

## FORMALITIES MODEL ANSWERS

1. See attached form.

Note: Insufficient information was given to complete Form 7/77. The best candidates noted this point. If you were going to file Form 7/77 two copies should have been filed!

2. Additional documents needed:

- specification with application and within 12 months of earliest priority;
- Form 9/77 within 12 months of earliest priority;
- Claims and abstract within 12 months of earliest priority or 1 month of filing (whichever is later);
- Form 7/77 (one for each inventor plus one for office);
- within 16 months of earliest priority;
- certified copy of original Brazilian application - by 16 months of earliest priority;
- formal drawings (if required) - by 15 months of earliest priority.

NOTE: Translation of certified copy should be filed before grant or if asked for by office. No marks for this as it is not needed before publication!

3.
  - a.
    - i 25 February 2002.
    - ii Fees are due 31 months from the earliest priority which is 24 February 2002, but this is a Sunday and the next day the office is open is 25 February 2002.
  - b.
    - i Translation of specification into an official language by 25 February 2002.
    - ii The application is withdrawn. (Under the new law the position can be recovered by payment of a 500 ECU fee within 2 months - if this was said the examiners gave the mark).
4.
  - a. [Example] A registered design is infringed by making a similar design, no proof of copying is needed. Renewal fees are payable.  
  
(Other possible points: 25 year life, protects appearance)
  - b. An unregistered design must be copied for infringement. No renewal fees payable.

(Other possible points: 10/15 year life, protects shape and configuration, licenses of right for last 5 years of life).

5.
  - a. A description of the invention  
Request for grant  
Name of applicant  
At least one claim
  - b. 3 July 2002, which is 6 months from the publication of the search report (the A3 document).
  - c. 26 April 2004  
Annually.
  - d. 20 years from the European application date.
6. File claims, abstract, and preliminary examination request (on Form 9/77) by 22 April 2002. Deadline is 12 months from earliest priority date.
7. Yes. As it was sent by 1st class post delivery is treated as being one day after posting.
8. 16 January 2003.

The period is 4½ years from priority or 12 months from first official action - whichever is the later. The latter applies in this case.

9. A and C.
10. Novelty  
Inventive Step  
Industrial Applicability

NOTE: These are 3 examples - mark would have been given for any correct answer.

11. Options:
  - a. obtain a permit from the UK Office;
  - b. file a PCT designating AU at the UK Office or receiving office;
  - c. file a UK application and wait 6 weeks.
12.
  - a. 3.
  - b. One for the Patent Office and one for each inventor.
  - c. How the applicant acquired the right to be granted the patent from the inventors.

- d. 16 months from the application (or priority) date.
- 13.
  - a. You will be asked to provide a typed copy complying with the rules within the period laid down by the office.
  - b. Nothing.
- 14. A fee is payable for each sheet over 30.
- 15. A PCT application published in 2002 without a search report.
- 16.
  - a. Yes.
- 17.
  - a. Yes - under the 10-day rule the action was not deemed to have been received until 22 September 2001. Therefore, have until 22 January 2002 to reply.
  - b. Apply by 22 January 2002 in writing for a 2 month extension (no fee).
  - c. EPO will deem the case withdrawn. Can request further processing within 2 months of deemed receipt of notification and pay the fee. The action must also be answered before or at time of request for further processing.
- 18.
  - a. No. 2 month period runs from date of letter (as no 10-day rule for PCTs).
  - b. International Preliminary Examination Report will be issued 28 months (approx) from earliest priority (or just after 1 June 2002).
  - c. 1 August 2002 (or 30 months from earliest priority).
- 19.
  - a. English - the official language.
  - b. English, French or German - the official languages of the EPO.
  - c. English, French or German - the official languages of the EPO as the International Search Authority.
- 20.
  - a. The European Patent Office.
  - b. 11 August 2003. The demand is due 19 months from filing - 9 August 2003. 9 August 2003 is a Saturday, 11 August is first day the office is open.

**Request for grant of a patent**

*(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)*

The Patent Office

Cardiff Road  
Newport  
Gwent NP9 1RH

1. Your reference

2. Patent application number  
*(The Patent Office will fill in this part)*

3. Full name, address and postcode of the or of each applicant *(underline all surnames)*      Brazilia Coffee Co-operatives Limited  
PO Box 2026  
San Paulo  
Brazil

Patents ADP number *(if you know it)*

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

4. Title of the invention      Coffee Processor

5. Name of your agent *(if you have one)*      DU Samba and Associates

“Address for service” in the United Kingdom to which all correspondence should be sent *(including the postcode)*      2 Redcliffe Street  
BRISTOL  
BS1 7HQ

Patents ADP number *(if you know it)*

6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and <i>(if you know it)</i> the or each application number	Country	Priority application number <i>(if you know it)</i>	Date of filing <i>(day / month / year)</i>
	BRAZIL	601762	22 January 2001

7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application	Number or earlier application	Date of filing <i>(day / month / year)</i>

8. Is a statement of inventorship and of right to grant of a patent required in support of this request? <i>(Answer ‘Yes’ if:</i>	Yes
<i>a) any applicant named in part 3 is not an inventor, or</i>	
<i>b) there is an inventor who is not named as an applicant, or</i>	
<i>c) any named applicant is a corporate body.</i>	
<i>See note (d))</i>	

## Patents Form 1/77

9. Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form

Description	10
Claim(s)	1
Abstract	1
Drawing(s)	1

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

Priority documents	1
Translations of priority documents	1
Statement of inventorship and right to grant of a patent ( <i>Patents Form 7/77</i> )	2 ( or note to the examiner )
Request for preliminary examination and search ( <i>Patents Form 9/77</i> )	1
Request for substantive examination ( <i>Patents Form 10/77</i> )	
Any other documents ( <i>please specify</i> )	

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

Signature

DU Samba

Date: 16 January 2002

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

Formalities Manager  
0117 342 50001

### 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 live in the United Kingdom, Section 23 of the Patents Act 1977 stops 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 of the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.*

### Notes

- If you need help to fill in this form or have any questions, please contact the Patent Office on 0645 500505.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.*
- If you have attached 'Yes' Patents Form 7/77 will need to be filed.*
- Once you have filled in the form you must remember to sign and date it.*
- For details of the fee and ways to pay please contact the Patent Office.*