# PATENT ADMINISTRATORS COURSE 2010/11 MOCK EXAMINATION

#### Thursday 27th January 2011

**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. This paper is 'open book' therefore you are permitted to use notes and other printed reference material during the examination.
- 2. You should attempt all questions.
- 3. The number of marks allotted to each question is indicated on the paper.
- 4. Please write clearly, as it is difficult to award marks to illegible answers.
- 5. The Paper consists of 3 pages of questions plus Annex 1 and Annex 2.
- 6. In addition, you are provided with:
  - Form PCT/RO/101
  - A 2010, 2011, 2012 and 2013 Calendar
  - EPO Holiday Dates 2011
- 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 2010/11

### Mock Exam 27<sup>th</sup> January, 2011

You work as a Patent Administrator for the firm of Hubris & Sophrosyne. Please see attached Annex 1 and Annex 2, and follow the instructions provided.

(20 marks)

(2) The PCT application of Question 1 is filed at the UK Intellectual Property Office as the Receiving Office. What happens as a consequence of this?

(2 marks)

(3) A PCT application was filed on 11<sup>th</sup> October 2010, claiming an earliest priority of 12<sup>th</sup> October 2009. The international search report was transmitted to the International Bureau on 19<sup>th</sup> November 2010. Want is the last date for filing amendments to the claims under PCT Article 19, to be sure that they will be published? Give your reasons.

(9 marks)

Where must these amendments be filed?

(1 mark)

(4) In the context of the Patent Cooperation Treaty, what do the following abbreviations stand for?

WO-ISA, IPRP, SISA, RO

(2 marks)

(5) A PCT application was filed on 22<sup>nd</sup> May 2009 and claimed priority from a UK application which was filed on 23<sup>rd</sup> May 2008. What was the deadline for entering the PCT application into the European regional phase? Explain your answer.

(3 marks)

(6) A European patent application was filed directly at the EPO on 15<sup>th</sup> September 2008 and was published without a search report on 12<sup>th</sup> March 2010. The search report was subsequently published on 1<sup>st</sup> July 2010. What is the deadline for paying the examination fee without requesting any extension of time? Explain your answer.

(4 marks)

(7) A non-unity objection was raised on 5<sup>th</sup> May 2010 by the Search Division in a search report on a European patent application. The objection was repeated in a communication from the Examining Division dated 5<sup>th</sup> October 2010. When does the time limit for filing a mandatory divisional patent application expire? Explain your answer.

(4 marks)

(8) What are the (minimum) requirements for obtaining a filing date for a European patent application?

(4 marks)

(9) A first substantive communication from the Examining Division pursuant to Article 94(3) issues on a European patent application. It is dated 16th August 2011. Calculate the deadline for filing a voluntary divisional application.

(3 marks)

(10) You have received a communication dated 19<sup>th</sup> October 2010 from the Examination Division, concerning a European patent application. The communication specifies a period of four months for filing a response. Excluding requests for extension of time, what is the final date for filing the response?

(4 marks)

(11) What is the meaning of the following codes in relation to publication of a European patent application?

A1, A2, A3, B1

(2marks)

- (12) A UK patent was applied for on 24th January 2005 claiming priority of a UK patent application filed on 26th January 2004. The patent was granted on 3rd November 2010. Giving your reasons:
  - a) What is the final date for paying the first renewal fee(s) on time? (5 marks)
  - b) What is the final date for paying the first renewal fee(s) with an extension of time but without an additional penalty fee? (2 marks)
  - c) How many years' renewal fees will be payable on those dates? (2 marks)
- (13) The deadline for requesting substantive examination for a UK patent application was 30<sup>th</sup> December 2010. On 26<sup>th</sup> January 2011, you realised that you have not received the client's instructions, despite sending numerous reminders. What action must be taken to obtain an extension of time on this deadline? Give the new deadline.

(5 marks)

(14) Due to an error in your office, the extended deadline in question 13 is missed. Can the deadline be further extended? If so, what action must be taken?

