PATENT ADMINISTRATORS COURSE 2014/15 MOCK EXAMINATION

Thursday 19th February 2015

Exam Starts: 2.00 pm

Reading Time: 2.00 pm – 2.15 pm Writing Time: 2.15 pm – 5.15 pm

- This is a three-hour Paper with an additional 15 minutes for reading only. This paper is 'open book' therefore you are permitted to use notes and printed reference material during the examination.
- 2. You should attempt all questions.
- 3. The number of marks allotted to each question is indicated on the paper.
- 4. Please write clearly, as it is difficult to award marks to illegible answers.
- 5. The Paper consists of 5 pages of questions plus Annexes A, B, C and D.
- 6. In addition, you are provided with:
 - A UK 2015 calendar
 - EPO Holiday Dates 2015
- Please ensure that your candidate number is written on each page of your answers, including any Annexes submitted.
 Please do <u>NOT</u> write your name on the answer sheets.
- At the end of the exam please ensure that all your answer papers are placed in the brown envelope with only your candidate number on and sealed. Any part of your answers which you take out of the examination room cannot be marked.

Patent Administrators Course 2014/15

Mock Examination 19th February 2015

Question 1

You work for the well-known patent attorney firm of Draft & Hugfee, tel. 020 7766 5500, email mail@draftandhugfee.com.

Your boss William Abel Owers has left a note on your desk, shown in Annex A, referring to a letter from Stephanie Bundle, the R&D manager of your client, Point of Sale Solutions Limited. This letter is shown in Annex B. There is further information concerning Point of Sale Solutions Limited in Annex D.

Your firm has an EPO deposit account no. 28050000 and a UK IPO deposit account no. D12345. Your firm's policy is to receive communications from the PCT authorities by email, followed by paper copies.

The GB first filing was filed by hand, in order to obtain security clearance.

Use this information to complete the screen shots shown in Annex C, which is to be handed in at the end of the exam as part of your answers. (15 marks)

Question 2

You have now received a Search Report from the ISA which issued on 15th July 2015, relating to the PCT application of question 1 above. Bill Owers wants to file a Demand for International Preliminary Examination ("Demand").

	(ii) What actions can be taken later?	(3 marks) (8 marks in total)
(b)	(i) What actions must be taken by the due date and	
(a)	What is the due date for filing the Demand?	(5 marks)

Question 3

i) to iv) below are abbreviations for authorities responsible for carrying out functions under the PCT indicated at a) to d) below. State what the letters stand for and match the abbreviations to the functions.

- i) IB ii) RO iii) IPEA iv) SISA
- a) Initially checking that the application meets the requirements for receiving a filing date
- b) Drawing up a non-binding opinion on patentability
- c) Publishing the application
- d) Carrying out a supplementary search.

Question 4

A UK patent was filed on 10th March 2011 and granted on 6th August 2014, claiming an earliest priority of 14th March 2010.

By when must the first renewal fee be paid, if late payment fees are to be/have been avoided? Show your calculations. (4 marks)

Question 5

(a) For the patent of question 4, if the renewal fee is missed, what is the final date by which restoration of the patent must be requested? Show your calculations.(2 marks)

(b) What else needs to be done so as to successfully restore the patent? (3 marks) (5 marks in total)

Question 6

A UK patent application was filed on 17th February 2014 claiming priority of a US patent application filed on 18th February 2013. A first Examination Report was issued on 9th January 2015. By when must the application be in order for grant ("the compliance date")? Please show your working out. (5 marks)

Question 7

You have received an examination report dated 19th February 2015, from the UK IPO, setting a four month period for filing a response.

(a) By when must the response be filed, if no extension of time be requested? Show how you worked

this out.

(1 mark)

(b) To what date can this time limit be extended as of right ("for the asking")? Again show your workings. (2 marks)

(c) What is the time limit for filing the request for the extension of time, and how do you request it? (3 marks)

(6 marks total)

Question 8

You have received an examination report from the EPO, having the same date as the UK IPO examination report of Question 7 above.

