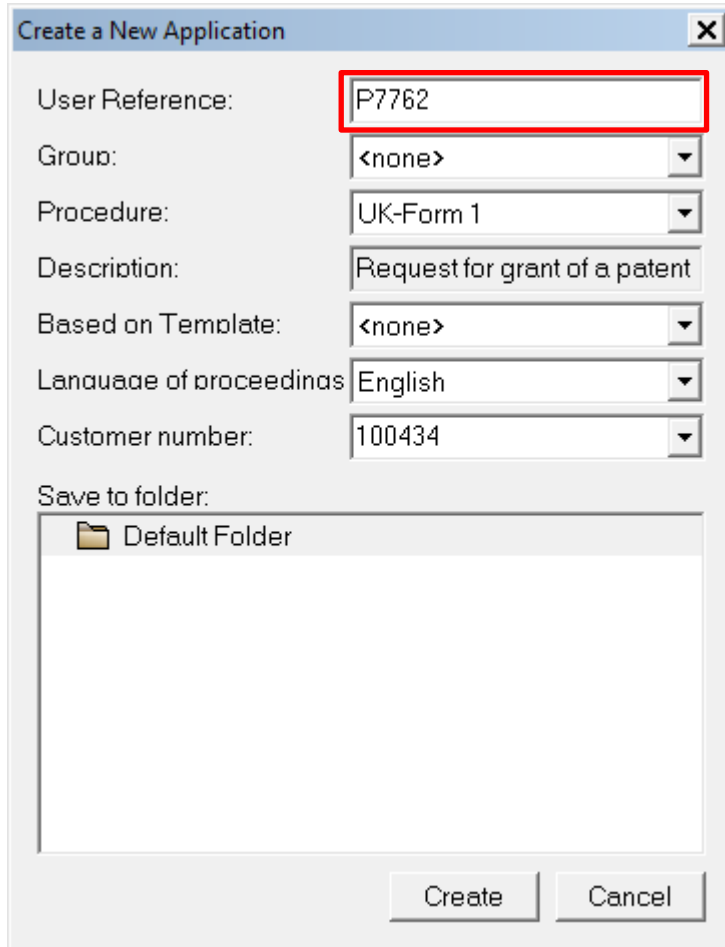


Patent Administrators' Course 2015 – Final Examination – Answers

Full marks are still available for answers which do not contain the matter in square brackets [...] below.

Question 1 – **15 marks**. Deduct 0.5 marks for each significant error.



Create a New Application

User Reference: P7762

Group: <none>

Procedure: UK-Form 1

Description: Request for grant of a patent

Based on Template: <none>

Language of proceedings: English

Customer number: 100434

Save to folder:

Default Folder

Create Cancel

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority Other Forms Documents Fees and Payment

Request for grant of a patent

1. I/We request the grant of a patent based on this application.

2. Your Reference: P7762

3. Title of Invention: Sheep Dip Gate

4. Is the application fee being paid with the application? Yes No

5. (a) Is a reference to an earlier application being relied upon rather than a description? Yes No

(b). Is the application available on the Priority Document Access Service (PDAS)? Yes No

Country or Issuing Office Application Number Date of filing PDAS Access Code

AU Australia 2014012543 21 May 2014

6. Do you wish to submit your application to PDAS? Yes No

1 4 0

[Items 5b and 6: no marks lost if candidate chooses “Yes”. (See footnote on page 6)]

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Request **Names** ⚠ Divisional Priority Other Forms Documents ⚠ Fees and Payment ⚠

Name

Company or Organisation: DOWNUNDER AGRICULTURAL EQUIPMENT PTY LTD

Patents ADP number (if known): 12138820001

Address Address for Service

PO Box: City: Alice Springs

Building: AU State: Northern Territory

Street: 12 Leichhardt Terrace Postal code: 0801

District: Country: AU Australia

A Patents Form 7 will need to be filed.

