

## **PATENT ADMINISTRATORS – MOCK EXAMINATION**

**20<sup>th</sup> January 2005**

**Reading Time: 2.00 p.m. – 2.15 p.m.**

**Writing Time: 2.15 p.m. – 5.15 p.m.**

1. This is a three-hour Paper.
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 6 pages of questions plus Annex A of 1 page.
6. In addition, you are provided with:
  - A blank Patents Form PF 1/77
  - A blank Patents Form 7/77
  - A blank Patents Form 9A/ 77
  - A 2004, 2005, 2006 Calendar
  - A reproduction of the EPO notice indicating the dates in 2004 & 2005 on which the branch offices are closed
7. Additional blank forms PF 1/77, 7/77 and 9A/77 are available from the invigilators
8. Please ensure your candidate number is written on each page of your answer and the forms PF 1/77, 7/77 and 9A/ 77. Please do not write your name on the answer sheets

**At the end of the exam please ensure that your answer papers are placed in the envelope with your candidate number on only and sealed**

- 1) You are asked to prepare a new United Kingdom patent application based on the annexed incoming letter, which is provided to you here without its enclosures.
- (a) Please prepare Patents Form PF1/77 for the new case.  
Please note that the application and search fees are to be paid, but that no request for examination is to be filed. All of the documents made available to you, as set out in the incoming letter, will be filed, together with Patents Forms 7/77 and 9A/77. Please complete sections 9 and 10 of PF1/77 appropriately.
- 7 Marks**
- (b) Please prepare a Patents form 9A/77 for the same case.
- 3 Marks**
- (c) Please prepare a Patents Form 7/77 for the same case.  
You may assume that a Korean applicant company who employs the inventor is entitled to the rights to the invention by virtue of that employment.
- 5 Marks**
- 2) We are going to consider now the further progress of the application filed in response to the instructions of Question 1. For each question set out below, you are required to explain the period allowed and any base date from which the term is calculated.  
Please note that none of these questions re term require you to calculate a particular calendar date.
- (a) When will the application be published?
- (b) What would you need to do to prevent publication, and within what timescale?
- 1.5 Marks*
- (c) Assuming the application continues, what is the term within which examination is to be requested?
- (d) For some applications there is an alternative term set for filing the examination request. What is it?
- 1.5 Marks*
- (e) What are the two possible terms within which an application should be placed in condition for grant?
- 1 Mark*

- (f) Give two possible terms within which the first renewal fee becomes payable on a granted British Patent. Ignore any grace periods or available extensions.

*1 Mark*

**5 Marks**

- 3) Name three differences you would expect to find on a granted "B" specification in the UK that wouldn't appear on a published "A" specification.

**3 Marks**

- 4) What do the following abbreviations stand for?  
EPC, EPO, PCT, WIPO.

**2 Marks**

- 5) Give four ways of filing a GB patent application.

**2 Marks**

- 6) Your office has received from the EPO a Communication pursuant to Article 96 (2) EPC – i.e. a "Substantive Examination Report" dated 26 October 2004. A term of four months has been set for response.

- (i) By what date must a reply be received by the EPO?

*1 Mark*

- (ii) Exactly how did you calculate the due date?

*3 Marks*

The Inventor is currently considering the Report but has advised your office that he will not be able to provide instructions for response before the deadline.

- (iii) What action should be taken, and by when, to safeguard the application at minimum cost?

*4 Marks*

- (iv) If no action is taken, what will happen next?

*1 Mark*

- (v) What could then be done to recover the application, and by when?

*4 Marks*

**13 Marks**

7) This question is about “restitutio in integrum” or “ Re-establishment of rights” at the European Patent Office.

(a) In what general circumstance is re-establishment available?

*1 Mark*

(b) What is the time limit for requesting re-establishment?  
What is the overall term within which re-establishment must be requested?

*2.5 Marks*

(c) What actions need to be taken in an application for re-establishment?

*1.5 Marks*

(d) To achieve re-establishment, what does the applicant need to show?

*1 Mark*

(e) Give four elements of a “normally satisfactory monitoring system”

*4 Marks*

**10 Marks**

8) A European Patent application was filed on 16 June 2003 claiming priority of 14 July 2002.

(a) When is the first renewal fee due to be paid?

*3 Marks*

(b) When does the grace period for payment of the renewal fee with surcharge expire?

*3 Marks*

**6 Marks**

9) A PCT Application has been filed at a Receiving Office which is not competent to receive the Application.

(a) What action should that Office take?

*2 Marks*

(b) What is the filing date?

*2 Marks*

**4 Marks**

- 10) A PCT Application has been filed but has not yet entered the EPO Regional phase. What are the earliest and latest stages by which you can file a Divisional application

**3 Marks**

- 11) What is the time limit for filing a demand

(i) on a PCT Application filed after 1<sup>st</sup> January 2004?

