

Patent Administrators Course 2013/2014

Mock Exam 30th January, 2014

- (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; tel. no. 0207 722 3344). Mr Flowers is currently on a hiking tour of Tasmania, out of telephone or email contact. You receive a fax and email from a firm of Japanese patent attorneys as shown in Annex A. You have found the data sheet referred to, reproduced as Annex B. Please fill in the screenshots of Annex C with the information for submission in the required European patent application. To reduce docketing requirements, your firm normally pays the fees due at the time of filing its European patent applications, from its deposit account no. 28050505. Your firm does not use the EPO's automatic debiting facility. You do not require additional copies of the documents cited in the European search report.

Note: There is no need to calculate the fees due – the EOLF software would do this for you.

(20 marks)

- (2) (a) Besides English, which other languages would be acceptable to the EPO for the translated specification mentioned in the final paragraph of Annex A?

(1 mark)

(b) What is the normal time limit for supplying the translation? Show your calculation of the date.

(3 marks)

- (3) By mistake the translation in question 2 was not filed. You have now received from the EPO a registered letter dated 4th April 2014 notifying you of this omission. What action must you take to prevent the application from being deemed to be withdrawn? Show your calculation of the due date.

(4 marks)

- (4) The A2 publication of a European patent application takes place on 29th January 2014 and the A3 publication takes place on 18th June 2014. Ignoring renewal fees, what dates need to be entered into your diary system for action to prevent the application from being deemed withdrawn, and what is the action that must be taken?

(5 marks)

- (5) You have received a "Decision to grant a European patent" as shown in Annex D. The client has instructed that the patent is to be validated in all available designated countries. Categorise the translation requirements for these countries as:

- (i) no translation required
- (ii) translation of the claims only or
- (iii) full translation of the specification.

(3 marks)

- (6) List the elements required to be filed by the filing deadline in order for a PCT application to be accorded a filing date. Which PCT authority is responsible for initially checking these?

(3 marks)

- (7)** An international application in French is filed at the UKIPO by a sole applicant who is an English national.
- (i) What will happen? **(2 marks)**
- (ii) What would happen if the language was Welsh instead of French? **(2 marks)**
- (8)** An international application was filed on 1 October 2013. On 4 October 2013 Iran became a PCT contracting state. The applicant would like to add Iran as a designated state in the application. Is that possible? Give reasons for your answer. **(3 marks)**
- (9)** A PCT application was filed on 5th April 2012 claiming an earliest priority date of 26th October 2011. If penalty fees are to be avoided, what is the final date for:
- (a) entering the European regional phase? **(2 marks)**
- (b) entering the UK national phase? **(2 marks)**
- Show your calculations.
- (10)** For the PCT application of question 9, by which date must the first renewal fee be paid so as to avoid penalty fees:
- (a) in the European regional phase? **(3 marks)**
- (b) in the UK national phase, if the patent is granted on 3rd December 2015? **(3 marks)**
- Show your calculations.
- (11)** A UK application was filed on 17 May 2013 without claiming any priority.
- (a) By what date must the abstract be filed? Show your calculations. **(3 marks)**
- (b) By when must the Request for Substantive Examination (PF10) be filed? **(1 mark)**
- (12)** You have filed a patent application on 28th January 2014 without claiming priority, but you want to add a claim to priority to an application filed on 23rd April 2013. What is the latest date for making the late claim to priority, and how do you make this claim? **(4 marks)**
- (13)** A UK patent application was filed on 28th January 2014, claiming a sole priority of 23rd April 2013. By when must the application normally be put in order for grant (the “compliance period”)? Show your calculation of the due date. **(2 marks)**
- (14)** In the case of a UK patent application, when are the deadlines for filing the request for search and for filing the statement of inventorship, and which forms should be used? **(5 marks)**

- (15)** (a) The unextended time limit for filing the search request on a UK patent application is 28th January 2014. What extension to this time limit is available as of right? State the new date and show your calculations. How do you request this extension?

(4 marks)

(b) The unextended time limit for filing formal drawings on a UK patent application is 28th February 2014. What extension to this time limit is available as of right? State the new date and show your calculations. How do you request this extension?

(4 marks)

- (16)** What do the following initials stand for, in the context of patent administration?

IB IPRP ISA RO EPC ISR IP WIPO

(4 marks)

- (17)** List four different kinds of intellectual property right, and in each case state whether they are registered, unregistered or both.

(4 marks)

- (18)** (a) What is the deadline for filing a Demand for International Preliminary Examination?