(6 marks)

(15) List four different ways that you can file a patent application at the UK Intellectual Property Office.

(2 marks)

(16) A UK patent application was filed on 20<sup>th</sup> July 2007, claiming a priority of 21<sup>st</sup> July 2006. The first substantive examination report issued on 11<sup>th</sup> June 2010. When is the "compliance date" (the date by which all official objections must be answered)?

(7 marks)

- (17) The following are different forms of intellectual property rights:
  - a) Trade marks
  - b) Community Design
  - c) Patents
  - d) Passing-off
  - i) Which of these rights is solely unregistered and can be used to prevent one person from misrepresenting their goods or services as those of another person?
  - ii) Which of these rights is registrable, and provides broadly similar protection to the right identified in your answer to question ii)?
  - iii) Which of these rights does not have an unregistered form?
  - iv) In the context of the above rights, explain what is meant by "registered" and "unregistered".

(5 marks)

- (18) You have missed a priority date for filing a patent application. What standard is applied by:
  - a) The UK Intellectual Property Office
  - b) The European Patent Office

in an application to restore the priority claim?

(2 marks)

- (19) Your firm is asked to file a new PCT application for a UK applicant, with no priority claim. The subject matter is an anti-tank missile.
  - a) Where should the application be filed and why?

(2 marks)

- b) What measures have to be taken if you wish to file the application at a different receiving office? (3 marks)
- (20) List four advantages of the Patent Cooperation Treaty.

(2 marks)

#### Annex 1

#### Liberté-Egalité-Gastronomie S. A.

Troisième Étage, 16 rue de singe d'or, 75018 Paris, France

\*\*\*Le premier nom en aliments à grignoter Françaises depuis 1978\*\*\*

Nancy Ann Stalwart Hubris & Sophrosyne Patent Attorneys 7 Chancery Court London WC1 1BB

25th January 2011

Dear Ms. Stalwart,

We have now decided to go ahead with a PCT application for our new invention – "A Freeze-Drying Process for Snack Food Production" – which we discussed when you visited us last month. Please take the necessary steps. Priority is to be claimed from our French Patent Application No. 2010005325, which was filed on 8<sup>th</sup> February last year. I confirm that I am the sole inventor.

If you need to contact me during the next two weeks, I am on holiday so please respond to my home address:

La Maison de Fromage Dur 59 rue de pont d'Avignon 74022 Paris France

Tel. & Fax +33 (0) 1 53 92 87 00 Email jules.huppert@interwebthingy.fr

We have our nephew and niece from Guyana staying with us, who are thrilled to see their ancestral home and the house in which I was born.

Kind regards,

Jules

Jules Huppert Administrateur en Chef de Sauces

#### Annex 2

HUBRIS & SOPHROSYNE INTERNAL MEMO Tel 0207 405 3214 Fax 0207 405 4123 Email hands@interwebthingy.co.uk

Date: 26th January 2011

Case: NAS/102

Dear Administrator,

Please prepare the PCT request form PCT/RO/101 for a new PCT application for our client Liberté-Egalité-Gastronomie S.A. A copy of the client's letter of instructions is attached.

For filing I have drafted an updated English version of the description (38 pages), the claims (2 pages) and abstract (1 page). There are 16 sheets of drawings. I propose that Figure 2 should accompany the abstract.

Details of the inventor are contained in the client's letter.

The fee sheet will be prepared by the accounts department and added to the application papers.

The declaration pages in the request form will not be completed and have been removed.

In this application I wish to make use of the search report prepared by the EPO on the French priority filing.

Fees are to be paid from our deposit account No. 2805 9999.

