

**Thursday 25 January 2018 14.00 – 16.15**

This includes 15 minutes reading time

## INSTRUCTIONS TO CANDIDATES

This examination pack comprises:

Candidate Cover Sheet	1 sheet
Instructions to Candidates	1 sheet
Question paper	5 sheets
Annex A	1 sheet
Annex B	1 sheet
Annex C	1 sheet
Resource Pack	26 sheets
A white return envelope	

1. You have 15 minutes reading time before the start of the examination. During this time you **must not write** on the answer script paper or forms, but you **may annotate** the question paper, calendars and annexes.
2. The invigilator will tell you when you can start writing your answers.
3. You should attempt **all** the questions in this question paper.
4. Start each question (but not each part of each question) on a new sheet of paper.
5. Do not state your name anywhere in the answers.
6. Write clearly, as examiners cannot award marks to answers that cannot be read.
7. You will find the **annexes** (referred to in questions 6 and 12) at the end of the question paper.
8. You will find a **Resource Pack** after the annexes. The Resource Pack has a contents page and contains calendars, office closure dates, and forms.
9. Select and complete the relevant form(s) when instructed by the question.
10. Where a question refers to 'today', assume today's date.
11. Instructions on what to do at the end of the examination are on the Candidate Cover Sheet. Put the Candidate Cover Sheet to one side until the end of the examination.

## Question 1

List three parts of a patent specification.

3 marks

## Question 2

Dear Administrator

**New UK Patent Application: "Programmable Contact Lens"**  
**Our Ref: 2018-15**

**Please prepare the necessary forms for filing a new GB patent application. Please note the following.**

- There is no priority to be claimed.
- We wish to request a search, but no examination at this stage.
- Please request paper copies of any patent citations.
- Our Accounts Department will prepare the fee sheet for filing together with the application.
- The application fee is to be paid with the search request.

The specification comprises:

Description	24 pages
Claims	15 claims on 4 pages
Drawings	8 drawings on 4 pages
Abstract	1 page

The inventors have not yet been finalised.

The Applicant is:

Eye Spy Limited  
4 Peephole Lane  
Sussex  
RH11 1HR  
United Kingdom

I will be the attorney responsible for this case. Please name me as the agent on the form.

Many thanks, Annie

Ann Grabbitt, CPA, EPA  
Grabbitt & Leggit Limited  
44 Hedge Lane  
Sussex  
RH11 5HR  
Email: AGrabbitt@Grab.com

15 marks

### Question 3

A GB patent application was filed on 15 September 2017 and claimed priority from a previous GB patent application filed on 15 March 2017.

**What is the date by which the Statement of Inventorship needs to be filed? Show your calculations.**

**3 marks**

### Question 4

A GB patent application was filed on 15 January 2018 with very rough hand-drawn figures. The application does not claim any priority.

**By what date must the formal drawings be filed? Show your calculations.**

**2 marks**

### Question 5

List four requirements to obtain a filing date for an international application as a first filing.

**4 marks**

### Question 6

You work as a patent administrator for Robert Max, a patent attorney at IP firm Max Power LLP. Robert sends you the email shown in Annex A. Robert's email refers to a client letter, which is shown in Annex B.

**Prepare the necessary application form.**

**11 marks**

### Question 7

A PCT application was filed on 4 May 2016 claiming priority from a JP application filed on 7 June 2015.

**What is the latest date for filing an EP Regional Phase application? Show your calculations.**

**3 marks**

### Question 8

**You are to file a divisional patent application at the EPO, based on pending application EP12123456.7, which was a first filing.** You receive the following instructions from your supervisor:

We're going to file this divisional application using the parent specification for now (i.e. 10 pages of the description, 15 claims over 2 pages, 5 figures on 5 pages, and a one-page abstract. The title will be the same as on the parent, i.e. "Bottle", but with new reference EP-10-A. Figure 2 is to be published with the abstract.

The applicant, which is a UK company, is:

Fresh'n'Handy Limited  
5 Cheshire Gardens  
WX3 4RF  
UK

We've already prepared the designation of inventor, which we'll file as part of the application. As with the parent, this application is to designate only the Contracting States.

This application is to name our association (Brown and Partners LLP, 2 Mews Avenue, London, WC2P 4DF, UK) as representative, but I'll sign the form.

We'll file the application with a fee voucher, which I'll ask the finance department to prepare. Please specify our usual deposit account for refunds: account number 12340001, which is in the firm's name.

Thanks, Trevor Brown

**Prepare EPO form 1001 accordingly.**

**14 marks**

### Question 9

Your client wishes to oppose a European Patent granted on 4 October 2017.

