

PATENT ADMINISTRATORS COURSE 2008/9 MOCK EXAMINATION

Thursday 29th January 2009

Exam Starts: 2.00pm

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.
6. In addition, you are provided with:
 - Blank Patents Form 1
 - Blank Patents Form 7
 - A 2009 Calendar
 - EPO Holiday Dates 2009
7. 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.
8. 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 2008/9

Mock Exam 29th January, 2009

- (1) You are employed by the firm of Morrison Densmore & Kreiger, European Patent Attorneys. Complete the attached patents forms according to the information and instructions contained in the accompanying client's letter and memorandum from your supervising attorney James Morrison (Annex 1).

(15 Marks)

- (2) What options are available for filing the application described in Question 1 so as to receive today's date as its date of filing?

(3 Marks)

- (3) You receive instructions from a West Coast US attorney to file a UK patent application claiming priority of a US application filed on 29th January 2008, but due to the eight hour time difference these instructions do not arrive in your office until 10 p.m. on 29th January 2009, when your office is closed. You learn that the US attorney received written filing instructions from the applicant on 22nd January 2009.

- (a) What can you do to file the application claiming priority?

(4 marks)

- (b) What is the last date on which the application can be filed with this priority claim?

(2 marks)

- (4) (a) At what stage in the application procedure are UK, European and PCT applications published?

(2 marks)

- (b) What do A1, A2 and A3 publications signify?

(3 marks)

- (5) Which of the A1, A2 or A3 publications determines the deadline for requesting examination of a European patent application?

(2 marks)

- (6) How is the deadline in question 5 calculated?

(2 marks)

(7) The EPO issued a Communication pursuant to Article 94(3) EPC (a substantive examination report) dated 11th November 2008. This communication arrives at your office on 14th November 2008. The communication provides a term of 4 months from notification in which to file a response.

(a) On what date is the response due? Explain how you arrived at your answer.

(4 marks)

(b) What are the consequences if the response is not filed by this date?

(1 mark)

Today your patent attorney tells you that she will not be able to prepare the response until 30th April 2009 as she is waiting for some information from the inventor.

(c) What action should you take?

(3 marks)

(8) (a) Who can file a European divisional application?

(1 mark)

(b) Where and when can you file a European divisional application?

(3 marks)

(c) What fees must be paid to file a European divisional application and when will they be due?

(4 marks)

(9) A European patent application was filed on 1st September 2006, claiming a priority of 1st October 2005.

(a) On what date was the first renewal fee due?

(3 marks)

(b) On what date does the grace period for late payment expire?

(2 marks)

(c) What would be the time limit for re-establishment of rights if the grace period is missed?

(2 marks)

- (10) You received a communication from the EPO dated 5th January 2009 notifying you of the decision to refuse an application. When must the notice of appeal and grounds of appeal be filed?

(5 marks)

- (11) Who may file a PCT application?

(3 marks)

- (12) (a) What are the competent receiving offices for a UK citizen who wishes to file a PCT application?

(3 marks)

- (b) What happens if the application is filed at an office of a PCT contracting State which is not competent to receive it?

(1 mark)

- (13) The UKIPO acting as receiving office for an international application issues a letter dated 10th February 2009 calling for formal drawings to be supplied within a time limit of two months. What is the latest date for filing a response? (Ignore requests for extension of time).

(3 marks)

- (14) What is the time limit for filing a "Demand" for an international application?

(2 marks)

- (15) A PCT application was filed on 24th August 2007, claiming a priority of 24th August 2006. Without extensions, what is the last date for:

- (a) entering the European regional phase

(3 marks)

- (b) entering the US national phase?

(2 marks)

- (16) In the context of the PCT, what is the meaning of the following abbreviations?

IPEA

IB

ISA

IPRP

(4 marks)

(17) What elements must an international application contain in order to obtain a filing date under the Patent Co-operation Treaty?

(5 marks)

(18) A UK based client comes to you with an invention concerning a nuclear warhead which he wishes to patent in the USA. What, if any, are the restrictions on filing the application?

(3 marks)

(19) You have received a Communication pursuant to Rule 71(3) EPC dated 29th January 2009 informing you of the EPO's intention to grant a patent on a European patent application. What steps must be taken, and by when?

(6 marks)

(20) For a European patent application, which of the following can be corrected by further processing?

- (a) Failure to pay the filing and search fee
- (b) Failure to pay a renewal fee
- (c) Failure to file a translation of the claims under Rule 71(3) EPC 2000 (formerly rule 51(4) EPC 1973)
- (d) Missing the date for applying for further processing

(4 marks)

ANNEX 1

WEST COAST DOORS, INC.
1000 MOONLIT DRIVE
LOS ANGELES, CA 90412
United States of America
20 January 2009

Mr James D. Morrison
Morrison Densmore & Kreiger
122 Holborn
London EC1N 2SQ

Dear Jim

New Patent Application in the UK
Claiming Priority from US 11/000521
"Improvements relating to doors"

I am enclosing a new patent for filing at the UK Intellectual Property Office before the convention deadline of 10 February 2009.

The enclosed specification comprises 25 pages of description, 3 pages of claims (13 claims), 1 page of abstract, and 14 sheets of drawings (figures 1-14). Please file the application on the basis of the enclosed specification and the following data:

Title: Improvements relating to doors
Applicant: West Coast Doors, Inc.
Inventors: Raymond Manzarek
Priority: US 11/000521 filed 10 February 2008
Right to
Apply: By virtue of an assignment dated 14 February 2008

Please file immediately on receipt, but defer payment of any fees until as late as possible.

Please let me know if you need anything further to enable you to file the application.

I look forward to receiving your report and debit note in due course. In the meantime, I would be grateful if you would confirm safe receipt of these instructions.

Very truly yours
Ray
Raymond Manzarek
Vice-President
WEST COAST DOORS, INC.

ANNEX 1

**Morrison Densmore & Kreiger
122 Holborn
London EC1N 2SQ
Tel: 0207 675 1300
Fax: 0207 675 1301**

INTERNAL MEMO

Ref: P12345GB-JDM

Dear Administrator

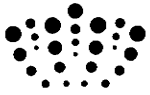
I attach instructions for filing a new UK patent application.

Please prepare forms 1 and 7 for me to sign, so we can file the application today. The client does not wish to incur fees immediately, so we will be filing the form 9 at the end of the convention period.

No amendments are being made prior to filing. By way of reminder, our ADP number is 18901234

Many thanks.

Jim
James D. Morrison



Patents Form 1

Patents Act 1977 (*Rule 12*)

Request for grant of a patent

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

Concept House
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*):

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 or Channel Islands
(see warning note below)
(*including the postcode*)

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

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

Patents Form 1

9. Accompanying documents:
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):

Request for search (Patents Form 9A):

Request for substantive examination
(Patents Form 10):

Any other documents:
(please specify)

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

Signature(s):

Date:

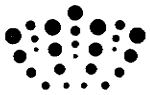
-
12. Name, e-mail address, telephone,
fax and/or mobile number, if any,
of a contact point for the applicant:

Warning

After an application for a patent has been filed, the Comptroller 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 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. Although you may have an address for service in the Channel Islands, any agent instructed to act for you must reside or have a place of business in the European Economic Area or Isle of Man.

Notes

A leaflet on how to fill in this form is available from the Office. If you would like a copy of the leaflet it is available on our website at <http://www.ipo.gov.uk/patent/info/fact01.pdf> or alternatively you could telephone 08459 500505 or send an email to enquiries@ipo.gov.uk to request a copy.



Patents Form 7

Patents Act 1977 (*Rule 10*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Statement of inventorship and of right to grant of a patent

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 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 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 and attach it to this form.*
- d) *Once you have filled in the form remember to sign and date it.*

Patents Form 7

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> :

2009 (UK)

January

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March

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June

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August

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September

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December

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Holidays and Observances:

1 Jan New Year's Day
 10 Apr Good Friday
 12 Apr Easter Sunday
 13 Apr Easter Monday (WAL, ENG, NIR)
 4 May Early May Bank Holiday
 25 May Spring Bank Holiday

31 Aug Summer Bank Holiday (WAL, ENG, NIR)
 31 Oct Halloween
 5 Nov Guy Fawkes Day
 25 Dec Christmas Day
 26 Dec Boxing Day
 28 Dec Bank Holiday

Mitteilungen des Europäischen Patentamts

Mitteilung der Präsidentin des Europäischen Patentamts vom 30. September 2008 über die Tage, an denen die Annahmestellen des EPA im Jahr 2009 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 2009 an allen Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2009 werden in der nachfolgenden Übersicht bekannt gegeben.

Information from the European Patent Office

Notice from the President of the European Patent Office dated 30 September 2008 concerning the days on which EPO filing offices are closed in 2009

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 2009, 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 2009 are listed below.

Communications de l'Office européen des brevets

Communiqué de la Présidente de l'Office européen des brevets, en date du 30 septembre 2008, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2009

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 2009 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 2009 sont énumérés dans la liste ci-après.

Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Neujahr – New Year's Day – Nouvel An	01.01.2009	x	x	x
Brückentag – Bridging Day – Pont	02.01.2009	x	x	x
Heilige Drei Könige – Epiphany – Epiphanie	06.01.2009	x		
Karfreitag – Good Friday – Vendredi Saint	10.04.2009	x	x	x
Ostermontag – Easter Monday – Lundi de Pâques	13.04.2009	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	30.04.2009		x	
Maifeiertag – May Day – Fête du Travail	01.05.2009	x	x	x
Tag der Befreiung – Liberation Day – Journée de la Libération	05.05.2009		x	
Christi Himmelfahrt – Ascension Day – Ascension	21.05.2009	x	x	x
Brückentag – Bridging Day – Pont	22.05.2009	x	x	x
Pfingstmontag – Whit Monday – Lundi de Pentecôte	01.06.2009	x	x	x
Fronleichnam – Corpus Christi – Fête-Dieu	11.06.2009	x		
Heiliger Abend – Christmas Eve – Veille de Noël	24.12.2009	x	x	x
1. Weihnachtstag – Christmas Day – Noël	25.12.2009	x	x	x
Silvester – New Year's Eve – Saint-Sylvestre	31.12.2009	x	x	x