Regards, Nancy

### **PCT**

#### REQUEST

For receiving Of	fice use only
International Application No.	
International Filing Date	
Name of receiving Office and "DCT	International Application"

	International Filing Da	le	
The undersigned requests that the present			
international application be processed		1 topor I	
according to the Patent Cooperation Treaty.	Name of receiving Off		national Application"
	Applicant's or agent's (if desired) (12 charact		Value in the second sec
Box No. I TITLE OF INVENTION	***************************************		
			**************************************
Box No. II APPLICANT This perso	m is also inventor		
Name and address: (Family name followed by given name; for a legal em		Telephone No.	
The address must include postal code and name of country. The country of Box is the applicant's State (that is, country) of residence if no State of residence.	the address indicated in this	Totophone 140.	
	,	Facsimile No.	
		Applicant's regist	ration No. with the Office
		C 11 X 12	
E-mail authorization: Marking one of the check-boxes below au International Bureau and the International Preliminary Examini	ng Authority to use the	e-mail address indi	cated in this Box to send,
notifications issued in respect of this international application to the as advance copies followed by paper notifications; or			to do so. otifications will be sent).
E-mail address:			
State (that is, country) of nationality:	State (that is, country)	of residence:	
This person is applicant for the purposes of:	ed States except States of America	the United States of America only	the States indicated in the Supplemental Box
Box No. III FURTHER APPLICANT(S) AND/OR (FURT		or ramorica only	Lie Supplemental Dox
F-1			
Further applicants and/or (further) inventors are indicated	on a continuation sheet.	=======================================	
Box No. IV AGENT OR COMMON REPRESENTATIVE	•	CORRESPONDI	ENCE
The person identified below is hereby/has been appointed to act of the applicant(s) before the competent International Authorities	on behalf sas:	agent	common representative
Name and address: (Family name followed by given name; for a legal em The address must include postal code and name of	tity, full official designation. country.)	Telephone No.	
		Facsimile No.	
		Agent's registration	on No, with the Office
E-mail authorization; Marking one of the check-boxes below au	thorizes the receiving Of	fice the Internation	al Searching Anthority the
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as advance copies followed by paper notifications; or	exclusively in electron	nic form (no paper n	otifications will be sent).
E-mail address:  Address for correspondence: Mark this check-box where	no agent or common ren	resentative is/hee h	een annointed and the
space above is used instead to indicate a special address to	which correspondence s	hould be sent.	сон аррониси яни те

Sheet	Nο			

BOX NO. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
If none of the following sub-boxes is used, this sheet should not be included in the req	quest.
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.)	This person is:  applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.)  Applicant's registration No. with the Office
State (that is, country) of nationality:  State (that is, country)	) of residence:
	the United States of America only the States indicated in the Supplemental Box
Name and address: (Family name followed by given name; for a legal entiry, 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.)	This person is:  applicant only  applicant and inventor  inventor only (If this check-box is marked, do not fill in below.)  Applicant's registration No. with the Office
State (that is, country) of nationality:  State (that is, country)	) of residence:
This person is applicant for the purposes of:  all designated the United States except the United States of America	the United States of America only the States indicated in the Supplemental Box
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.)	This person is:  applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.)  Applicant's registration No. with the Office
State (that is, country) of nationality:  State (that is, country)	l ) of residence:
This person is applicant all designated all designated States except the purposes of:  all designated States except the United States of America	the United States of America only the States indicated in the Supplemental Box
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.)	This person is:  applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.)  Applicant's registration No. with the Office
State (that is, country) of nationality:  State (that is, country)	of residence:
This person is applicant for the purposes of:  all designated all designated States except the United States of America	the United States of America only the States indicated in the Supplemental Box
Further applicants and/or (further) inventors are indicated on another continuation	sheet.

Supplemental Box

If the Supplemental Box is not used, this sheet should not be included in the request.