(a) By when must the response be filed at the EPO, if no extension of time be requested? Show how you worked this out. (3 marks)

(b) To what date can this time limit be extended as of right ("for the asking")? Again show your workings. (1 mark)

(c) What is the time limit for filing the request for the extension of time at the EPO, and how do you request it? (2 marks)

(6 marks in total)

Question 9

You have received a rule 71(3) Communication from the EPO dated 16th January 2015. Your Attorney has approved the text for grant. There are 15 claims in the application, which has 34 pages in total, including the description, claims, abstract and drawings. What actions must be taken and by when? Please show your calculations. (5 marks)

Question 10

Referring to question 9, what happens next if you miss the deadline? (5 marks)

Question 11

Following on from Question 9 above, you have now received the Decision to Grant Form (see Annex D). The client wishes to proceed in the designated countries. What are the translational requirements for each of the countries? (3 marks)

Question 12

For the Spanish national part of the European Patent in Question 11, what is the validation deadline, ignoring any possible extensions? (2 marks)

Question 13

For the application of Question 12, up to when can you file a divisional application? (2 marks)

Question 14

Do the following have the power to grant a patent? Please answer yes or no in each case:

- (a) The UK Intellectual Property Office
- (b) A qualified European Patent Attorney

(c) The International Bureau of the World Intellectual Property Organisation (which administers the international phase of the PCT)

(d) The European Patent Office.

(2 marks)

Question 15

What are the minimum requirements for a European Patent application to be awarded a date of filing?

(3 marks)

Question 16

On which of the following are renewal fees due?

(i) a PCT application in the international phase	True/False
(ii) a pending UK patent application	True/False
(iii) a granted UK patent	True/False
(iv) a pending European patent application at the first filing anniversary	True/False
(v) a granted European patent, payable to the EPO	True/False

(5 marks)

Question 17

Is further processing available on the following time limits?

- (a) Claiming priority within 12 months on an EP application
- (b) The 6 month grace period for payment of a renewal fee on a European patent application
- (c) Re-establishment of Rights on a European patent application
- (d) Filing a response to Rule 161 Communication
- (e) Filing a response to an examination report on a UK patent application
- (f) Payment of the designation fee on a European patent application

(3 marks)

Question 18

A2 publication of a directly filed European patent application took place on 19th November 2014. The A3 publication took place on the 18th February 2015. Assuming you only paid the application and search fee on filing, what actions are required next and by when, in order not to lose any rights? Show your calculations.

(6 marks)

Question 19

The mention of grant of a European patent was published in the European Patent Bulletin on 21st January 2015. Your Attorney instructs you that your client wishes to file an opposition. By when must the opposition be filed and what are the possible outcomes?

Questions – Page 4 of 5

(5 marks)

Question 20

(a) A UK patent which has a priority date of 7th June 2010 and a filing date of 2nd June 2011 was granted on 6th May 2014. When is the first renewal fee payable by, without any extension of time? (2 marks)

(b) When will the first renewal fee be payable by without any extension, if instead the grant date is 5th May 2015? (3 marks)

(c) In the case of (b) above, what is the earliest date on which the renewal fee can be paid? (1 mark)

(6 marks in total)

Annex A

Dear Administrator,

I have just received these instructions from Steph Bundle, who wants us to file a PCT application claiming priority to the existing UK first filing.

I now have to dash off for Oral Proceedings in Munich tomorrow. Meanwhile, please get the PCT request ready in the EPO online filing software, for me to sign when I get back this Thursday, the 19th (the end of the priority year).

The single file written specification is in

<u>\\Server\wao\readytofile\poss-05-WO-spec.pdf</u>[15 pages description, 3 pages with 22 claims, 1 page abstract]

and the drawings are in

<u>\\Server\wao\readytofile\poss-05-WO-dwgs.pdf</u> [5 sheets with 7 figures – the drawing which best illustrates the invention is Fig. 2.]

There is a pre-conversion archive in the same folder, called PCA.zip, and a copy general power of attorney for the applicant, PoA.pdf, ref. poss-01-WO.

Our case reference for the new filing is poss-05-WO.

The inventor is David Hyneken, who is employed by the client and prefers us to use the company address for his patent applications. David and Steph are both British.

Please take care of getting the priority document from the RO to the IB. Please also do a Declaration of the applicant's entitlement to grant. We will not bother with a Declaration as to the identity of the inventor, and will organise the US Declaration of Inventorship once the application has been filed.