(3 marks)

(b) The deadline for filing a Demand for International Preliminary Examination is 21 February 2014. The applicant currently has no money to pay the associated fees, but is confident of receiving a large investment during the first week of March 2014. Is this a problem?

(2 marks)

- (19)** Who may apply for:

- (a) A UK patent
- (b) A European patent
- (c) A PCT application?

(4 marks)

- (20)** A European patent application is filed with pages of the description as follows:

Page 1: line spacing double, font size with capitals 3mm high, left margin 2.6 cm, right margin 2.6 cm, top margin 3 cm, bottom margin 2 cm.

Page 2: line spacing 1.5, font size with capitals 1.8 mm high, left margin 2.5 cm, right margin 2.0 cm, top margin 2.5 cm, bottom margin 2 cm.

Page 3: line spacing 1.5, font size with capitals 3 mm high, left margin 3.0 cm, right margin 2.0 cm, top margin 3.0 cm, bottom margin 2 cm, line numbers starting 1.5 cm from left edge of page.

Page 4: line spacing 1.5, font size with capitals 2.5 mm high, left margin 2.5 cm, right margin 2.0 cm, top margin 2.5 cm, bottom margin 1.0 cm.

In each case state whether the page concerned meets the formal requirements, and if not, why not.

(4 marks)

Kawabunga Patent Agency

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Tel.: +81-03-3261 8328 Fax: +81-03-3261 8330

Email: kawabungapatent.com

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

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

January 30, 2014

MOST URGENT

Dear Mr Flowers

New Convention Patent Application in: EPO
Based on: Japanese Patent Application No. 2013-067123
Filed: January 30, 2013
Our ref: HHEC-P006

Due to conclusion of very important European franchise agreement yesterday, on behalf of our client Harajuku Heavy Engineering Comestibles Kabushiki Kaisha, please file European patent application claiming priority of the above application. We do not need extension countries. Formal drawings and copies of description, claims and abstract all in Japanese language are attached with the email confirmation copy of this letter. The English language title of new application is "Shape Memory Noodles".

Applicant and inventor details are same as our case HHEC-P005, your ref KAWA-P.233.

Please acknowledge receipt of these instructions and let us know if you need anything further from us to get this application on file.

Due to time constraint, English language specification will follow later. Attached Japanese specification contains amendments compared to priority filing.

With thanks,

Yours truly,

Kenzo Yamamoto

Kenzo Yamamoto

Kawabunga Patent Agency

Encs (to email confirmation):

JP Claims (12 claims, 2 pages)

JP Description (8 pages)

JP Abstract, with Fig. 3 (1 page)

Formal Drawings (1 page; 3 Figs. in total)

Annex B [Question 1]

Data Sheet

Our case ref.	HHEC-P005
Title:	High Melting Point Cocoa-Based Product For Edible Teapot Fabrication
Applicant:	Harajuku Heavy Engineering Comestibles Kabushiki Kaisha 1-1-83 Shimo Renjaku Mitaka-shi Tokyo Japan 3000-237389 A Japanese Corporation
Inventor:	Yoko <u>Hase</u> 3-1-1 Kudan-kita Chiyoda-ku Tokyo Japan 3000-189335 A Japanese citizen and resident
Derivation of Title:	By employment of the Inventor by the Applicant
Enclosures:	English Description (12 pages)
	English Claims (14 claims, 2 pages)
	English Abstract (with Fig. 1; 1 page)
To follow:	Certified copy JP-2011-0228635

Annex C [Question 1]

EPO Online Filing - EP(1001E2K) - Mock2013-14

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EP(1001E2K) - Draft - Mock2013-14 Last saved on 05/12/2013

Request Names States Priority Biological Material Documents Fee Payment Annotations

Request | Divisional | Reference

Grant of European patent and examination of the application under Article 94, are hereby requested.

Filing Office:

☐ Request for examination in admissible non-official EPO language:

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

Procedural Language:

Filing Language of attached or previous application:

☐ English

☐ Admissible language of an EPC contracting State:

☐ Other Language:

Title of Invention

Title of Invention in English

Translation into French

Translation into German

Please use appropriate upper and lowercase letters

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Request Names States Priority Biological Material Documents Fee Payment Annotations

Applicants
Representatives
Representative, Auth...
Inventors

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:

Telefax:

E-mail:

☐ Same address as the first representative

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Annex C [Question 1]

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Request Names States Priority Biological Material Documents Fee Payment Annotations

Applicants
Representatives
Representative, Asso...
Inventors

Name and Address Authorisation

Company:

Department:

Association No.:

Country: Telephone:

Address: Telefax:

E-mail:

Postal code:

City:

Region:

☐ Same address as the first representative

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Request Names States Priority Biological Material Documents Fee Payment Annotations

Applicants
Applicant, Legal
Representatives
Inventors

Company:

Department:

Country: Telephone:

Address: Telefax:

E-mail:

Postal code:

City:

Region: Residence:

☐ Address for correspondence

☐ Legal Applicant is represented by the following employee acting pursuant to Art. 133(3) EPC:

Last Name: General Authorisation:

First Name:

Title:

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Annex C [Question 1]

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Request	Names	States	Priority	Biological Material	Documents	Fee Payment	Annotations
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+ X
Applicants
Applicant, Natural
Representatives
Inventors

Last Name:
First Name:
Company:
Title:
Department:
Please use appropriate upper and lowercase letters
Country:
Telephone:
Address:
Telefax:
E-mail:
Postal code:
City:
Nationality:
Region:
Residence:
☐ Address for correspondence
☐ Applicant is also inventor

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Request	Names	States	Priority	Biological Material	Documents	Fee Payment	Annotations
---------	--------------	--------	----------	---------------------	-----------	-------------	-------------

+ X
Applicants
Representatives
Inventors
Inventor

Last Name:
Country:
First Name:
Address:
Title:
Postal code:
Company:
City:
Department:
Region:
Please use appropriate upper and lowercase letters
The applicant has acquired the right to the European patent as follows:
☐ As employer
☐ As successor in title
☐ Under agreement of
☐ Waiver by inventor of notification of information under rule 19(3)
☐ Waiver by inventor of his right to be mentioned under Rule 20(1)

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Annex C [Question 1]

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Request Names States **Priority** Biological Material Documents Fee Payment Annotations

National office:

Kind:

Filing date:

Application Number:

☐ Re-establishment of rights is herewith requested

☐ This application is a complete translation of the previous application

A copy of the search results under Rule 141(1) EPC is available for this priority claim.

No file selected

☐ It is not intended to file a (further) declaration of priority

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Request Names States Priority **Documents** Biological Material Fee Payment Annotations

Specification Sequence Listings Additional Documents

Original File Name: Specification (EN language).pdf Number of Pages: 16

This file contains:

☐ Description From page: to

☐ Claims From page: to

☐ Abstract From page: to

☐ Drawings From page: to

☐ It is intended to submit claims later.

☐ A translation will be supplied later.

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Annex C [Question 1]

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Request Names States Priority Biological Material Documents Fee Payment Annotations

Specification Sequence Listings Additional Documents

Original File Name: Specification (JP language).pdf

This file contains:

The specification in original language (At least Description and if applicable Abstract, Claims and Drawings; Drawings can also be attached separately)

Number of Claims:

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

Number of figures:

Figure to be published with abstract: (E.g.: 1, 2a, 5)

☐ It is intended to submit claims later.

☐ A translation will be supplied later.

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Request Names States Priority 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:

Account holder:

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

Account holder:

☐ Refund of search fee (Art. 9 RFees) is requested on the basis of the earlier search report:

☐ Additional copies of the documents cited in the European search report: 0 Copies

1 1 6



European Patent Office
80298 MUNICH
GERMANY
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Fax +49 (0)89 2399 - 4465



Bloom and Budd LLP
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United Kingdom

**For any questions about
this communication:**
Tel.: +31 (0)70 340 45 00

Date
12.12.2013

Reference FP-10-0291	Application No./Patent No. 05779291.3 - 1656 / 1799441
Applicant/Proprietor John Bean Technologies Corporation	

Decision to grant a European patent pursuant to Article 97(1) EPC

Following examination of European patent application No. 05779291.3 a European patent with the title and the supporting documents indicated in the communication pursuant to Rule 71(3) EPC dated 12.07.13 is hereby granted in respect of the designated Contracting States.

Patent No. : 1799441
Date of filing : 03.08.05
Priority claimed : 18.08.04/USA 920709

Designated Contracting States
and Proprietor(s) : BE, DK, DE, LV, LU, IE
John Bean Technologies Corporation
70 West Madison Street, Suite 4400
Chicago, IL 60602/US

This decision will take effect on the date on which the European Patent Bulletin mentions the grant (Art. 97(3) EPC).

The mention of the grant will be published in European Patent Bulletin 14.03 of 15/01/2014.

Examining Division

Gaiser M

Fritsch K

Novelli B