- If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No..." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
- (i) if more than one person is to be indicated as applicant and/or inventor and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. 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;
- (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
- (iii) If, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Box No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
- (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
- (y) if, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.
- 2. If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such case, write the name or two-letter code of each designated State concerned and the indication "patent of addition," "certificate of addition," "inventor's certificate of addition," the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other parent grant or the date of filing of the parent application (Rules 4.11(a)(i) and 49bis.1(a) or (b)).
- If the applicant intends to make an indication of the wish that
  the international application be treated, in the United States of
  America, as a continuation or continuation-in-part of an
  earlier application: in such case, write "United States of
  America" or "US" and the indication "continuation" or
  "continuation-in-part" and the number and the filing date of
  the parent application (Rules 4.11(a)(ii) and 49bis.1(d)).
- 4. If the applicant wishes to request the receiving Office or the International Bureau to obtain a priority document from a digital library but that document is only held in a digital library in connection with another application which also relied upon that priority document to support a priority claim (and unless that digital library is to be accessed through the Digital Access Service for Priority Documents), in such cases write "Continuation of Box No. II", indicate for each earlier application concerned the same type of information as required in Box No. II and indicate the number under which the application is stored (and, if known, the digital library concerned) (Section 716(a)(ii)).

	Sheet N	lo		
Box No. V DESIGNATIONS				
The filing of this request constitutes u filing date, for the grant of every kind				
However,				
DE Germany is not designated	for any kind of national p	rotection		
JP Japan is not designated for a	my kind of national protec	ction		
KR Republic of Korea is not de	•	*	·	
(The check-boxes above may only be us Rule 26bis. I, the international applica State concerned, in order to avoid the	ion contains in Box No. VI	l a priority claim to an e	arlier national applicat	ion filed in the particular
Box No. VI PRIORITY CLAIM				
The priority of the following earlier ap	plication(s) is hereby clai	med:		A. 1-194
Filing date	Number of carlier application	Whe	ere earlier application is	:
of earlier application (day/month/year)	of earlier application	national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
			}	-
item (3)				
Further priority claims are indica	lted in the Supplemental B	Sox.	<u> </u>	l
The International Bureau is reapplication(s) is available to it fi			I copy of the earlier app	olication(s) (if the earlier
all items item (1)	item (2)	item (3)	other, see Suppler	nental Box
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all items item (1)	item (2)	item (3)	other, see Suppler	nental Box
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Restore the right of priority: the reabove or in the Supplemental Box as information must be provided to supp	tem(s) (			application(s) identified to Box No. VI; further
Incorporation by reference: where the description, claims or drawings completely contained in an earlier ap Article 11(1)(iii) were first received incorporated by reference in this inter	an element of the interna referred to in Rule 20.5(in plication whose priority by the receiving Office	tional application refer a) is not otherwise con is claimed on the date that element or part	ntained in this internat on which one or more is, subject to confirm	ional application but is elements referred to in
Box No. VII INTERNATIONAL	SEARCHING AUTHOI	RITY		
Choice of International Searching a international search, indicate the Auth			Searching Authority is c	ompetent to carry out the

ISA/ .....

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	No. VIII DECLARAT	· · · · · · · · · · · · · · · · · · ·	
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	Box No. VIII (i)	Declaration as to the identity of the inventor  Declaration as to the applicant's entitlement, as at the inter-	emational filing
	Box No. VIII (ii)	date, to apply for and be granted a patent	;
	Box No. VIII (iii)	Declaration as to the applicant's entitlement, as at the int date, to claim the priority of the earlier application	:
	Box No. VIII (iv)	Declaration of inventorship (only for the purposes of the United States of America)	designation of the :
	Box No. VIII (v)	Declaration as to non-prejudicial disclosures or exception	s to lack of novelty :

Sheet	No.			

	international application insthe following:	Number of sheets	followi	ternational application is accompanied by the ing item(s) (mark the applicable check-boxes below licate in right column the number of each item):	Number of items
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## 2010 (UK)

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<u>October</u>	November	December
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1 2 3	1 2 3 4 5 6 7	1 2 3 4 5
4 5 6 7 8 9 10	8 9 10 11 12 13 14	6 7 8 9 10 11 12
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На	lidays and Observances:	
1 Jan New Year's Day	21	26 Paying Day
2 Apr Good Friday	May Spring Bank Holiday	Dec Boxing Day
4 Apr Easter Sunday	30 Summer Bank Holiday (E	
5 Apr Easter Monday (ENG, NIR,	Aug NIR, WAL) 25 Obsistance Page	Dec <u>Holiday</u> 28 <u>Bank</u>
WAL)	Dec Christmas Day	Dec <u>Holiday</u>
3 May <u>Early May Bank Holiday</u>		

