patent Office (EPO) : AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR

African Intellectual Property Organization (OAPI) : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG

African Regional Intellectual Property Organization (ARIPO) : BW, GH, GM, KE, LR, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW

Eurasian Patent Organization (EAPO) : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM



Extract from the Register of European Patents

About this file: WO2013051224

WO2013051224 – SHOT PEENED WAGASHI [Right-click to bookmark this link]			
Status	The international publication has been made Database last updated on 30.04.2014		
Most recent event	24.04.2013	PCT data prior to European publication	
Applicant(s)	For all designated states HASE, Yoko 3-1-1 Kudan-kita Chiyoda-ku, Tokyo 10860091 / JP		
	[N/P]		
Inventor(s)	01 / HASE, Yoko /JP		
Application number, filing date	12838042.5	02.04.2012	
	WO 2012JP52345		
Priority number, date	JP20110219223	03.10.2011 Original published format: JP 2011219223	
Filing language	JA		
Procedural language			
Publication	Type :	A1 Application with search report	
	No. :	WO2013051224	
	Date :	11.04.2013	
	Language :	JA	
	[2013/15]		
International and Supplementary search report(s)	International search report – published on:	JP	11.04.2013
Classification	International:	A23L 1/10	
Designated contracting states	AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR		
Extension states	BA	Not yet paid	
	ME	Not yet paid	
Title	German:		
	English:	SHOT PEENED WAGASHI	
	French:	WAGASHI GRENAILLAGEÉ	
Cited in	International search	[A] JP2010178979	
		[A] JPH07236511	
		[A] JPH0678821	
		[A] JPH0621636U	
		[A] JP2003245119	

<https://register.epo.org/application?number=EP12838042>

30/04/2014

Kawabunga Patent Agency
26-1 Takeshita-dori, Harajuku-ku, Tokyo, Japan
Tel.: +81-03-3261 8328 Fax: +81-03-3261 8330
Email: kawabungapatent.com

By Fax: 004420 7622 8899
Confirmation and enclosures
by email: mail@bandblp.com

Mr. Lupin Flowers
Bloom and Budd LLP
12 Covent Garden Mews
London WC24XJ
United Kingdom

April 30, 2014

MOST URGENT

Dear Mr Flowers

European Regional Phase of PCT/JP2012/052345
Filed: April 02, 2012
"Shot Peened Wagashi"
In the name of Harajuku Heavy Engineering Comestibles
Kabushiki Kaisha
Our ref: HHEC-P007

Please enter the above application into the European regional phase by the 31-month deadline of May 03, 2014, for all EPC countries and for Bosnia and Herzegovina. We do not require protection in Croatia.

Please note that the PCT application was filed in the name of the inventor. We have recently applied to the IB for recordal of assignment to Harajuku Heavy Engineering Comestibles Kabushiki Kaisha. We will forward the PCT/IB/306 to you in due course.

Annex E (Question 1)

No amendments to the specification were filed during the international phase.

Please acknowledge receipt of these instructions.

With thanks,

Yours truly,

Kenzo Yamamoto

Kenzo Yamamoto

Kawabunga Patent Agency

Encs:

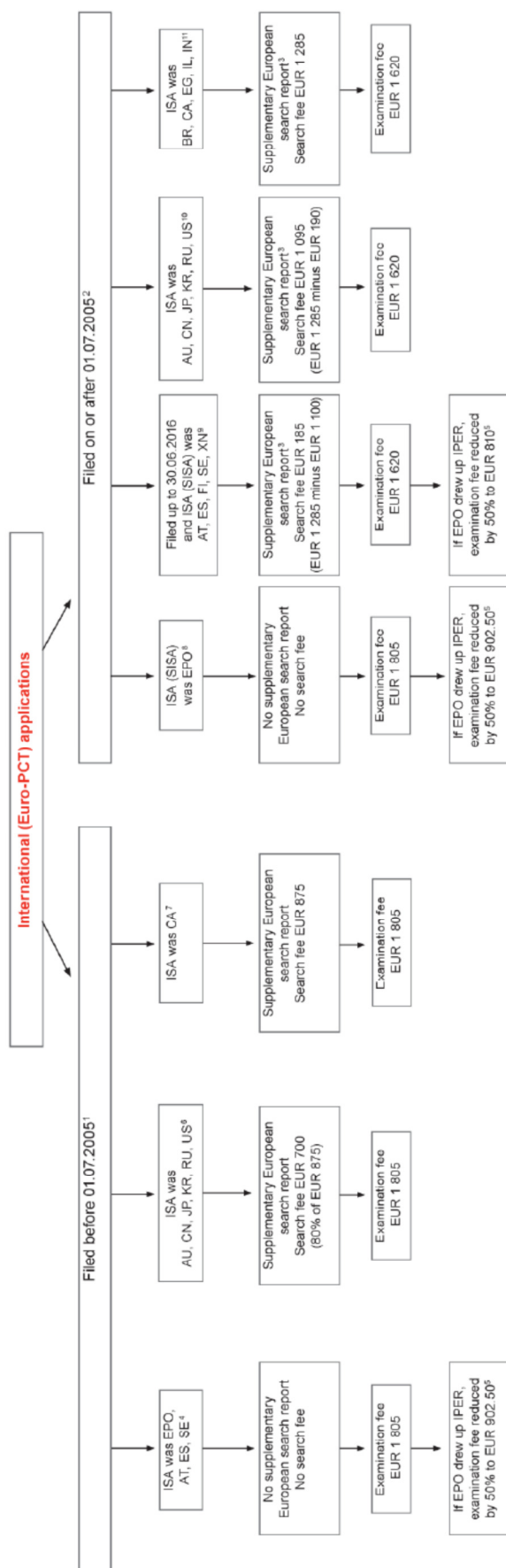
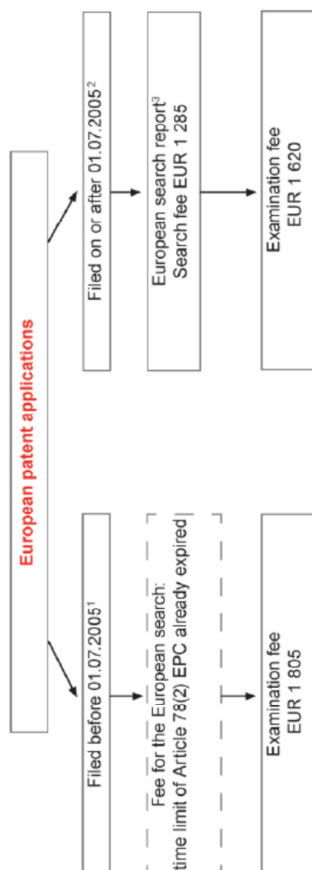
English translation of the description (25 pages)

English translation of the claims (3 pages, 14 claims)

Translation of published abstract (1 page)

Drawings with English translated text (8 sheets)

**Amounts of search and examination fees
applicable to payments made from
1 April 2014**





European Patent Office
Postbus 5818
2280 HV Rijswijk
NETHERLANDS
Tel: +31 70 340 2040
Fax: +31 70 340 3016



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12 Covent Garden Mews
London WC24XJ
GB

Formalities Officer
Name: Ross, Kenneth
Tel: +31 70 340 - 2685
or call
+31 (0)70 340 45 00

Substantive Examiner
Name: Sheppard, Bruce
Tel: +31 70 340 - 3662

Application No. 10 175 870.4 - 1705	Ref. FP-10-0757	Date 08.01.2014
Applicant Question 18 Corporation, Inc.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Sheppard, Bruce
Primary Examiner
For the Examining Division

Enclosure(s): 6 page/s reasons (Form 2906)

Registered Letter

EPC Form 2001 12.10CSX