

Thursday 23 January 2020 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
Resource Pack	18 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, forms, question paper, calendars or 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. Annotated question papers, annexes or calendars will not be marked. Answers must be submitted **ONLY** on the answer script paper and forms provided.
7. Write clearly, as examiners cannot award marks to answers that cannot be read.
8. You will find a **Resource Pack** after the question paper. 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

What is the time period allowed for claiming priority from:

a) a patent application?

1 mark

b) a design application?

1 mark

Total: 2 marks

Question 2

What are the minimum requirements for obtaining a filing date for a GB patent application?

3 marks

Question 3

A GB patent application is filed on 6 December 2019 by reference to an earlier GB application dated 15 February 2019.

By what date must a description be filed? Show your calculations.

6 marks

Question 4

A first GB patent application, GB1, is filed on 17 January 2019. A second GB patent application, claiming priority from GB1, is filed without an abstract on 17 December 2019.

a) **What is the deadline for filing the abstract? Show your calculations.**

5 marks

b) **The deadline for filing the abstract is missed. What actions can be taken and by when to validly file the abstract?**

2 marks

Total: 7 marks

Question 5

A first GB patent application is filed on 5 August 2015. The first examination report is issued on 5 August 2019. What is the compliance date? Show your calculations.

5 marks

Question 6

You work at a firm of patent attorneys called Patents Patents Patents LLP, which is based at 1 Invention Drive, Little Worthy, Leeds, LS1 2QP. You work with Alex Booke CPA, EPA. The firm's contact details are: telephone – 0113 555 6666; fax – 0113 666 7777.

Alex writes to you as follows.

A PCT application was filed in the US on 1 August 2018 in the name of Marvellous Medicaments, Inc. The PCT application claimed priority from an earlier US application filed on 2 August 2017.

Marvellous Medicaments, Inc. is a US company of 50 Dodge Street, Dover, Delaware 10508, USA.

The PCT application was assigned application number PCT/US2018/001234. The application was published under publication number WO2019/987654. The US acted as ISA for this application. No demand was filed.

The published PCT application contained:

description: 20 pages (numbered pp 1 to 20);
claims: 20 claims, over 6 pages (numbered pp 21 to 26);
drawings: 10 figures, over 5 pages (numbered pp 1/5 to 5/5); and
abstract: 1 page (numbered p 27).

The US attorney managing the PCT application has asked us to file a GB national phase application and a European regional phase application based on this PCT application.

GB national phase application – our reference MarvPCT01GB

Please prepare patents form NP1 dated for filing on the deadline for entering the GB national phase. We will request search and examination of the application later. Payment of the fees on filing will be completed by the finance team.

European regional phase application – our reference MarvPCT01EP

Please prepare EP form 1200. Please date this form on the deadline for entering the European regional phase for this application.

We will name the firm on the application form as an association of representatives at the EPO (number 2000), rather than naming me personally, but I will be the attorney responsible for this case.

We will request examination on entering the European regional phase, and please ensure that we are sent one extra copy of the documents cited in the search report.

To avoid paying excess claims fees we will reduce the claims in number to 15 on filing. I have prepared amended pages 21 to 25 accordingly for filing.

We will designate all EPC contracting states, but the client does not want to designate any further states.

Cont...

Whilst the fee payment will be completed by our finance team, please note that any refunds should be processed into our EPO deposit account number 2800-9999 in the name of the firm.

a) Complete form NP1.

7 marks

b) Complete form EP 1200.

9 marks

Total: 16 marks

Question 7

A European patent application is filed on 24 October 2018 without claiming priority. By when must a designation of inventor be filed? Show your calculations.

2 marks

Question 8

A communication under *Art 94(3) EPC* (an examination report) is dated 17 September 2019. The communication is received in your office the same day. The communication sets a four-month period from notification for filing a response.

a) What is the non-extended deadline for filing a response? Show your calculations.
3 marks

The applicant is not in a position to file a response by this deadline.

b) By when must a request for an extension of time be filed?
1 mark

c) What will be the extended deadline for filing a response once a request for extension is filed? Show your calculations.
3 marks

Total: 7 marks

Question 9

A European patent application was filed on 5 November 2018 claiming priority from a GB patent application filed on 10 November 2017.

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

4 marks

Question 10

A PCT application was filed on 27 July 2018 claiming priority from a Japanese patent application dated 21 August 2017. The PCT application was published in Japanese.

You are instructed to enter the regional phase at the EPO.

a) **What is the deadline for entering the regional phase? Show your calculations.**
4 marks

b) **What is the deadline for filing a translation of the specification into an EPO official language? Show your calculations**
1 mark

Total: 5 marks

Question 11

An A2 publication of a European patent application is dated 5 August 2019. The A3 publication of the European patent application is dated 10 September 2019.

a) **What is the deadline for requesting examination of the application? Show your calculations.**
3 marks

b) **What fees are due by the deadline in part a)?**
1 mark

Total: 4 marks

Question 12

A GB patent application was filed that contains 20 claims. In the issued search report, the UK examiner objects that there are two inventions in the claims, and raises a lack of unity objection. Only claims 1 to 10 are searched.

a) **What must be done to obtain a search in respect of claims 11 to 20?**
2 marks

b) **Assuming the application remains pending, what is the deadline for taking the action in part a)?**
2 marks

Total: 4 marks

Question 13

For a PCT patent application, by when must a request for examination (demand) be filed?
2 marks

Question 14

A PCT application is filed in the name of Superior Technologies Ltd. The PCT application is filed on 18 October 2017, and claims priority from an earlier application filed on 28 July 2017. The applicant changes their name to Enhanced Technologies Ltd.

What is the deadline for requesting that the applicant's details are updated at the International Bureau? Show your calculations.

3 marks

Question 15

A GB design application was filed on 4 December 2019 with a request for deferred publication.

What is the deadline for requesting publication and paying the publication fees? Show your calculations.

2 marks

Question 16

A GB design application is filed on 1 December 2019, and subsequently registered. Your office receives the registration certificate three weeks after filing.

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

2 marks

Question 17

A GB patent application filed on 6 June 2018 is published on 4 December 2019.

a) By what date must the Request for Examination be filed? Show your calculations.
3 marks

b) What form is required?

1 mark

Total: 4 marks

Question 18

A notification is received in your office that the grant of a European patent application will be published on 12 February 2020.

What is the deadline for filing a divisional application? Explain your answer.

2 marks

Total Marks: 80 marks