0 3 0

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File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

Name

Company or Organisation: ACE IP, LLP

Patents ADP number (if known): 12890001

Address

Address for Service

PO Box: City: Edinburgh

Building: GB County: Lothian

Street: 100 Royal Mile Postal code: EH8 9YL

District: Country: GB United Kingdom

Applicants
DOWNUNDER AGRICUL...

Agents
ACE IP, LLP

Inventors

Contact Person

3 2 0

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

Name

Title:

Last (family) name:

First name:

Middle name(s):

Phone and e-mail

Daytime phone No.:

Mobile phone No.:

Facsimile No.:

e-mail address:

Applicants
DOWNUNDER AGRICUL...

Agents
ACE IP, LLP

Inventors

Contact Person
KNOWITALL, John

3 2 0

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

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Request Names Divisional **Priority** Other Forms Documents Fees and Payment

Priority Claim

If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number. If you are requesting transfer of a priority document via PDAS, use the tick box next to the details.

Nationals
National
Regionals
Internationals

National Office: AU Australia

Filing date: 21 May 2014 15

Application Number: 2014012543

Priority Document Access Service (documents to be requested) PDAS Access Code:

Priority Documents

Priority document: Choose file... No file selected

Details:

2 2 0

[The PDAS checkbox could be ticked. This will result in a severity 2 warning that the PDAS access code is not specified. The missing code can be supplied later, when available, e.g. using the EPO OLF - Other Forms and Documents procedure.]

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority **Other Forms** Documents Fees and Payment

Patents Form 3 Patents Form 7 Patents Form 8A Patents Form 9A Patents Form 10 Patents Form 23

Patents Form 7

Statement of inventorship and right to grant of a patent

Do you wish to file a Form 7 with this application? Yes No

1. Your Reference: P7762

2. State how the applicant(s) derived the right from the inventor(s) to be granted a patent: By virtue of employment of the Inventor by the Applicant

3. Declaration: I/We believe that the person(s) named is/are the inventor(s) of the invention which the above patent relates to.

1 2 0

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

Name

Title:

Last (family) name:

First name:

Middle name(s):

Patents ADP number (if known):

Address

PO Box: City:

Building: AU State:

Street: Postal code:

District: Country:

Applicants
 DOWNUNDER AGRICUL...
 Agents
 ACE IP, LLP
 Inventors
 WALLAMALOO, Bruce
 Contact Person
 KNOWITALL, John

2 2 0

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority **Other Forms** Documents Documents Fees and Payment Fees and Payment

Patents Form 3 Patents Form 7 Patents Form 8A **Patents Form 9A** Patents Form 10 Patents Form 23

Patents Form 9A

Request for search

Do you wish to file a Form 9A with this application? Yes No

1. Your Reference:

2. I/We request a search under section 17(1).

3. Do you wish to receive a copy of the patent documents, if any, cited in the search report? Yes No

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EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request	Names	Divisional	Priority	Other Forms	Documents ⚠	Fees and Payment ⚠
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Patents Form 3 | Patents Form 7 | Patents Form 8A | Patents Form 9A | **Patents Form 10** | Patents Form 23

Patents Form 10

Request for a substantive examination

Do you wish to file a Form 10 with this application? Yes No

1. Your Reference:

2. I/We request substantive examination of this application.

3. Do you wish to request a combined search and examination? Yes No

0 0 2 0

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority Other Forms Documents ⚠ Fees and Payment

Fees Payment

Mode of Payment: Charge Deposit Account

The Office is hereby authorised to charge the deposit account with the Office with the fees due on this case.

