

Paper Ref	Sheet	Percentage Mark Awarded	Examiner's use only
FC3	1 of 13	55%	
Q1)			
a) The minimum requirements to obtain a filing date is:			
The applicant to be resident or to have his business in one of the state's members of PCT.			✓
A international patent sought to be request it.			✓
The document needs to be in the one of the 10 official languages of PCT otherwise you need to submit a translation.			✓
Pay the international patent fee.			
Pay transmittal fees			
b) The competent offices are : the UKIPO, the bureau international (BI) and the EPO (European patent office)			1 1 1
c) The fees are:			
International patent fee (or basic fee)			1
Search fee.			1
Transmittal fee.			1
There is no priority so there is no other fee that associated with translation if we accept from the question that is English the filing language.			
MARKS AWARDED: 9/11			
			9
			Page sub-total

Paper Ref	Sheet
FC3	2 of 13

Examiner's
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Q2)

For China there is a 6-month grace period but is quite strict and is only limited to disclosures:

-in selected conference exhibitions that are recognised by the Chinese government

-to technical/scientific meetings minutes.

Therefore, due to these restrictions the disclosure in website can't be considered to be a part of this grace period. Therefore, for China is no way of protection.

For Japan there is a 12 months grace period which is less strict compares to this of China however my client in order to use this and file a patent in Japan up to 12 months from the moment that he disclosed for 1st time his invention on internet but he should submit during the filing proofs on this. If he can't submit proofs identifying him as the person he uploaded on website or general that the invention belongs to him then he will not be able to file his invention to Japan.

For Singapore there is a 12 months grace period and the requirement are broad including any kind of actions that can be considered as disclosure therefore a disclosure on the website should not be a problem. My client has up to 12 months from the moment he disclosed for 1st time his invention on internet to decide if he would like to file a patent in Singapore.

MARKS AWARDED: 4/4

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4

Page sub-
total

Paper Ref	Sheet
FC3	3 of 13

Examiner's
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Q3)

a) Filing an opposition in japan is up to 6 months from the day of the grant. There is no other way a 3rd party to involved to patent invalidate procedures after this period of 6-months unless is of his interest (eg his is accused for infringement by the proprietor and he has to counter attack).

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b) In Germany the opposition in Germany is up to 9 months from the day of the grant.

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d) For the ex parte re-examination of a claim there is no time limit until the end of the patent lifetime in the case that the claim is not broadened.

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MARKS AWARDED: 3/3

3

Page sub-
total

Paper Ref	Sheet
FC3	4 of 13

Examiner's
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Q4)

a) Ms B can't appeal this decision since is not against him. His patent rests granted as it was. So, he doesn't have the interest to appeal the decision

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Ms A can appeal the decision since it is in his interest to revoke the patent of Ms B since his already started opposition proceedings against him.

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b) So, the since the notification is dated at 01/10/2025 Ms B has up to 2 months from the day this notice to file a notice to appeal which means up to 01/12/2025. The statement of grounds of appeal can be submitted later. He has up to 4 months from the day of the rejection notice of the office to file it which is up to 01/02/2026.

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MARKS AWARDED: 7/8

7

Page sub-
total

Paper Ref	Sheet
FC3	5 of 13

Examiner's
use only

Q5)

a) Since my client is interested many for invention C to be patented and is not interested particularly for invention A and B then he should file a European patent where the 1st 14 claims are of this of invention C and then the rest of total 35 (invention A + B) to write them from claim 15 and onwards.

✓

Now, surcharge claim fees start from the 16th claim and onwards and this surcharge is increasing every 5 claims.

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b) From the comments of my client I consider that he is not interested in invention A and B therefore I would propose him to reduce the cost of his patent filing without paying extra fees for claim by filing only the 14 claims of invention C. He may also file the subsequence claims for A and B and if he has a notice from the EPO for lack of unity the he can decide if he wants to pay extra search fees for the invention A and B depending if A and/or B causing the lack of unity. He can do this and then decide to apply for a divisional before the grant of his patent with the rest of the claims. Like this he will not pay the extra fees for the search if he decides it not proceed to search for invention A and B.

If there is no lack of unity then he need to pay the fees later when the patent is granted therefore he has time to decide what he will do with the rest of the claims.

c) The extra claim fees are payable within 4 months from the time of notification of patent to be grant.

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MARKS AWARDED: 1.5/9

**Page sub-
total**

Paper Ref	Sheet
FC3	6 of 13

Examiner's
use only

Q6)

India 48 months from Priority therefore at 15/10/2028.

China is 36 months from priority therefore at 15/10/2027.

Japan is 36 months from filing therefore at 18/09/2028.

KR is 36 months from priority therefore at 15/10/2027.

Canada is 36 months from priority therefore at 15/10/2027.

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MARKS AWARDED: 2/5

2

**Page sub-
total**

Paper Ref	Sheet
FC3	7 of 13

Examiner's
use only

Q7)

For the EP-1 the 1st renewal fees due at the end of the month of the 2ⁿ anniversary of the EP application which means 30/06/2024 the day that it was paid the 1 renewal fee. The next one, 2nd renewal fee will be 1 year later 30/06/2025. He can use the grace period of 6 months to pay the 2nd renewal fee with surcharges (50% more) until 30/12/2025.

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For the EP-2 1st renewal fee was due to be paid by 30/03/2025. He can't use the 6-month grace period which ended at 30/09/2025. He can use the 2-month period to comply with this failure which due 30/11/2025 so as to pay the renewal fee (with extra fees) without using the EPO prevision for restoring his patent, which is up to 13 months after the 6 months grace period, i.e. due 30/10/2026, in which he needs to pay extra fees and submit proofs of due care.