Thanks,

-Bill.

17.02.2015

Annex B

Bill Owers Draft & Hugfee 7 Stable Yard Buildings Holborn Bars London WC1V 1XX

13th February 2015

Dear Bill,

UK Patent Application No. 1408899.0 "Matter Transfer Module for Bagging Device" Your ref. poss-05-GB

Thank you for your visit last month, and for the updated patent draft, following on from the above GB filing that you made for our company. David and I have reviewed it, and think that it covers the latest developments to this invention very well. We have no further changes to suggest.

I wish to avail myself of the 18 month breathing space, keeping the options for international protection open using the PCT filing strategy that you recommended.

With best regards,

Stephanie

Stephanie Bundle

Annex C

Your firm's details are already in the EPO online filing software address book. The other name and address information is not.

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Annex C – Page 1 of 17

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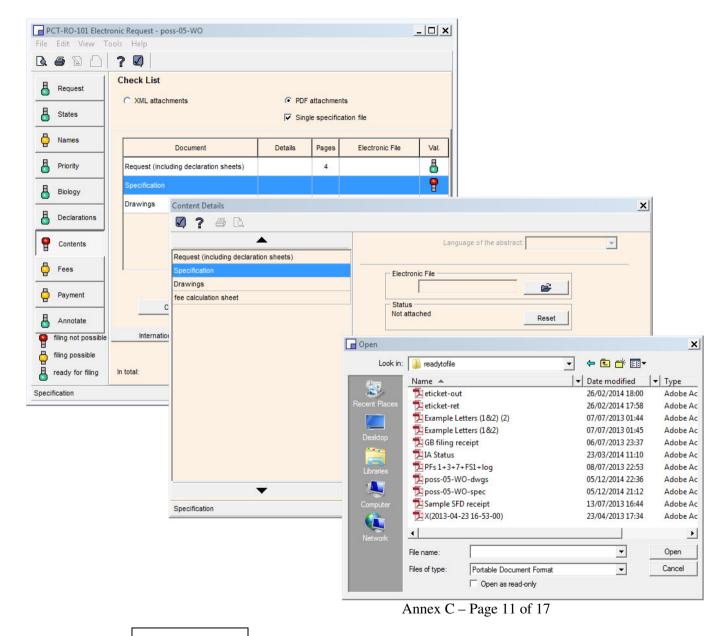
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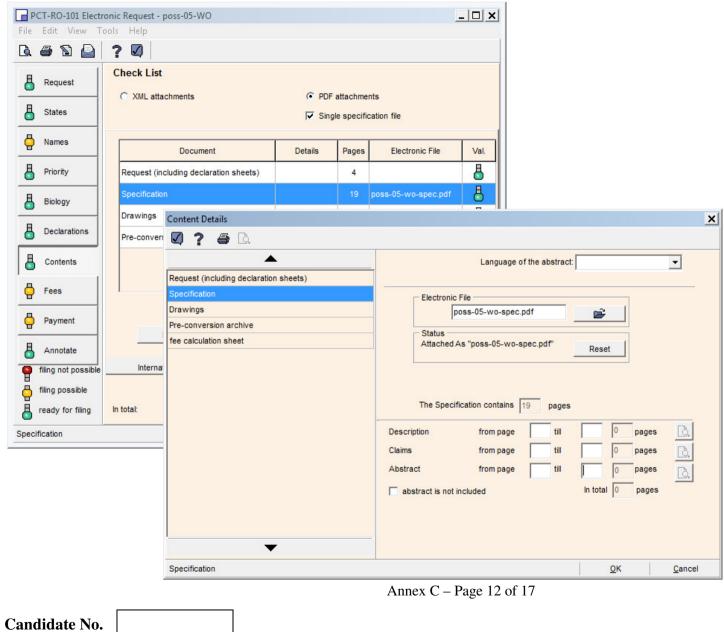
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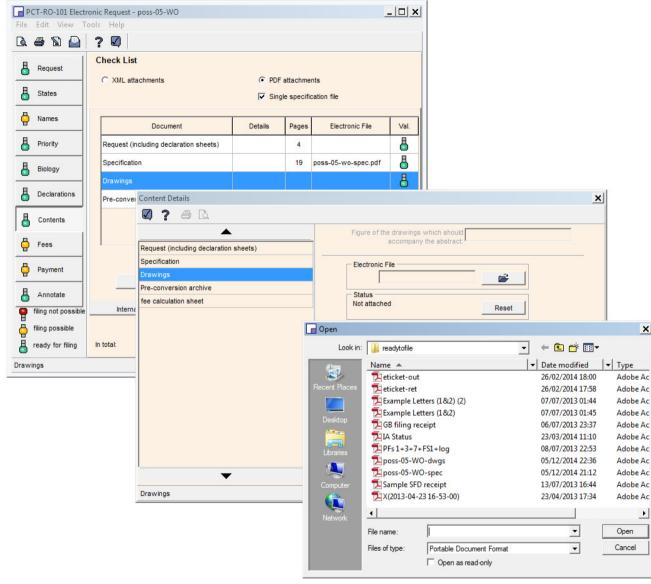
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Annex C – Page 10 of 17