Amount: 20.00

Deposit account number: D54321

Your reference: P7762

0 0 1 0

2. Description)
 Any drawings)
 Claims) (0.5 marks each)
 Abstract.)
- All due within 2 months of UK filing = 21st July 2015 [a Tuesday]. (1 mark)
- Certified copy of AU application [this mark also given for mentioning alternative of supplying UKIPO with DAS access code] (1 mark)
- Due within 4 months of UK filing = 21st September 2015 [a Monday]. (1 mark)
- (5 marks in total)**
3. The application fee can be paid on Form AF1 or 9A [mark also given for answer which says “request for search” rather than Form 9A] (1 mark)
- Within 2 months of the filing date [21st July 2015, as for description, claims, drawings, abstract, question 2 above. 12 months from priority clearly does not apply, as the application was filed on the last day of the priority year.] (1 mark)
- The application is deemed to be withdrawn. (1 mark)
- (3 marks in total)**
4. By hand (1mark)
- By fax (1 mark)
- Online: EPO OLF software or web filing (1 mark)
- (3 marks in total)**
5. Late claim to priority can be filed up to 16 months from the priority date (1 mark)
- = 6th June 2015 [a Saturday] (0.5 mark)
- So final date is Monday, 18th June 2015 (0.5 mark)
- File Patents Form 3 + fee (1 mark)
- and certified copy of the US application [priority document] (1 mark)
- (4 marks in total)**

6. (a) Designation fee)
 Examination fee)
 Extension fees) (0.5 marks each)
 Due 6 months from publication of SR (A3))
 14/01/2015 + 6M = 14th July 2015 [a Tuesday] (1 mark)
- (b) Respond to any deficiencies noted in the European Search Opinion (1 mark)
 File any voluntary amendments (1 mark)
- (5 marks in total)**
7. 13/01/2015 plus ten days = 23 January 2015 (1 mark)
 plus four months = 23 May 2015 (1 mark)
 But 23 May is a Saturday and 25 May EPO is closed, so final date is 26 May 2015 [a Tuesday] (1 mark)
- (3 marks in total)**
8. File a request for an extension of time (1 mark)
 In writing/by a formal filing method (1 mark)
 Before expiry of the original deadline (1 mark)
- (3 marks in total)**
9. The EPO will issue a communication stating that the application is deemed to be withdrawn (1 mark)
 Request further processing (1 mark)
 In writing/by a formal filing method (1 mark)
 Complete the omitted act [full mark given for stating answer the Art 94(3) communication/examination report] (1 mark)
 Pay the further processing fee (1 mark)

Within 2 months from notification of the communication [i.e. 10-day rule applies] (1 mark)

(6 marks in total)

10. (a) The applicant or successor in title entered in Register (1 mark)
- (b) At the EPO's branches in Munich, Berlin or The Hague (1 mark)
- Before the date on which the mention of grant is published or the application is refused or (deemed) withdrawn [i.e. while the application is still pending] (2 marks)
- (c) Filing and search fees, due 1M from filing (2 marks)
- Any renewal fees paid on parent must also be paid on divisional. 4M from filing divisional. (2 marks)

(8 marks in total)

11. (a) End of month (1 mark)
- containing 2nd filing anniversary (1 mark)
- = 30/11/2014 (1 mark)
- A Sunday, so can be paid 01/12/2014 (1 mark)
- (b) End of 6th month after (a) (1 mark)
- = 31/05/2015 (1 mark)
- A Sunday, so can be filed 01/06/2015 (1 mark)

(7 marks in total)

12. The next renewal fee must ordinarily be paid by the end of the month containing the next filing anniversary. This is 30th September 2015 [a Wednesday] (1 mark)
- The fee is payable to the UK IPO. [The obligation to pay renewals to the EPO ceases on the date on which mention of grant took place]. (1 mark)
- A UK renewal fee is due in 2015, as UK patent renewals start with the 4th filing anniversary [30th September 2015] (1 mark)
- 30th September 2015 is more than 3 months after the date of grant, so there is no extension (1 mark)

(4 marks in total)

