

Paper Ref	Sheet	Percentage Mark Awarded	Examiner's use only
FC3	1 of 14	64%	
1.			
a)			
The applicant must not obviously lack entitlement to file a PCT application			✓
The application must be filed in the prescribed language			
The application must also include:			
An indication that the application is intended as an international application for a patent,			✓
The name of the applicant,			✓
At least one designated contracting state,			
Something which on the face of it appears to be a description,			✗
Something which on the face of it appears to be a claim or claims.			✗
b)			
The UKIPO, the EPO and the International Bureau (IB).			✓✓✓
c)			
The filing fee, transmittal fee and search fee must be paid within one month of filing.			✓✓✓
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2.

The inventor has disclosed their invention before the date of filing a patent application.

It will not possible to obtain valid patent protection in China. China does not provide a grace period for a disclosure by the applicant prior to filing. The inventor's disclosure destroys the novelty of their invention in China.

Japan and Singapore both provide a 12-month grace period for disclosures by the applicant prior to the date of filing. If the inventor's disclosure was in this period then it is not novelty destroying and valid patent protection can be obtained in Japan and Singapore.

MARKS AWARDED: 3.5/4

✓
✓
✓

✓✓
✓✓

3.5

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3.

a)

Within 6 months of the date of grant of the Japanese patent.

✓

b)

Within 1 year of the date of grant of the German patent.

c)

After 9 months of the date of grant of the US patent.

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4.

a)

A decision of the Opposition Division can be appealed by any party adversely affected by the decision.

Mr A opposed the patent. The decision was to maintain the patent as granted. Mr A is therefore adversely affected by the decision and can appeal the decision.

✓✓

Ms B owned the patent which was opposed. The decision was to maintain the patent as granted. Ms B is therefore not adversely affected by the decision and so cannot appeal it.

✓✓

b)

The deadline for filing a notice of appeal is 4 months from the date of notification of the decision. The deadline is therefore 1 February 2026.

The deadline for filing a statement of grounds of the appeal is 2 months from filing a notice of appeal. The deadline is therefore 1 April 2026.

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5.

a)

An excess claim fee is due for each claim over 15. In this case there are 51 total claims so an excess claim fee is due for claims 16 to 51. 36 excess claim fees are therefore due.

✓

b)

The client has said invention C is the most important. There are 15 claims that relate to invention C. If an excess claim fee is not paid then only the first 15 claims will be maintained and excess will be abandoned. This should be avoided as invention C is the most important.

✓

File the application with the full claim sets so that the full claim sets form part of the application as filed. Before the excess claim fee is due, delete the claims relating to invention A and invention B. No excess claim fee is due as there are only 15 claims left in the application, namely those relating to invention C.

✓

The claims relating to invention A and invention B were present in the application as filed and so a divisional application may later be filed for these claims. While the application is pending, file divisional applications in respect of invention A and invention B.

✓

✓

c)

✓

Claims fees for excess claims are due within 1 month from the date of filing the first claim set. If there are more claims on grant than there were after filing the first set of claims then the excess claim fee in respect of any unpaid excess

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claims on grant is payable within 4 months of the publication of the mention of grant in the EPB.

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6.

Canada – deadline is 36 months from priority, so 15 October 2027

China – deadline is 36 months from priority, so 15 October 2027

India – deadline is 36 months from priority, so 15 October 2027

Japan – deadline is 36 months from priority, so 15 October 2027

Republic of Korea – deadline is 36 months from priority, so 15 October 2027

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✓

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8.

a)

India – not possible

✓

New Zealand – possible

✓

Republic of Korea – possible

✓

b)

Excess claims are due at the USPTO for dependent claims over 20 and independent claims over 3. There are 4 independent claims and 28 dependent claims for a total of 32 claims. There is therefore an excess claim fee payable for 1 independent claim and 8 dependent claims.

✓

✓

✗

c)

The national phase entry deadline for Canada is 30 months from the priority date. The deadline for Canadian national phase entry was therefore 25 September 2025. The deadline may be extended upon request for a further period of 2 months.

✗

✗

It is therefore still possible to enter the Canadian national phase. Request late national phase entry by 25 November 2025. If entering the national phase late, any act required for valid national phase entry must be done upon late entry to the national phase. Pay the fee for national phase entry upon entry. The application was published in French so file an English translation on entry. Request search and examination on entry. Pay the search and examination fees on entry.

