

PATENT ADMINISTRATORS COURSE 2009/10 MOCK EXAMINATION

Thursday 28th January 2010

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 and 2.
6. In addition, you are provided with:
 - Blank PCT Request Form
 - A 2009 and 2010 Calendar
 - EPO Holiday Dates 2010
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 2009/10

Mock Exam 28th January, 2010

(1) Please see the attached Annex 1 and Annex 2, and follow the instructions.

(20 marks)

(2) Are renewal fees payable in respect of the following? (Where renewal fees are payable, indicate when the first fee is due, the frequency of payment and when the renewal fees cease).

a) A pending PCT application

(1 mark)

b) A pending UK patent application

(1 mark)

c) A pending European patent application

(3 marks)

(3) A European patent application was filed on 20 October 2008 claiming a priority date of 21 October 2007. What is the last day that the first renewal fee can be paid without surcharge? Give your reasons.

(3 marks)

(4) For the European application in Question 3, what is the earliest possible date for payment of the first renewal fee? Give your reasons.

(3 marks)

(5) You have received Form PCT/IB/206, Invitation to pay additional search fees, dated 23/12/2009, indicating that the ISA considers that there are two inventions in the application. You have to diary the deadline by which the additional search fee must be paid.

a) What is the deadline date for payment of the additional search fee? Give your reasons.

(4 marks)

b) Where does the additional search fee have to be paid?

(1 mark)

(6) A PCT Application was filed on 02 February 2009 claiming priority from a UK Application filed on 07 February 2008. The search report and Written Opinion were issued on 05 November 2009.

a) When should the Demand be filed? Give your reasons.

(5 marks)

b) Can an extension of time be obtained?

(1 mark)

c) Where should the Demand be filed?

(1 mark)

(7) A UK patent application was filed on 1 February 2007, claiming a priority date of 03 February 2006.

(a) When must the application be in order for grant? Give your reasons.

(3 marks)

(b) How would your answer differ if the first substantive examination report has been delayed until 01 December 2009? Calculate the new date.

(3 marks)

(8)

a) What is the deadline for filing Patents Form 9A to request a search if an application includes a declaration of priority?

(3 marks)

b) What is the deadline for filing Patents Form 10 for a request for substantive examination?

(2 marks)

(9) The deadline for reply to an examination report on a UK patent application is 08 December 2009. Is it possible to extend this deadline and if so how is this done? What is the new deadline?

(5 marks)

(10) On a different UK application, after responding to the first examination report, for commercial reasons the client wants to file amendments to the claims. Can your attorney file another set of claim amendments? If so, under what conditions?

(2 marks)

(11) The attorney you support receives a section 18(4) examination report explaining that the client's UK application is in order for grant. However, the client would like to amend the claims currently on file. Is this possible? If so, under what conditions?

(2 marks)

(12) You do not receive instructions as to whether your client wishes to file a new UK patent application claiming priority of a first UK application filed on 22 December 2009, despite sending several reminders. On 04 January 2010 you receive instructions to file the new application, which the client had posted to you on 14 December 2009. What must be done to file the new application with the desired priority claim?

(5 marks)

(13) A declaration of inventorship for a European Patent Application was due to be filed by 15 December 2009. The EPO informs the applicant that the declaration was received only on 05 January 2010 and therefore the application is deemed withdrawn. The applicant tells you that the declaration was sent to the EPO by a recognised delivery service, who were given the document on 09 December 2009. What is the position?

(3 marks)

(14) If the application in Question 13 had been a UK application, what is the position? How would you remedy the situation?

(3 marks)

(15) A European Patent Application was filed on 06 January 2010 in a language which is not an official language of the EPO. Into which language must the Application be translated?

(3 marks)

(16)

a) By when must the translation referred to in Question 15 be filed?

(4 marks)

b) Is there any extension of the time limit? If so, by how much?

(2 marks)

(17) A European Patent Application has been filed without claims on 04 December 2009. Subsequently, on 04 January 2010 a set of 129 claims is filed.

a) For which claims must a claims fee be paid and with what time limit?

(5 marks)

b) What happens if the claims fee is not paid?

(1 mark)

(18) A European Patent Application was filed in February 2007. You have been informed of the text on which the EPO intends to grant the Patent. There are 43 pages. What action must be taken to secure grant?

(4 marks)

(19) What difference would there be in your answer to Question 18 if the application had been filed after 1 April 2009?

(1 Mark)

(20) Because of a mistake in your office, you have missed a renewal date on a European patent application. Describe six things relating to your office and its organisation, which affect whether or not re-establishment of rights is likely to be successful.

(6 marks)

ANNEX 1

WANGLE WHEEDLE & BLOCH INTERNAL MEMO

Tel 020 7821 2345

Fax 020 7821 5432

Email pats-r-us.co.uk

Case ref: UDC-027

Dear Administrator,

Please fill in a PCT request form PCT/RO/101 for a new application for our client, The Urgent Detergent Co. Ltd., in accordance with Mr. Soap's instructing letter as attached [Annex 2].

