

ICPA: Introductory Certificate in Patent Administration

Mock Examination

2018/19 Course

Time: as agreed with your mentor

**Time allowed – TWO hours
plus 15 minutes reading time**

INSTRUCTIONS TO CANDIDATES

This examination pack comprises:

Candidate Cover Sheet	1 sheet (Live examination only)
Instructions to Candidates	1 sheet
The question paper	6 sheets
Annex A	1 sheet
Annex B	1 sheet
Annex C	1 sheet
Resource Pack	15 sheets

1. You have 15 minutes reading time before the start of the examination. During this time you must not write on the answer script paper, forms, question paper, calendars or annexes.
2. The invigilator will tell you when you can start writing your answers.
3. You should attempt **all** the questions in this question paper.
4. Start each question (but not each part of each question) on a new sheet of paper.
5. Do not state your name anywhere in the answers.
6. Annotated question papers, annexes or calendars will not be marked. Answers must be submitted on the answer script paper and forms provided.
7. Write clearly, as examiners cannot award marks to answers that cannot be read.
8. You will find the **annexes** (referred to in Questions 1 and 6) at the end of the question paper.
9. You will find a **Resource Pack** after the annexes. The Resource Pack has a contents page and contains calendars, office closure dates, and forms.
10. Select and complete the relevant form(s) when instructed by the question.
11. If a question refers to 'today', assume today's date.

Question 1

Your firm receives a communication from the EPO, attached as Annex A, on 17 December 2018.

- a) Ignoring any extensions of time, what is the latest date on which a response can be filed? Show your calculations.

3 marks

- b) The applicant is not in a position to file a response to the communication by the date calculated in part (a). Prior to filing a response, what action should be taken, and by what date, to prevent the application being deemed withdrawn?

2 marks

Total: 5 marks

Question 2

An application for a registered Community design was filed on 8 August 2014, with a priority date of 10 February 2014. The Certificate of Registration issued on 29 August 2014.

- a) By what date is the first renewal fee due? Show your calculations.

2 marks

- b) If all renewal fees are paid, on what date will the registration expire? Show your calculations.

2 marks

Total: 4 marks

Question 3

You filed a first UK patent application on 1 November 2018. You omitted to file the drawings that should have formed part of the application. The UK IPO contacted you regarding the omission.

What will happen to your application if you submitted the drawings on 23 November 2018?

1 mark

Question 4

You receive the memo below from a patent attorney with whom you work.

Following the instructions below, complete the required form(s) to file a UK patent application.

URGENT MEMO:

To: Patent Formalities

From: Gary Baldi CPA, EPA

Reference: UmbType03

I have just been advised by our client that they are disclosing their new 'Electric Umbrella' invention shortly and so we must proceed with filing today. Please therefore prepare appropriate form(s) for a first filing at the UK IPO today. The client does not want to file a search request or examination request at this stage. I will prepare the abstract after filing and I don't yet know the identity of the inventors. As usual the fee sheet will be prepared by our Accounts Department and we will pay the application fee on filing.

The specification for filing comprises:

Description: 45 pages

Claims: 20 claims on 8 pages

Informal drawings: 3 drawings on 2 pages

The applicant details are:

BrightSpark UK Limited
West End Lane
Nottingham
NG13 8TU

Please name me as representative on the form.

Best regards

Gary Baldi

Baldi & Red LLP
14 The Pastures
London
WC1V 1XX

email: gary@baldi.com

9 marks

Question 5

You file a UK patent application consisting of:

- 37 pages of description,
- 26 claims on 5 pages,
- 1 page of abstract, and
- 10 figures on 6 pages of drawings.

You file a request for combined search and examination.

How many excess claims fees and excess pages fees are payable?

2 marks

Question 6

You have been passed an internal memo (Annex B) from Justin, one of the partners at your firm, and an email from Rudi (Annex C), one of your firm's clients.

Using the information provided in the two documents, prepare the appropriate EPO form.

12 marks

Question 7

A European patent application was filed on 23 April 2018. The filing and search fees were paid on filing. The application claimed priority from a UK patent application filed on 24 April 2017. The A2 publication was published on 25 October 2018. The European search report with a search opinion raising objections was issued on 8 November 2018. The A3 publication was published on 5 December 2018.

a) What actions should be taken to ensure that the application is not deemed withdrawn? Explain your answer.

3 marks

b) By what date must these actions be taken? Show your calculations.

2 marks

Total: 5 marks

Question 8

The EPO issues a decision dated 10 December 2018 to refuse a patent. It is received in your office on 14 December 2018. Your client wishes to appeal the decision.

a) **By what date must the notice of appeal be filed? Show your calculations.**

2 marks

b) **By what date must the grounds of appeal be filed? Show your calculations.**

3 marks

Total: 5 marks

Question 9

Beauty & Co Ltd filed a first UK patent application on 1 August 2016. They filed a PCT application on 28 July 2017, which claimed priority from the first UK patent application.