✗

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d)

The application fee needs to be paid on filing. The application will undergo a precursory formal examination to make sure the fees have been paid and that there are no obvious substantive defects in the application. If no issues are raised during formal examination then the utility model is registered. Any person can request substantive examination after registration. If defects are found during substantive examination then the registration will be cancelled. The term of protection is 10 years from the date of filing.

✓

✓

✓

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9.

a)

A PCT application should be filed with a competent receiving office. The competent receiving offices for a UK applicant are the UKIPO, EPO, and the IB. The German national patent office is not a competent receiving office for a UK applicant.

✗ ✗ ✗

✗

The German national patent office will therefore forward the application to the IB. The application is deemed to have been received on behalf of the IB by the German national patent office on the date it was filed with the German national patent office. The date of filing is therefore 2 September 2025. A transmittal fee for the German national patent office may be payable, if requested. No other remedial action needs to be taken.

✗

✗

✗

b)

WO-2 is currently not able to protect compound X. The client publicly disclosed compound X on 1 January 2025. This is before the priority date of WO-2 of 10 January 2025. The claims of WO-2 are therefore presently not novel.

✗

✗

✗

Remedial action needs to be taken. WO-2 was filed within 12 months of filing the earlier application on 28 August 2024. It is therefore possible to claim priority to the earlier application. The earlier application is the first disclosure relating to compound X so the current priority claim to P1 is not valid. Within 16 months of the earliest priority date as corrected, so by 28 December 2025, file a corrected declaration of priority for WO-2 claiming priority to the earlier application filed on 28 August 2024.

✓

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The priority date of WO-2 will then be 28 August 2024. This is earlier than the public disclosure of compound X on 1 January 2025 so the claims of WO-2 are novel.

✓

c)

China – method of treating diseases is not patentable, computer-based financial system for hospitals is not patentable.

✓✓

Europe – method of treating diseases is not patentable, computer-based financial system for hospitals is not patentable.

✓✓

India – method of treating diseases and computer based financial system for hospitals are patentable.

Japan – method of treating diseases is not patentable, computer-based financial system for hospitals is patentable.

✓

USA – method of treating diseases is not patentable, computer-based financial system for hospitals is patentable.

✓

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10.

a)

A person resident in the UK may not file or cause to be filed outside of the UK, without the permission of the Comptroller,

✓

An application for a patent containing subject matter relating to military technology or matter which would otherwise be prejudicial to national security,

✗

✗

An application for a patent containing subject matter the disclosure of which would be prejudicial to public safety.

✗

This is unless permission has been given by the Comptroller or more than 6 weeks has passed since filing a UK patent application containing the same subject matter and no secrecy order has been issued or all such orders have been revoked.

✗

✗

✗

b)

Ms C demonstrated her new lawnmower in public and explained how her invention worked. Ms C has made a novelty-destroying disclosure.

The USA provides a 12-month grace period prior to the date of filing an application for a disclosure made by the applicant. Ms C can therefore file a US application within 12 months from her disclosure to obtain valid patent protection in the US.

✓

✓

There is no grace period for an applicant's disclosure prior to filing under the EPC. Ms C's disclosure therefore destroys the novelty of her invention under the EPC. Valid patent protection cannot be obtained via the EPC.

✓

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Australia provides a 12-month grace period prior to the date of filing an application for a disclosure made by the applicant. Ms C can therefore file an Australian application within 12 months from her disclosure to obtain valid patent protection in Australia.

✓
✓

c)

The hedge trimmer is new but not inventive. Ms C could apply for a utility model.

Advantages:

✓

The grant of a utility model requires a lower bar of inventiveness than what is required for the grant of a patent,

✓
✓

The grant of a utility model is faster than the grant of a patent.

Disadvantages:

The term of a utility model is shorter than the term offered by a patent,

✓

The subject matter that can be protected by a utility model is typically more limited than the subject matter that can be protected by a patent.

✓

d)

Ms C should use small entity status.

✓

Small entity status applies to individuals, small business concerns (including affiliates) not having more than 500 employees, not-for-profit organisations and higher education establishments; and each named applicant and inventor must not be under an obligation to assign, licence, sell or otherwise transfer the invention to an entity which does not meet the small entity requirements.

✓

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Ms C is an individual and has licenced the invention to a not-for-profit research foundation. A not-for-profit research foundation is a small entity. Ms C therefore qualifies for small entity status.

Ms C does not qualify for micro entity status as one requirement for micro entity status is that all applications and inventors must not have been previously named on more than 4 USPTO patent applications. Ms C has been named on 7 previous USPTO patent applications and therefore does not qualify as a micro entity.

MARKS AWARDED: 17.5/20

✓

17.5

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