### 2011 (UK)

	2011 (OK)	
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July	August	September
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18 19 20 21 22 23 24	22   23   24   25   26   27   28	19 20 21 22 23 24 25
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October	November	December
Mo Tu-We Th Er Sa Su	Mo Tu We Th Er Sa Su	Mo Tu We tih Prisa su
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# ###0112/02010126 B ## 210/10/0218 00/25 B ## 210/10/0218 00/24 B ## Holidays and Observances:

	New Year's Day	29 Apr	Royal Wedding Bank Holiday	5 Nov	Guy Fawkes Day
22	New Year's Day Holiday Good Friday	2 May	Early May Bank Holiday	25 Dec	Christmas Day
Apr 24 Apr	Easter Sunday	30 May	Spring Bank Holiday	26 Dec	Boxing Day
25 Apr	Easter Monday (ENG, NIR, WAL)	29 Aug	Summer Bank Holiday (ENG, NIR, WAL)	27 Dec	Bank Holiday

## 2012 (UK)

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1 Jan New Year's Day

2 Jan New Year's Day Holiday

6 Apr Good Friday

8 Apr Easter Sunday

9 Apr Easter Monday (ENG, NIR, WAL)

Holidays and Observances:

7 May Early May Bank Holiday

4 Jun Spring Bank Holiday

5 Jun The Queen's Diamond Jubilee

27 Aug Summer Bank Holiday (ENG, NIR, WAL)

### 2013 (IIK)

	2013 (UK)	
January	Eebruary	March
Mo Tu We Th Er Sa Su 1 2 3 4 5 6	Mo Tu We Th Fr Sa Su 1 2 3	Mo Tu We Th Hr Sa Su 1 2 3
7 8 9 10 11 12 13	4 5 6 7 8 9 10	4 5 6 7 8 9 10
14 15 16 17 18 19 20	11 12 13 14 15 16 17	11 12 13 14 15 16 17
21 22 23 24 25 26 27	18 19 20 21 22 23 24	18 19 20 21 22 23 24
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April	May	<u>June</u>
Mo Tu We Th Fr Sa Su	Mo TuiWe Th Fr. Sa Su	Mo Tu We The Firsa Su
1 2 3 4 5 6 7	1 2 3 4 5	3 4 5 6 7 8 9
8 9 10 11 12 13 14 15 16 17 18 19 20 21	6 7 8 9 10 11 12 13 14 15 16 17 18 19	3 4 5 6 7 8 9 10 11 12 13 14 15 16
22 23 24 25 26 27 28	20 21 22 23 24 25 26	17 18 19 20 21 22 23
3010018025C	240/1010/1810/2510/6/10	188 6 C 28 C 30 C
Jüly	August	September
Mo Tu We Th Fr Sa Su	Mo Tu We Jib Et Sa Su	Mo Tu We Th Er Sa Su
1 2 3 4 5 6 7	1 2 3 4	
8 9 10 11 12 13 14 15 16 17 18 19 20 21	5 6 7 8 9 10 11 12 13 14 15 16 17 18	2 3 4 5 6 7 8 9 10 11 12 13 14 15
22 23 24 25 26 27 28	19 20 21 22 23 24 25	16 17 18 19 20 21 22
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<u>October</u>	<u>November</u>	December
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1 2 3 4 5 6	1 2 3	
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1 Jan New Year's Day

28 29 30 31

29 Mar Good Friday

31 Mar Easter Sunday

1 Apr Easter Monday (ENG, NIR, WAL)

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23 24 25 26 27 28 29

**Holidays and Observances:** 

6 May Early May Bank Holiday

27 May Spring Bank Holiday

26 Aug Summer Bank Holiday (ENG, NIR, WAL)