*2 Marks*

(ii) on a PCT Application filed before 1<sup>st</sup> January 2004?

*1 Mark*

**3 Marks**

- 12) Who can make a PCT Application?

**3 Marks**

- 13) When there are two or more Applicants for a PCT Application

(i) Who can sign the request form?

*1 Mark*

(ii) Who must sign a notice of withdrawal of the Application?

*1 Mark*

**2 Marks**

- 14) What is meant by each of the following on an EPO Specification: -

A1

A2

A3

**3 Marks**

- 15) On an EPO Application you have received an A2 publication dated 3<sup>rd</sup> November 2004 and an A3 publication dated 17<sup>th</sup> December 2004. What is the deadline for requesting examination?

How do you calculate the date?

**2 Marks**

- 16) Rule 51 (4) of the EPC sets out what the applicant is required to do once the Examining Division decides to grant a European Patent.

- (a) What things must an applicant do following receipt of the communication within the period under Rule 51 (4).

*4 Marks*

- (b) A European Patent Application originally contained 9 claims, but on issue of the notice under Rule 51 (4) EPC it contains 11 claims. What will be the consequence?

*1 Mark*

**5 Marks**

- 17) On 8 October 2004, EPO issued a Rule 51 (4) Communication (Intention to Grant) on an Application filed at EPO on 20 December 2000 and claiming priority of 5 January 2000. The Application designates UK. You paid all Grant and Printing Fees on 8 November 2004. Grant is expected in February 2005.

- (i) Were/Are Renewal Fees due:

- (a) in 2004  
(b) in 2005

*1 Mark*

- (ii) To which Patent Offices, if any, should Renewal Fees be paid:

- (a) in 2004  
(b) in 2005

*1 Mark*

- (iii) What are the due dates of payment, before extension:

- (a) in 2004  
(b) in 2005

*4 Marks*

**NB. Take no account of potential changes in UK Law.**

**6 Marks**

- 18) You have been asked to act as agent and address for service in respect of the UK national phase of a European patent which was prosecuted in German according to the following details:

Priority date: 2<sup>nd</sup> September 1998  
EPO filing date: 1<sup>st</sup> September 1999  
Rule 51 (4) date: 11<sup>th</sup> July 2003  
Mention of grant in the official Bulletin: 21<sup>st</sup> November 2004  
Designating: DE, FR, GB, IT

- (a) What needs to be filed where and by when in order to ensure the European patent is effective in the UK, noting any forms and fees which are applicable but ignoring any extensions of time?

*3.5 Marks*

- (b) When will this patent expire in the UK?

*1 Mark*

- (c) What is an address for service?

*0.5 Mark*

**5 Marks**

- 19) Which four of the following are essential to establish the filing date for a new UK Patent Application not claiming priority?

- (i) Request for Grant of Patent
- (ii) Filing Fee
- (iii) Statement of Inventorship
- (iv) Specification
- (v) Drawings
- (vi) Claims
- (vii) Identity of Applicant
- (viii) Request for Examination

**4 Marks**

- 20) You filed a new UK patent application on 6<sup>th</sup> January 2005 consisting of Form 1/77 plus a description of the specification. No fees were paid. Today, your client has instructed you that he would like to receive the formalities report before the search is requested.

- (i) What must you do next taking into account any forms and fees payable?

*2 Marks*

- (ii) When can you request preliminary (formalities) examination?

*1 Mark*

**3 Marks**

**Annex A**

**HAPPY GO LUCKY PATENT ATTORNEYS  
SEOUL, KOREA  
January 2005**

Dear Sirs,

Please file a new United Kingdom Patent Application in accordance with the instructions set out below:

Applicant:	Korean Manufacturing Co., Tire Building 4th- 6th Flr., 678 Kangnam-ku, Seoul, Republic of Korea		
Nationality:	Korean Company		
Inventor:	LEE, Hoo-dong, Tire Building 4th- 6th Flr., 678 Kangnam-ku, Seoul, Republic of Korea		
Assignment	Employee of Applicant		
Title:	A Manufactured Item		
Priority to be Claimed:	DATE 19th February 2004	COUNTRY Korea (Rep of)	NUMBER 2004- 12435
Priority Applicants	Korean Manufacturing Co.,		
<b>ENCLOSURES</b>	<b>ENCLOSED</b>	<b>TO FOLLOW</b>	
Specification:			
Description:	4 pages,	2 copies	
Claims:	1 page,	2 copies	
Abstract:	1 page,	2 copies	
Informal Drawings	sheets,	copies	
Formal Drawings	1 sheet,	2 copies	
Priority Document(s)	Yes		
Power of Attorney			
Assignment			
Oath			

TO:  
London Patent Attorneys,  
200 Chancery Lane,  
London WC2 3AZ  
Your ref: UKP/2564