By what date must the national/regional phase be entered in:

a) **Europe?**

b) **Japan?**

Show your calculations.

4 marks

Question 10

When is the first renewal fee due in respect of a UK design registration?

1 mark

Question 11

What is the maximum duration of a UK design registration (if all renewal fees are paid)?

1 mark

Question 12

A UK patent application was filed on 20 November 2014 without claiming priority. A first examination report was issued with a date of 13 March 2018.

- a) **If no extensions of time are obtained, on what date does the compliance period end? Show your calculations.**

5 marks

- b) **If no extensions of time are obtained, what is the latest date on which a divisional application can validly be filed? Show your calculations.**

2 marks

Total: 7 marks

Question 13

A UK patent application is filed on 5 October 2018. The application claims priority from an Australian patent application which has a filing date of 6 October 2017.

- a) **By what date must a designation of inventor form be filed at the UK IPO? Show your calculations.**

2 marks

- b) **You wish to obtain an as-of-right extension of time for filing the designation of inventor form. By what date must this be requested? Show your calculations.**

3 marks

- c) **If the as-of-right extension of time is requested, by what date must you file the designation of inventor form? Show any calculations.**

1 mark

Total: 6 marks

Question 14

A European patent application was filed on 20 April 2009. The application granted on 10 December 2017. All renewal fees to date have been validly paid.

- a) **To which office should the next renewal fee be paid for the UK part of the granted European patent? Explain your answer.**

2 marks

- b) **By what date must the next renewal fee be paid without making use of the grace period? Show your calculations.**

2 marks

Total: 4 marks

Question 15

You are to file a PCT application at the UK IPO for an applicant who is a UK national. What are the five minimum filing requirements to obtain a PCT filing date?

5 marks

Question 16

You receive a decision to grant a European patent dated 11 December 2018, stating that mention of the grant of the patent will be published on 27 February 2019.

What is the latest date on which a divisional application can validly be filed?

1 mark

Question 17

A communication under Rule 71(3) EPC dated 30 November 2018 was received from the EPO in your office on 4 December 2018. The language of the proceedings is English. No excess claims or pages fees are due.

a) What actions must now be taken to ensure grant of the patent?

2 marks

b) By what date must these actions be completed? Show your calculations.

2 marks

Total: 4 marks

Question 18

What is a patent?

3 marks

Question 19

What is the maximum duration of a GB divisional patent?

1 mark

Total Marks: 80 marks

Annex A: Question 1



European Patent Office
80298 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465



Application No. 17123456.7	Ref. P54321EP-D1	Date 12.12.18
Applicant CLP plc		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).

Annex B: Question 6

LastMinuteIP
26 Lenti Place
London, WC1A 2PD
UK
Phone: +44 20 7918 2000
Fax: +44 20 7918 2001

Date: 23 January 2019

URGENT – EP filing needed; Case Ref: VIR-293-EP – Internal Memo

Morning,

We have received the attached email from Virucopia, a British company, instructing us to file a European patent application claiming priority from a UK application.

My friend Rudi, the lead scientist at Virucopia, is presenting at a conference on 5 February 2019. Her presentation will include additional data that we will be including in this specification. Please prepare the official forms for me to sign for filing on **25 January**.

The application is to be filed directly at the EPO. The specification comprises:

36 pages of description

2 pages of claims – 15 claims in total

1 page of abstract

7 sheets of drawings – 8 figures in total.

The Figure to accompany the Abstract is Figure 4.

Please note:

- We do not wish to waive our rights to any of the procedures.
- No Extension or Validation States are required.
- No additional copies of documents cited in the European Search Report are required.
- The Records team will complete the Fee Sheet to file with the application, once the application is ready to go.
- Please name me as representative.

Any questions, give me a call.

Thanks

Justin

Annex C: Question 6

From: Rudi Mentry [mailto:R.Mentry@Virucopia.co.uk]

Sent: 21 January 2019 13:11

To: Justin Thyme <Justin.Thyme@LastMinuteIP.com>

EXTERNAL

Hi Justin,

I hope this email finds you well.

Please file a European patent application claiming priority from our UK application with application number GB 1734892.1, filed on 19 February 2018. To confirm, the details are:

Title: STABLE CELL LINE

Applicant: VIRUCOPIA
107 Suspension Avenue
Hertford
HE29 3KT
United Kingdom

Inventors: To be confirmed

Many thanks for all your help.

Rudi