13. Transmittal Fee (1 mark)
- Search Fee (1 mark)
- International Filing Fee (1 mark)
- All Payable within one month of filing (1 mark)
- Extended deadline of one month from invitation to pay [plus surcharge] (1 mark)
- (5 marks in total)**
14. (a) UKIPO [GB], EPO [EP], International Bureau [IB] (3 marks)
- (b) IA is forwarded to IB. (1 mark)
- The original filing date is retained. (1 mark)
- (5 marks in total)**
15. (a) EP regional phase deadline is 31 months from priority (1 mark)
- 21/11/2012 + 31M = 21st June 2015 (1 mark)
- A Sunday, so deadline is 22nd June 2015 (1 mark)
- US regional phase deadline is 30 months from priority = 21st May 2015 [Thursday, exam day] (1 mark)
- (b) 31 months from priority [+ non-working day extension], 22nd June 2015 (1 mark)
- (5 marks in total)**
16. (a) International Preliminary Report on Patentability (1 mark)
- (b) (i) the ISA (1 mark)
- (ii) the IPEA (1 mark)
- (3 marks in total)**

17. Any sign (1 mark)
 capable of being represented graphically, [TM notes say "...graphic/visual sign or symbol..."] (1 mark)
 capable of distinguishing the goods or services of one undertaking from those of other undertakings. (1 mark)
(3 marks in total)

18. (a) Official fees, $A = 110 + (3 * 24_{[Mar, Apr, May]}) = \text{£}182$ (2 marks)
 Service charge, $B = 60 + 30 = \text{£}90$ (1 mark)
 V.A.T., $C = 0.2 * B = \text{£}18$ (1 mark)
 Total payable = $A + B + C = \text{£}290.00$ (1 mark)
 (b) Total payable = $A + B = \text{£}272$ (1 mark)
(6 marks in total)

19. (a) 5 years from the date of filing (1 mark)
 (b) Six months. (1 mark)
(2 marks in total)

20. (a) UKIPO:
 Need to file Patents Form 21, with fee (1 mark)
 Signed by/on behalf of assignee, Second Chance Limited [same mark for saying can be signed by/obo your firm [as authorised agent for assignee]] (1 mark)
 Plus copy of [or extract from] the assignment document signed by/obo [at least] the assignor (1 mark)
 (b) EPO:
 Need to file a cover letter explaining the transaction , (0.5 mark)
 Pay an administrative fee (0.5 mark)
 Plus file a copy of [or extract from] the assignment document signed by/obo both parties. [In practice the EPO will accept a document signed by the assignor only. But this may not comply with Article 72 EPC or national laws.] (1 mark)
(5 marks in total)

Calendar for year 2015 (United Kingdom)

January	February	March
Mo Tu We Th Fr Sa Su 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Mo Tu We Th Fr Sa Su 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Mo Tu We Th Fr Sa Su 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
April	May	June
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July	August	September
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October	November	December
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Holidays:		
1 Jan New Year's Day 3 Apr Good Friday 6 Apr Easter Monday (ENG, NIR, WAL)	4 May Early May Bank Holiday 25 May Spring Bank Holiday 31 Aug Summer Bank Holiday (ENG, NIR, WAL)	25 Dec Christmas Day 26 Dec Boxing Day 28 Dec Bank Holiday

Calendar generated on www.timeanddate.com/calendar

Calendar for year 2014 (United Kingdom)

<p>January</p> <table border="1"> <thead> <tr><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th><th>Su</th></tr> </thead> <tbody> <tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr> <tr><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> <tr><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td></tr> <tr><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td></tr> <tr><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td></tr> </tbody> </table> <p>1: ● 8: ○ 16: ○ 24: ● 30: ●</p>	Mo	Tu	We	Th	Fr	Sa	Su			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			<p>February</p> <table border="1"> <thead> <tr><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th><th>Su</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td></td><td></td></tr> </tbody> </table> <p>6: ○ 14: ○ 22: ●</p>	Mo	Tu	We	Th	Fr	Sa	Su						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28			<p>March</p> <table border="1"> <thead> <tr><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th><th>Su</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table> <p>1: ● 8: ○ 16: ○ 24: ● 30: ●</p>	Mo	Tu	We	Th	Fr	Sa	Su						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						
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Holidays:

1 Jan New Year's Day	5 May Early May Bank Holiday	25 Dec Christmas Day
18 Apr Good Friday	26 May Spring Bank Holiday	26 Dec Boxing Day
21 Apr Easter Monday (ENG, NIR, WAL)	25 Aug Summer Bank Holiday (ENG, NIR, WAL)	

Calendar generated on www.timeanddate.com/calendar

Mitteilung des Präsidenten des Europäischen Patentamts vom 30. Oktober 2014 über die Tage, an denen die Annahmestellen des EPA im Jahr 2015 geschlossen sind

1. Nach Regel 134 (1) EPÜ erstrecken sich Fristen, die an einem Tag ablaufen, an dem **zumindest eine** Annahmestelle des EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist (geschlossene Tage), auf den nächstfolgenden Tag, an dem **alle** Annahmestellen zur Entgegennahme von Schriftstücken geöffnet sind und an dem gewöhnliche Postsendungen zugestellt werden.

2. Die Annahmestellen des EPA in München, Den Haag und Berlin sind auch 2015 an allen Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2015 werden in der nachfolgenden Übersicht bekannt gegeben.

Notice from the President of the European Patent Office dated 30 October 2014 concerning the days on which EPO filing offices are closed in 2015

1. Under Rule 134(1) EPC, time limits expiring on a day on which **at least one** EPO filing office is not open for receipt of documents (closing days) are extended until the first day thereafter on which **all** the filing offices are open for receipt of documents and on which ordinary mail is delivered.

2. In 2015, as hitherto, the EPO's filing offices in Munich, The Hague and Berlin will be closed for the receipt of documents on every Saturday and Sunday. The other closing days in 2015 are listed below.

Communiqué du Président de l'Office européen des brevets, en date du 30 octobre 2014, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2015

1. Conformément à la règle 134(1) CBE, les délais qui expirent un jour où **l'un au moins** des bureaux de réception de l'OEB n'est pas ouvert pour recevoir le dépôt des pièces (jours de fermeture) sont prorogés jusqu'au premier jour suivant où **tous** les bureaux de réception sont ouverts pour recevoir ce dépôt et où le courrier normal est distribué.

2. En 2015 encore, les bureaux de réception de l'OEB à Munich, à La Haye et à Berlin ne seront ouverts ni le samedi, ni le dimanche pour recevoir le dépôt des pièces. Les autres jours de fermeture au cours de l'année 2015 sont énumérés dans la liste ci-après.

Tag	Days	Jours		München Munich	Den Haag The Hague La Haye	Berlin Berlin
Neujahr	New Year's Day	Nouvel An	01.01.2015	■	■	■
Brückentag	Bridging day	Pont	02.01.2015	■	■	■
Heilige Drei Könige	Epiphany	Épiphanie	06.01.2015	■		
Karfreitag	Good Friday	Vendredi Saint	03.04.2015	■	■	■
Ostermontag	Easter Monday	Lundi de Pâques	06.04.2015	■	■	■
Nationalfeiertag	National Holiday	Fête Nationale	27.04.2015		■	
Maifeiertag	Labour Day	Fête du Travail	01.05.2015	■	■	■
Tag der Befreiung	Liberation Day	Journée de la Libération	05.05.2015		■	
Christi Himmelfahrt	Ascension Day	Ascension	14.05.2015	■	■	■
Pfingstmontag	Whit Monday	Lundi de Pentecôte	25.05.2015	■	■	■
Fronleichnam	Corpus Christi	Fête-Dieu	04.06.2015	■		
Heiliger Abend	Christmas Eve	Veille de Noël	24.12.2015	■	■	■
1. Weihnachtstag	Christmas Day	Jour de Noël	25.12.2015	■	■	■
Brückentag	Bridging day	Pont	28.12.2015	■	■	■
Brückentag	Bridging day	Pont	29.12.2015	■	■	■
Brückentag	Bridging day	Pont	30.12.2015	■	■	■
Silvester	New Year's Eve	Saint-Sylvestre	31.12.2015	■	■	■