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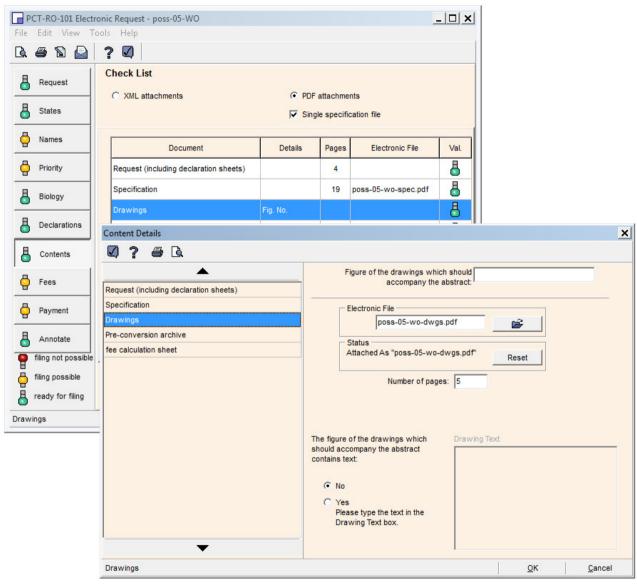


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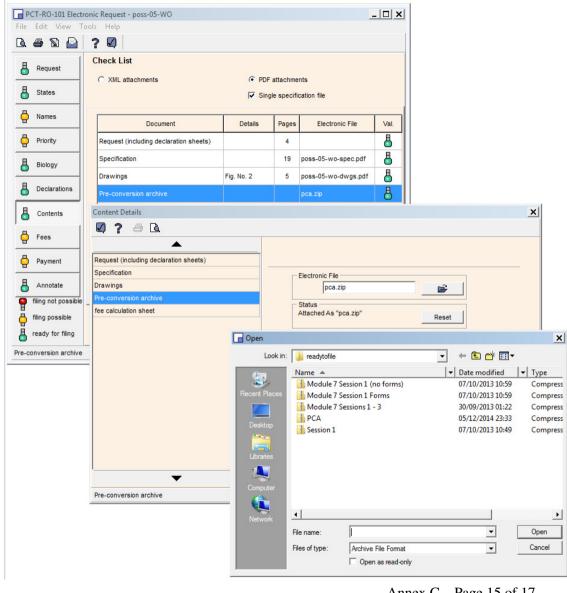
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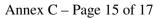
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Annex C – Page 14 of 17



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Annex C – Page 16 of 17

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Annex C – Page 17 of 17

Annex D

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Point of Sale Solutions Limited	

Following examination of European patent application No. 09123456.7 a European patent with the title and the supporting documents indicated in the communication pursuant to Rule 71(3) EPC dated 16.01.2015 is hereby granted in respect of the designated Contracting States.

Patent No. Date of filing Priority claimed : 2123456 : 03.08.2009 : 04.08.2008 GB0810058.9

Designated Contracting States and Proprietor(s)

: DE ES GR IE IS NL Point of Sale Solutions Limited 1 Blackwood Lane Cradley Heath, Birmingham West Midlands B12 0LR / GB

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 09/15 on 04.03.2015.

Examining Division



Registered letter EPO Form 2006A 12.07 02.04.10 to EPO postal service: