

PATENT ADMINISTRATORS COURSE 2006/7 MOCK EXAMINATION

Thursday 25th January 2007

Exam Starts: 2.00pm UK Time
Reading Time: 2.00 pm – 2.15 pm
Writing Time: 2.15 pm – 5.15 pm

1. This is a three-hour Paper with an additional 15 minutes for reading only.
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 4 pages of questions plus Annex 1 of 1 page, Annex 1A of 2 pages and an Internal Memo of 1 page.
6. In addition, you are provided with:
 - A blank Patents Form 1/77
 - A blank Patents Form 7/77
 - A blank Patents Form 9A/ 77
 - A blank Patents Form 10/77
 - 2006, 2007 & 2008 calendar
 - EPO & UKPO Holiday dates 2007
7. Additional blank forms PF 1/77, 7/77, 9A/77 & 10/77 are available from the invigilators
8. Please ensure your candidate number is written on each page of your answers and any forms submitted.
Please do NOT write your name on the answer sheets.
9. At the end of the exam please ensure that your answer papers are placed in **the brown envelope with only your candidate number on** and sealed.

Patent Administrators Course 2006/7

Mock Exam January 2007

- (1) Your patent attorney, Paul Revere of Revere & Co, 100 Lexington Way, York, YO14 7BJ asks you to prepare and file the necessary forms for a UK patent application, in accordance with the information on the attached data sheet.

(15 marks)

- (2) A UK patent application was filed on 8 April 2003 claiming priority from two earlier US patent applications filed on 10 June 2002 and 19 August 2002. The UK application was granted on 14 September 2005.

(a) When is the first renewal fee payable?

(3 marks)

(b) If the renewal fee is not paid and the client contacts you on 18 May 2007 indicating that he would like to renew the patent, what action can be taken, including a note of any fees, and by when?

(3 marks)

(c) What fee is payable if the client contacts you on 18 July instead and you act immediately?

(2 marks)

(d) What can be done if the client contacts you on 19 November 2007 instead?

(3 marks)

(11 marks in total)

- (3) List four methods of filing a new patent application at the UK patent office.

(4 marks)

- (4) List 3 of the following would be examined in the Preliminary Examination of a UK patent application.

- A. Margin Sizes
- B. Reproducibility of Drawings
- C. Novelty of Claims
- D. Paper Sizes
- E. Inventive Step of Claims
- F. Industrial Applicability
- G. Identification of Applicant

(3 marks)

(5) What will happen if:

- a) A handwritten patent specification is filed with a UK patent application. Will there be any consequence and if so, what?
(2 marks)
- b) The Form 1/77 was also handwritten. Will there be any consequence? If so, what?

N.B: In both cases the documents are written legibly in black ink.

(1 mark)

(3 marks in total)

(6) What is the grace period for payment of the following fees for a European Patent Application?

- a) Filing Fee.
- b) Extension State Fee.
- c) Examination Fee.
- d) Further Processing Fee.

(4 marks)

(7) You have received a communication dated 4 December 2006 from the EPO under Rule 51(4) EPC calling for the payment of the grant and printing fees within 4 months.

When does this time limit expire?

(3 marks)

(8) You have filed a divisional European patent application on 7 December 2006. The parent application has a priority date of 7 February 2003 and a filing date of 6 February 2004.

What renewal fees must be paid on the divisional and when?

(7 marks)

(9) You received an examination report on a European application dated 21st October 2006, with a four month response period.

- a) When is the last day on which the response can be filed to be considered in time?

(2 marks)

- b) Your client informs you that he will be unable to send instructions prior to the deadline. What should be done, how and by when?

(3 marks)

- c) No instructions have been received and the deadline passes. What will happen next and what, if anything, can be done to remedy the situation?

(6 marks)
(11 marks in total)

- (10)** Which patent offices are competent for a UK citizen to file a PCT application?

(3 marks)

- (11)** What is the deadline for filing a Demand on an International Application?

(3 marks)

- (12)** What are the minimum filing requirements for a PCT application?

(5 marks)

- (13)** In the context of a PCT application what is meant by:

a) The letters ISA?

(1 mark)

b) Who will be the ISA for a PCT filed by a UK resident/citizen?

(1 mark)

c) In the context of a PCT application what is meant by the letters IPEA?

(1 mark)

d) In the context of a PCT application what is meant by the letters IPRP?

(1 mark)

(4 marks in total)

- (14)** A European patent application was published on 15 March 2006 without a Search Report. The Search Report was communicated to the Applicant's representative on 11 May 2006 and published on 30 August 2006.

When must the fee for substantive examination be paid? Give reasons for your answer?

(3 marks)

- (15) You see a European patent application with a number EP 1234567A2.
What is the significance of the suffix A2?
(2 marks)
- (16) What is the deadline for entering the European Regional Phase of a
PCT application designating the EPC?
(2 marks)
- (17) Name two examples each of registered and unregistered intellectual
property rights?
(4 marks)
- (18) What is a trade mark?
(3 marks)
- (19) What do you understand by the term "Duty of Care"?
(4 marks)
- (20) Answer the following:
- a) Name 2 states where the 20/21 month Chapter I deadline
still applies?
(2 marks)
 - b) Name 3 official PCT Publication languages?
(3 marks)
 - c) When can you file PCT divisional application?
(1 mark)
(6 marks in total)

ANNEX 1

**New England Tea Crates, Inc
1812 Constitution Avenue
Boston, MA
1773-2006
USA**

20th January 2007

Mr. P Revere
Revere & Co
100 Lexington Way
York
YO14 7BJ

Dear Mr Revere,

Re: New UK Patent Application
Storage Container
Inventor: Samuel Adams

I refer to our previous correspondence.

Please go ahead and file a UK Patent Application claiming priority from US Patent Application No. 11/689,402 dated 2nd September 2006.

I enclose an assignment document between Samuel Adams and New England Tea Crates, Inc for your information.

Please also request a combined Search and Examination.

Please attend to the payment of all relevant fees.

Yours sincerely,

John Smith
New England Tea Crates, Inc.

Enc – *Assignment Document (Annex 1A)*

ANNEX 1A

ASSIGNMENT OF INVENTION

WHEREAS, I, **Samuel Adams**, 150 Mohawk Street, Boston MA 1722-1803, USA have invented a certain new and useful improvement in "**Storage Container**" for which an application for Letters Patent in the United States was filed on 2 September 2006, under Application No. 11/689402.

AND WHEREAS, **New England Tea Crates, Inc.**, 1812 Constitution Avenue, Boston MA 1773-2006, USA, is desirous of acquiring all interest in said invention, said application, and in any Letters Patent which may be granted therefor;

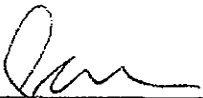
AND WHEREAS, at the time the invention was made, I was under an obligation to assign all of my right, title and interest in my said invention to New England Tea Crates, Inc.;

NOW THIS INDENTURE WITNESSETH, that for the sum of one dollar and other valuable consideration to us in hand paid, the receipt of which is hereby acknowledged, I hereby assign, sell and transfer unto said New England Tea Crates, Inc. the entire right, title and interest in said invention, said application, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto.

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said New England Tea Crates, Inc. as the assignee of the whole right, title, and interest thereto.

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing subdivisions of said application for patent, and for obtaining any reissue or reissues of any Letters Patent which may be granted for our aforesaid invention, as the assignee thereof shall hereafter require and prepare at its own expense.

WITNESS, my hand and seal this 16 day of December,
2006.



Samuel Adams

INTERNAL MEMO

**Revere & Co
100 Lexington Way
York
YO14 7BJ
Tel: 01980 389303
Fax: 01980 456286**

Ref: REV/NETC

Dear Student

Please file a new UK Patent Application according to the letter at Annex 1 and information from the Assignment at Annex 1A.

The amended description comprises the following pages: Description (15 pages), Claims (2 pages), Drawings (3 pages) and Abstract (1 page).

Please fill out the forms for filing the new UK patent application.

Regards,

Paul Revere



Patents Form 1/77

Patents Act 1977
(Rule 16)

1/77

For Innovation

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" to which all correspondence should be sent. This may be in the European Economic area for most applications, but must be in the United Kingdom for any application covered by the warning note below
(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. Until such time or until the revocation of any direction, for any such application the address for service referred to at part 4 above must be in the United Kingdom.

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 to request a copy.



Patents Form 7/77

Patents Act 1977
(Rule 15)

7/77

For Innovation

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, e-mail address, telephone, fax and / or mobile
number, if any, of a contact point for the applicant

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 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>

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

Reminder

Have you signed the form?

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



Patents Form 9A/77

Patents Act 1977
(Rule 28A, 32)

9A/77

For Innovation

The Patent Office

Request for search

(See the notes on the back of this form)

Cardiff Road
Newport
South Wales
NP10 8QQ

1. Your reference:

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

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

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?
(see note (d))

YES

NO

If YES state how many and remember to pay the extra fee.

6. Are you paying the application fee with this form? (See note (e))

YES

NO

7. Signature

Date

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

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.*



Patents Form 10/77

Patents Act 1977
(Rule 33)

10/77

For Innovation

Request for a substantive examination

(See the notes on the back of this form)

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. *(see note (c))*

I/We request substantive examination of this application.

Signature

Date

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

Patents Form 10/77

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 are filing this form with a Patents Form 9A/77 for the same application and you do not want the search and substantive examination to be done at the same time, you should indicate this by writing "Not combined search and examination" on the front of this form in the space below part 5.*
- d) *Once you have filled in the form remember to sign and date it*
- e) *For details of the fee and ways to pay, please contact the Patent Office.*

2006

January 2006

Mo	Tu	We	Th	Fr	Sa	Su
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February 2006

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March 2006

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April 2006

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May 2006

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June 2006

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July 2006

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August 2006

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September 2006

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October 2006

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November 2006

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December 2006

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Holidays and Observances

1 Jan New Year's Day
 2 Jan New Year's Day Holiday
 14 Apr Good Friday
 16 Apr Easter Sunday

17 Apr Easter Monday
 1 May Early May Bank Holiday
 29 May Spring Bank Holiday
 28 Aug Summer Bank Holiday

25 Dec Christmas Day
 26 Dec Boxing Day

More holidays are available - customize "Display holidays" or enable all holidays

2007

January 2007

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February 2007

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March 2007

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April 2007

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May 2007

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June 2007

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July 2007

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August 2007

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September 2007

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October 2007

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November 2007

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December 2007

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24	25	26	27	28	29	30
31						

Holidays and Observances

1 Jan New Year's Day	9 Apr Easter Monday	27 Aug Summer Bank Holiday
6 Apr Good Friday	7 May Early May Bank Holiday	25 Dec Christmas Day
8 Apr Easter Sunday	28 May Spring Bank Holiday	26 Dec Boxing Day

More holidays are available - [customize "Display holidays"](#) or [enable all holidays](#)

2008

January 2008

Mo	Tu	We	Th	Fr	Sa	Su
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February 2008

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March 2008

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April 2008

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May 2008

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June 2008

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July 2008

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28	29	30	31			

August 2008

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25	26	27	28	29	30	31

September 2008

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					

October 2008

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		

November 2008

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

December 2008

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				

Holidays and Observances

1 Jan New Year's Day	24 Mar Easter Monday	25 Aug Summer Bank Holiday
21 Mar Good Friday	5 May Early May Bank Holiday	25 Dec Christmas Day
23 Mar Easter Sunday	26 May Spring Bank Holiday	26 Dec Boxing Day

More holidays are available - customize "Display holidays" or enable all holidays

UK Patent Office Official Holidays (working days only) for 2007

<i>Holiday</i>	<i>Date</i>
New Years Day	Monday 1 January 2007
Good Friday	Friday 6 April 2007
Easter Monday	Monday 9 April 2007
Early Spring Bank Holiday	Monday 7 May 2007
Late Spring Bank Holiday	Monday 28 May 2007
August Bank Holiday	Monday 27 August 2007
Christmas Day	Tuesday 25 December 2007
Boxing Day	Wednesday 26 December 2007
New Years Day	Tuesday 1 January 2008



These are the official holidays (working days only) of the European Patent Office in each place of employment for the year 2007

[homepage](#) => [general presentation](#) => [about the EPO](#) => [official holidays](#)

BERLIN

date	occasion
01-Jan	New Year's Day
06-Apr	Good Friday
09-Apr	Easter Monday
01-May	Labour Day
17-May	Ascension Day
28-May	Whit Monday
03-Oct	Day of German Unity
24-Dec	Christmas Eve
25-Dec	Christmas Day
26-Dec	Boxing Day
31-Dec	New Year's Eve

THE HAGUE

date	occasion
01-Jan	New Year's Day
06-Apr	Good Friday
09-Apr	Easter Monday
30-Apr	National Holiday
01-May	Labour Day
17-May	Ascension Day
28-May	Whit Monday
24-Dec	Christmas Eve
25-Dec	Christmas Day
26-Dec	Boxing Day
31-Dec	New Year's Eve

Munich

date	occasion
01-Jan	New Year's Day
06-Apr	Good Friday
09-Apr	Easter Monday
01-May	Labour Day
17-May	Ascension Day
28-May	Whit Monday
07-Jun	Corpus Christi
15-Aug	Assumption Day
03-Oct	Day of German Unity
01-Nov	All Saints' Day
24-Dec	Christmas Eve
25-Dec	Christmas Day
26-Dec	Boxing Day
31-Dec	New Year's Eve

VIENNA

date	occasion
01-Jan	New Year's Day
06-Apr	Good Friday
09-Apr	Easter Monday
01-May	Labour Day
17-May	Ascension Day
28-May	Whit Monday
07-Jun	Corpus Christi
15-Aug	Assumption Day
03-Oct	Day of German Unity
26-Oct	National Holiday
01-Nov	All Saints' Day
24-Dec	Christmas Eve
25-Dec	Christmas Day
26-Dec	Boxing Day
31-Dec	New Year's Eve