**By what date must the Notice of Opposition be filed? Show your calculations.**

**2 marks**

### Question 10

The EPO issues a communication under Rule 71(3) EPC indicating that an application is in order for allowance. The application is in English and all relevant claims fees have been paid. The applicant approves the text and bibliographic data.

**What actions must be taken in response to the communication for the application to proceed to grant?**

**2 marks**

### Question 11

A European patent application was filed on 13 January 2014. The "Decision to Grant" (form EP2006) is issued today advising that mention of the grant will be published in the European Patent Bulletin on 7 February 2018.

**a) What is the final date for payment of the 2018 renewal fee, without paying an additional fee? Show your calculations.**

**2 marks**

**b) To which office must the fee be paid? Give reasons for your answer.**

**2 marks**

**Total: 4 marks**

### Question 12

The examination report shown in Annex C was received by your office on 1 September 2017.

**a) What is the deadline for responding to the examination report? Show your calculations.**

**3 marks**

**b) If the deadline is extended, what is the new deadline for responding to the examination report?**

**2 marks**

**Total: 5 marks**

### Question 13

A European patent application was filed on 7 March 2016, paying the filing and search fees. The A2 publication was published on 13 September 2017. The A3 publication including a negative opinion was published on 20 December 2017.

a) **What actions should be taken to ensure that the application is not deemed withdrawn?**

**3 marks**

b) **Calculate the date by which these actions must be taken. Show your calculations.**

**2 marks**

**Total: 5 marks**

### Question 14

What are the minimum requirements to obtain a filing date for a UK registered design application?

**3 marks**

### Question 15

You filed an application for a UK registered design on 9 October 2013. The design was registered on 10 December 2013.

a) **When is the first renewal fee due? Show your calculations.**

**2 marks**

b) **What is the latest date you can pay the first renewal fee without surcharge?**

**2 marks**

**Total: 4 marks**

**Total Marks: 80 marks**

## Annex A: Question 6

**From:** Robert Max <<Robert.Max@maxpower.com>>

**Sent:** 14 January 2018

**To:** 'Formalities'

**Subject:** Feeding Device – International application (convention deadline imminent).

Our ref: Thyme02PCT

Hi

We have received the attached letter from our client instructing us to proceed with a PCT application based on their earlier first-filed GB application.

Please prepare the necessary filing form today. Accounts will add the fee calculation sheet before filing and there is no need to file any declarations. Figure 2 best describes the invention and should be used for abstract purposes. We already hold a general power of attorney for this client (reference GPoA1) so please file a copy in respect of this application. Use the DAS access code in the client's letter.

As per our standard practice, I'll be named as agent, and we want to receive communications from the PCT authorities by email only to our generic company email address.

The text, in English, is entitled 'Feeding Device' and is stored in the usual place and comprises:

25 pages of description

3 pages of 16 claims

2 pages of 4 drawings

1 page of abstract

Best regards

Robert

Robert Max

Max Power LLP

14 The Pastures

London WC1V 1XX

Tel: +44 (0) 20 7253 8333

Fax: +44 (0) 20 7253 8334

info@maxpower.com

**Annex B: Question 6**

Rhino Solutions Limited  
Safari Centre  
Abbot Street  
Wiltshire SN14 1PP

Robert Max  
Max Power LLP  
14 The Pastures  
London WC1V 1XX  
Sent by email only

13 January 2018

Dear Robert

UK Patent Application No. 1702893.0 (filed 26 January 2017)  
'Feeding Device'

Thank you for your recent visit to our site. I have reviewed the updated patent draft following on from the GB filing that you made for us last year and I don't have any further changes to suggest.

I would like to keep my international protection options open and proceed with a PCT filing within the convention period as we discussed. The applicant details will be the same for the PCT application as for the earlier GB application: I'll be co-applicant with my company for all countries. I'm the sole inventor.

You probably have this information on your records but for the sake of good order, the DAS access code from the earlier application was 1CD1 and although I live in the UK my nationality is Danish.

I look forward to receiving your confirmation of filing prior to the deadline.

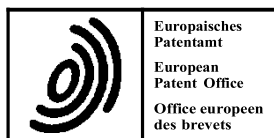
With best regards

Justin Thyme

RHINO SOLUTIONS LIMITED (A UK COMPANY)



## ANNEX C: Question 12



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

London Patent Services Ltd  
125 Holborn  
London EC1N 2QS  
United Kingdom

Formalities Officer  
Name: xxxx  
Tel: +31 70 340 - xxxx  
or call  
+31 (0)70 340 45 00

Substantive Examiner  
Name: xxxx  
Tel: +31 70 340 - xxxx

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Application No. 15 210 000.1	Ref. POL20	Date 28.08.2017
Applicant Spintastic Hoops Ltd		

### 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).**