I have prepared a revised specification with 18 pages description, 2 pages claims and an abstract. There are no drawings.

Mr. Soap is the only inventor. Official correspondence should be sent to him at the R&D Department address on his letter, but the address for the main applicant should be the company headquarters as given on the Companies Register, which is:

Port Moonlight
Greater Bermondsey
London SE20 0DM

The application is to be filed at the UK Intellectual Property Office, with fees paid by cheque from our firm's bank account. For safety, any shortfalls can be debited to our deposit account no. D04321. The cheque and fee calculation sheet will be prepared by our accounts department and added to the application papers.

Priority is to be claimed from the existing UK case, with the priority document prepared by the IPO and forwarded to the IB. A copy of the UK search report is similarly to be prepared and forwarded.

Copies of general powers of attorney for all applicants are available on our earlier file UDC-023.

There is no need to complete the Declaration pages in the Request form and these have been removed.

AW
27-01-2010

ANNEX 2

The Urgent Detergent Co. Limited

Research & Development Department
1 Bath Road
Washington
Tyne and Wear
SU12 3QQ
United Kingdom

21st January 2010

Andrew Wangle
Wangle Wheedle & Bloch
Patent Attorneys
22 Blue Lion Court
Holborn
London
WC2A 1AZ

Dear Andrew,

Re: **UK Patent Application No. GB0900723.4**
"Cleaning Materials"

Thank you for your recent reminder. I am amazed that the above initial UK application for this invention was filed as long ago as 28th January 2009. How time flies! We are very excited by this project, which looks like it will be commercially important. We therefore want to file a PCT application to keep our options open in all available PCT territories; with the minor changes to the specification that you have recommended, to take account of the IPO search results and the further refinements to our invention.

Please could you handle this application for us. I confirm that I am a UK national and resident.

With thanks and best wishes,

Joe Soap

Joseph Soap
Research Director

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum)

Box No. I	TITLE OF INVENTION
Box No. II	APPLICANT <input type="checkbox"/> This person is also inventor
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	
	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office
<input type="checkbox"/> E-mail authorization: Marking this check-box authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, if the Office or Authority so wishes, advance copies of notifications in respect of this international application. (See also the Notes to Boxes Nos. II and III.)	E-mail address
State (that is, country) of nationality:	State (that is, country) of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
Box No. III	FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.	
Box No. IV	AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input type="checkbox"/> agent <input type="checkbox"/> common representative	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
	Telephone No.
	Facsimile No.
	Agent's registration No. with the Office
<input type="checkbox"/> E-mail authorization: Marking this check-box authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, if the Office or Authority so wishes, advance copies of notifications in respect of this international application. (See also the Notes to Boxes Nos. II and III.)	E-mail address
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S) <i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.	

Box No. V DESIGNATIONS

The filing of this request constitutes under Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

- DE Germany is not designated for any kind of national protection
- JP Japan is not designated for any kind of national protection
- KR Republic of Korea is not designated for any kind of national protection
- RU Russian Federation is not designated for any kind of national protection

(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)

Box No. VI PRIORITY CLAIM

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				
item (4)				

Further priority claims are indicated in the Supplemental Box.

Transmit certified copy: the receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) *(only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office)* identified above as:

- all items item (1) item (2) item (3) item (4) other, see Supplemental Box

Restore the right of priority: the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (_____). *(See also the Notes to Box No. VI; further information must be provided to support a request to restore the right of priority.)*

Incorporation by reference: where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) *(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):*

ISA/

Continuation of Box No. VII USE OF RESULTS OF EARLIER SEARCH, REFERENCE TO THAT SEARCH

The ISA indicated in Box No. VII is requested to take into account the results of the earlier search(es) indicated below (*see also Notes to Box VII; use of results of more than two earlier searches*).

Filing date (day/month/year)	Application Number	Country (or regional Office)
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Statement (Rule 4.12(ii)): this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.

Availability of documents: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12bis.1(f)):

- a copy of the results of the earlier search,*
- a copy of the earlier application,
- a translation of the earlier application into a language which is accepted by the ISA,
- a translation of the results of the earlier search into a language which is accepted by the ISA,
- a copy of any document cited in the results of the earlier search. (*If known, please indicate below the document(s) available to the ISA*):

Transmit copy of results of earlier search and other documents (*where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office*): the receiving Office is requested to prepare and transmit to the ISA (Rule 12bis.1(c)):

- a copy of the results of the earlier search,*
- a copy of the earlier application,
- a copy of any document cited in the results of the earlier search.

* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12bis.1(a)) (*See item 11. in the check-list and also Notes to Box No. VII*).

Filing date (day/month/year)	Application Number	Country (or regional Office)
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Statement (Rule 4.12(ii)): this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.