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For the EP-3 the 1st renewal fees for divisional due 3 months from the filing of divisional which is at 30/12/2025 therefore he can pay the 1st renewal fee free of extra charge until then.

For the US-1 the 1st renewal fee is 3 years and half after the patent granted therefore due to 31/06/2025. He has 6 months to pay the renewal fees with extra charges up to 31/12/2025 but I advise him to do it as fast as possible because the USPTO surcharge every month of the 6 month grace period.

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Page sub-
total

6.5

Paper Ref	Sheet
FC3	8 of 13

Examiner's
use only

b) For unitary patent my client has 1 month, due 02/11/2025 to file for a Unitary patent. However, Spain is not part of the countries of unitary patent system which means that he can't obtain a patent protection via the unitary route but he can apply for protection via EP route. For this, he should follow the path of 31 months from filling to validate the EP in Spain. To validate in Spain he should pay the national office fees, pay search fees, pay translation fees (translation is in spanish)

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MARKS AWARDED: 7.5/20

7.5

Page sub-
total

Paper Ref	Sheet
FC3	9 of 13

Examiner's
use only

Q10)

- a) An application can't be filed outside UK if it is a military invention and can be detrimental for the national security and public safety of UK.

Therefore, before he files the invention abroad, he should file 6 weeks before to UKIPO or secretary of states and if he doesn't have a notice for security issues then he can have a security certificate and can file abroad or he can then extent the UK filing abroad.

In the case that the secretary of states considers that the application should stay secret then the publication can be postponed up to 19 months and then the secretary can keep it secret (every one year he will re-examine it) even after the grant.

- b) He can't apply for EP protection since the 6-month grace period for disclosure of EPC is very strict. Is only permit this grace period if this was exposed publicly in specific conferences recognised by Paris Convention. Is not the case of Ms C therefore he can't fill a EP.

However, he can file in US since USPTO offer a 1-year grace period for disclosure which is very broad in requirement including public use, offer to buy; etc. therefore he can fill in US. However, he must provide proofs of this because if someone already filled his idea in US (since he shown the details of how is working) my client should provide the proofs for entitlement since he publicly expose it 1st.

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Page sub-
total

6

Paper Ref	Sheet
FC3	10 of 13

Examiner's
use only

Also, in Australia the 1-year grace is offered as well but is less broad than this of Us. I would suggest him to fill a patent very fast thought in case nobody else fill a patent first because is the other person then that he should submit proofs of MsC publicly exposes his invention.

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c) In Us in priori it will not be a problem to fill a national patent. In anycase, there is no Utility model applied in US.

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In Australia there is the alternative of applying for utility model which has two advantages: there is no substantive search on patentability therefore my client it will be easier to obtain a protection and it will cause less (no search, exams fees), and it has as an disadvantages that the lifetime is less than a national patent (10 year less, 12 if is with the old Australian system) and since there is no substantial exam is to difficult to use it against an infringer since you need to pass substantive exams so as to use it court proceedings.

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d) MsC he can't file with the status of micro entity since he has more than 4 US applications in his name which is one of the requirements to apply for micro entity (25% of renewal fees). It seems though to meet the requirements for a small entity (50% of renewal fees) since he is an individual (one requirement is for a company having less than 500 employers), he is exclusively licensed his patent to a non-profit organisation which means that the non-profit organisation now holding the rights of the patent (non-profit organisation is another requirement for small entity). However, he must be sure that there is no

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Page sub-
total

9

Paper Ref	Sheet
FC3	11 of 13

**Examiner's
use only**

agreement in the exclusivity license for the licensee to be able to license another organisation which is a profit organisation.

MARKS AWARDED: 15/20

15

**Page sub-
total**

Paper Ref	Sheet
FC3	12 of 13

Examiner's
use only

Q8)

In India it will be possible to amend the application at the entry of the national phase from Priority/filing date of PCT by paying national fees, search fees and exams fees. The exams in India is up to 48 months from priority date (or filing date) therefore there is the time for search/exams reports to be made.

In New Zealand as well the exams is up to 5 years from priority date (or filing date) therefore amendments can be filled by applying national fees, search fees and exams fees.

Republic of Korea is not part of the PCT states therefore a direct filing should be made 12 months before the filing of PCT so as not to lose the priority day.

b) The USPTO accept up to 3 independent and in total 20 claims without demanding extra claim fees. Therefore, my client has to pay extra fee for 4th independent claim and extra fees for each 12 extra claims.

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c) The day of entrance to from the PCT is 30 months from the priority date of the PCT which is at 25/09/2025. He can still enter the Canadian national phase. CA is might the only country that permits an extension of national phase up to 12 months from that day so there is no issue for my client to enter to Canada. He must do it thought fast so as not pay extra fees. He must pay the national fees, search fees within 2 months from the entry, pays exams fees after the search report, elect a legal representative in CA, fill translation in French or English (the 2 official languages of Canada) if need to.

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Page sub-
total

5

Paper Ref	Sheet
FC3	13 of 13

Examiner's
use only

d) In Germany the utility model has a 10 years lifetime. The requirement bar for inventive step is low therefore it will be easier and faster for him to register a utility model in Germany. However, in order to use it against a possible infringer he should then request substantial exams from the German office and this will take time and it will cost. The most important question to ask to my client is if the invention is for a product or a process since process in Germany can't be protected by utility model but rather by a national German patent. Only a product can be protected by utility model. The overall cost of a German utility model is less in than this of a german national patent.

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MARKS AWARDED: 6/20

6

Page sub-
total