Patents Form 1/77

Patents Act 1977  
(Rule 16)



1/77

**Request for grant of a patent**

*(An explanatory leaflet on how to fill in this form is available from the Patent Office)*

The Patent Office

Cardiff Road  
Newport  
South Wales  
NP10 8QQ

**Application number GB**

1. Your reference:  
*(optional)*

2. Full name, address and postcode of the applicant or of each applicant *(underline all surnames):*

Patents ADP number *(if you know it):*

If the applicant is a corporate body, give the country/state of its incorporation:

3. Title of the invention:

4. Name of your agent *(if you have one):*

"Address for service" in the United Kingdom to which all correspondence should be sent *(including the postcode)*

Patents ADP number *(if you know it):*

	Country	Application number <i>(if you know it)</i>	Date of filing <i>(day / month / year)</i>
5. Priority declaration: Are you claiming priority from one or more earlier-filed patent applications? If so, please give details of the application(s):			

	Number of earlier UK application	Date of filing <i>(day / month / year)</i>
6. Divisionals etc: Is this application a divisional application, or being made following resolution of an entitlement dispute about an earlier application? If so, please give the application number and filing date of the earlier application:		

7. Inventorship: (Inventors must be individuals not companies)	(Please tick the appropriate boxes)	
Are all the applicants named above also inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, are there any other inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

8. Are you paying the application fee with this form?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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## Patents Form 1/77

9. Accompanying documents: not counting duplicates, please enter the number of pages of each item accompanying this form:

Continuation sheets of this form:

Description:

Claim(s):

Abstract:

Drawing(s):

If you are not filing a description, please give details of the previous application you are going to rely upon:

Country

Application number

Date of filing  
(day / month / year)

- 
10. If you are also filing any of the following, state how many against each item.

Priority documents:

Statement of inventorship and right to grant of a patent (Patents Form 7/77):

Request for search (Patents Form 9A/77):

Request for substantive examination (Patents Form 10/77):

Any other documents:  
(please specify)

- 
11. I/We request the grant of a patent on the basis of this application.

Signature(s):

Date:

- 
12. Name, e-mail address, telephone, Fax and/or mobile number, if any, of a contact point for the applicant:

### Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you are resident in the United Kingdom and your application contains information which relates to military technology, or would be prejudicial to national security or the safety of the public, section 23 of the Patents Act 1977 prohibits you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

### Notes

A leaflet on how to fill in this form is available from the Patent Office. If you would like a copy of the leaflet it is available on our website at <http://www.patent.gov.uk/patent/info/fact05.pdf> or alternatively you could telephone 08459 500505 or send an email to [enquiries@patent.gov.uk](mailto:enquiries@patent.gov.uk) to request a copy.

**Patents Form 7/77**

Patents Act 1977  
(Rule 15)



7/77

**Statement of inventorship and of right to grant of a patent**

**The Patent Office**

Cardiff Road  
Newport  
South Wales  
NP10 8QQ

1. Your reference

2. Patent application number  
*(if you know it)*

3. Full name of the or of each applicant

4. Title of the invention

5. State how the applicant(s) derived the right from the inventor(s) to be granted a patent

6. How many, if any, additional Patents Forms 7/77 are attached to this form?  
*(see note (c))*

7. I/We believe that the person(s) named over the page *(and on any extra copies of this form)* is/are the inventor(s) of the invention which the above patent application relates to.

Signature

Date

8. Name and daytime telephone number of person to contact in the United Kingdom

**Notes**

- a) *If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *If there are more than three inventors, please write the names and addresses of the other inventors on the back of another Patents Form 7/77 and attach it to this form.*
- d) *When an application does not declare any priority, or declares priority from an earlier UK application, you must provide enough copies of this form so that the Patent Office can send one to each inventor who is not an applicant.*
- e) *Once you have filled in the form you must remember to sign and date it.*

**Patents Form 7/77**

Enter the full names, addresses and postcodes of the inventors in the boxes and underline the surnames

Patents ADP number <i>(if you know it):</i>

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Patents ADP number <i>(if you know it):</i>

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Patents ADP number <i>(if you know it):</i>

**Reminder**

**Have you signed the form?**



### Request for search

*(See the notes on the back of this form)*

The Patent Office

Cardiff Road  
Newport  
South Wales  
NP10 8QQ

1. Your reference:

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2. Patent application number:  
*(If you know it)*

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3. Full name of the applicant  
or of each applicant:

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4. Is this request for:

- a) A search under Section 17(1) for an international application which has been searched in the international phase? *(See note f)*
- b) A search under Section 17(1) for any other application?
- c) A supplementary search under Section 17(8)?
- d) A search of a further invention under Section 17(6)?

*(Answer this question by writing (a), (b), (c) or (d))*  
If your answer is (d), identify the invention to be searched by referring to the claims  
*(See note (c)).*

5. Do you want extra copies of any documents cited in the search report? <i>(see note (d))</i>	YES	NO
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If YES state how many and remember to pay the extra fee.

6. Are you paying the application fee with this form? <i>(See note (e))</i>	YES	NO
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7.	Signature	Date
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8. Name and daytime telephone number of the person to contact in the United Kingdom:

## Patents Form 9A/77

### Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *If you do not identify an invention, the second invention specified in the search report previously made under Section 17(5) will be searched.*
- d) *The Public administration section of UK Copyright legislation allows the Patent Office to send you one copy of any documents cited in the search report or during the substantive examination process. You may order extra sets of documents by paying an additional administrative fee for each extra set, this fee will not be refunded if no documents are cited. All copies of citations supplied by the Patent Office must be used for the sole purpose of processing the patent application.*
- e) *Before your application is searched you must pay an application fee. If you have not already paid this fee you can do so when filing this form. The application fee is in addition to the fee required with this form. For details of the fees and ways to pay them, please contact the Patent Office.*
- f) *For details of the fee payable with this form when requesting a search for an application that has already been searched in the international phase please contact the Patent Office.*
- g) *Once you have filled in this form remember to sign and date it.*

**DIARY 2004**

JANUARY						
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**Bank Holidays and Public Holidays in England and Wales 2004**

January 1  
 April 9  
 April 12

May 3  
 May 31  
 August 30

December 25  
 December 26

## EUROPEAN PATENT OFFICE

Under Rule 85(1), time limits expiring on a day on which at least one of the filing offices of the EPO is not open for receipt of documents (closing days) are extended until the first day on which all the filing offices are open for receipt of documents and on which ordinary mail is delivered.

An x against each branch office indicates the days on which that office is closed for receipt of documents.

DAYS	Munich	The Hague	Berlin
1 January 2004	x	x	x
6 January 2004	x		
9 April 2004	x	x	x
12 April 2004	x	x	x
30 April 2004		x	
5 May 2004		x	
20 May 2004	x		x
31 May 2004	x		x
10 June 2004	x		x
15 August 2003	x		
1 November 2004	x		
24 December 2004	x	x	x
25 December 2004	x	x	x
26 December 2004	x	x	x
31 December 2004	x	x	x



**DIARY 2005**

JANUARY						
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**DIARY 2006**

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JUNE						
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26	27	28	29	30		

JULY						
M	T	W	Th	F	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						

AUGUST						
M	T	W	Th	F	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			

SEPT						
M	T	W	Th	F	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	

OCT						
M	T	W	Th	F	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					

NOV						
M	T	W	Th	F	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			

DEC						
M	T	W	Th	F	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	29	30	31	

**Bank Holidays and Public Holidays in England and Wales 2006**

January 2  
 April 14  
 April 17

May 1  
 May 29  
 August 28

December 25  
 December 26

## Mitteilungen des Europäischen Patentamts

### Mitteilung des Präsidenten des Europäischen Patentamts vom 2. Juli 2004 über die Tage, an denen die Annahmestellen des EPA im Jahr 2005 geschlossen sind

1. Nach Regel 85 (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 an allen Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2005 werden in der nachfolgenden Übersicht bekanntgegeben.

## Information from the European Patent Office

### Notice from the President of the European Patent Office dated 2 July 2004 concerning the days on which EPO filing offices are closed in 2005

1. Under Rule 85(1) EPC time limits expiring on a day on which at least **one** of the filing offices of the EPO 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. 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 2005 are listed below.

## Communications de l'Office européen des brevets

### Communiqué du Président de l'Office européen des brevets, en date du 2 juillet 2004, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2005

1. Conformément à la règle 85(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. 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 2005 sont énumérés dans la liste ci-après.

Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Heilige Drei Könige – Epiphany – Epiphanie	06.01.2005	x		
Karfreitag – Good Friday – Vendredi Saint	25.03.2005	x	x	x
Ostermontag – Easter Monday – Lundi de Pâques	28.03.2005	x	x	x
Christi Himmelfahrt – Ascension Day – Ascension	05.05.2005	x	x	x
Tag der Befreiung – Liberation Day – Journée de la Libération			x	
Pfingstmontag – Whit Monday – Lundi de Pentecôte	16.05.2005	x	x	x
Fronleichnam – Corpus Christi – Fête-Dieu	26.05.2005	x		
Mariä Himmelfahrt – Assumption Day – Assomption	15.08.2005	x		
Tag der deutschen Einheit – Day of German Unity – Fête Nationale	03.10.2005	x		x
Allerheiligen – All Saints' Day – Toussaint	01.11.2005	x		
2. Weihnachtstag – Boxing Day – Lendemain de Noël	26.12.2005	x	x	x