Availability of documents: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12bis.1(f)):

- a copy of the results of the earlier search,*
- a copy of the earlier application,
- a translation of the earlier application into a language which is accepted by the ISA,
- a translation of the results of the earlier search into a language which is accepted by the ISA,
- a copy of any document cited in the results of the earlier search. (*If known, please indicate below the document(s) available to the ISA*):

Transmit copy of results of earlier search and other documents (*where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office*): the receiving Office is requested to prepare and transmit to the ISA (Rule 12bis.1(c)):

- a copy of the results of the earlier search,*
- a copy of the earlier application,
- a copy of any document cited in the results of the earlier search.

* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12bis.1(a)) (*See item 11. in the check-list and also Notes to Box No. VII*).

Further earlier searches are indicated on a continuation sheet.

Box No. VIII DECLARATIONS

The following **declarations** are contained in Boxes Nos. VIII (i) to (v) (*mark the applicable check-boxes below and indicate in the right column the number of each type of declaration*):

		Number of declarations
<input type="checkbox"/> Box No. VIII (i)	Declaration as to the identity of the inventor	:
<input type="checkbox"/> Box No. VIII (ii)	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	:
<input type="checkbox"/> Box No. VIII (iii)	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	:
<input type="checkbox"/> Box No. VIII (iv)	Declaration of inventorship (only for the purposes of the designation of the United States of America)	:
<input type="checkbox"/> Box No. VIII (v)	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	:

Box No. IX CHECK LIST for PAPER filings – this sheet is only to be used when filing an international application on PAPER			
This international application contains the following:	Number of sheets	This international application is accompanied by the following item(s) (<i>mark the applicable check-boxes below and indicate in right column the number of each item</i>):	Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets)	:	1. <input type="checkbox"/> fee calculation sheet	:
(b) description (excluding any sequence listing part of the description, see (f), below)	:	2. <input type="checkbox"/> original separate power of attorney	:
(c) claims	:	3. <input type="checkbox"/> original general power of attorney	:
(d) abstract	:	4. <input type="checkbox"/> copy of general power of attorney, reference number:	:
(e) drawings (if any)	:	5. <input type="checkbox"/> statement explaining lack of signature	:
(f) sequence listing part of the description (if any)	:	6. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s)	:
Total number of sheets :	0	7. <input type="checkbox"/> Translation of international application into (<i>language</i>):	:
		8. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material	:
		9. <input type="checkbox"/> copy in electronic form (Annex C/ST.25 text file) on physical data carrier(s) of the sequence listing, not forming part of the international application, which is furnished only for the purposes of international search under Rule 13ter (<i>type and number of physical data carriers</i>)	:
		10. <input type="checkbox"/> a statement confirming that “the information recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application” as filed on paper	:
		11. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) ..	:
		12. <input type="checkbox"/> other (<i>specify</i>):	:
Figure of the drawings which should accompany the abstract:		Language of filing of the international application:	
Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE			
<i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>			
For receiving Office use only			
1. Date of actual receipt of the purported international application:			2. Drawings:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:			<input type="checkbox"/> received:
4. Date of timely receipt of the required corrections under PCT Article 11(2):			<input type="checkbox"/> not received:
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid		
For International Bureau use only			
Date of receipt of the record copy by the International Bureau:			

2009 (UK)

January

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February

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March

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April

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May

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August

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September

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October

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December

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Holidays and Observances:

1 Jan	New Year's Day	31 Aug	Summer Bank Holiday (WAL, ENG, NIR)
10 Apr	Good Friday	31 Oct	Halloween
12 Apr	Easter Sunday	5 Nov	Guy Fawkes Day
13 Apr	Easter Monday (WAL, ENG, NIR)	25 Dec	Christmas Day
4 May	Early May Bank Holiday	26 Dec	Boxing Day
25 May	Spring Bank Holiday	28 Dec	Bank Holiday

2010 (UK)

January

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February

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March

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April

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May

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

1 Jan New Year's Day
 2 Apr Good Friday
 4 Apr Easter Sunday
 5 Apr Easter Monday (ENG, NIR, WAL)
 3 May Early May Bank Holiday

31 May Spring Bank Holiday
 30 Aug Summer Bank Holiday (ENG, NIR, WAL)
 31 Oct Halloween
 5 Nov Guy Fawkes Day
 25 Dec Christmas Day

26 Dec Boxing Day
 27 Dec Bank Holiday
 28 Dec Bank Holiday



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October 2009

Notice from the President of the European Patent Office dated 28 July 2009 concerning the days on which EPO filing offices are closed in 2010

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 2010, 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 2010 are listed below.

Days		Munich	The Hague	Berlin
New Year's Day	01.01.2010	x	x	x
Epiphany	06.01.2010	x		
Good Friday	02.04.2010	x	x	x
Easter Monday	05.04.2010	x	x	x
National holiday	30.04.2010		x	
Liberation Day	05.05.2010		x	
Ascension Day	13.05.2010	x	x	x
Bridging day	14.05.2010	x	x	x
Whit Monday	24.05.2010	x	x	x
Corpus Christi	03.06.2010	x		
Christmas Eve	24.12.2010	x	x	x
New Year's Eve	31.12.2010	x	x	x

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