

# Patenting your invention

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Athens, 27 November 2013  
Heraklion, 28 November



## Part II

- **Introduction**
- The grant procedure
- Filing a patent
- The search phase
- Substantive examination
- Post grant procedures
- The Unitary Patent
- Searching for prior art











# Thorough and consistent procedures

- **Single procedure**
  - the European Patent Convention provides the legal framework for the granting of European patents
  
- **Systematic approach**
  - each application is examined by a division of three technically qualified examiners
  
- **Review processes**
  - each opposition is examined by three technically qualified examiners, at least two of whom will not have been involved in the grant proceedings for the patent
  - appeals heard by independent second-instance judiciary (Boards of Appeal)

# Comprehensive search documentation

- World's largest collection of patent and non-patent literature documents, containing **more than 600 million records in over 120 databases** and updated daily
- Online access to **more than 7 000 journals** via the EPO Virtual Library
- New tools and services such as **machine translation** to extend the range of easily accessible information
- Ongoing efforts to **improve the scope and quality** of our documentation

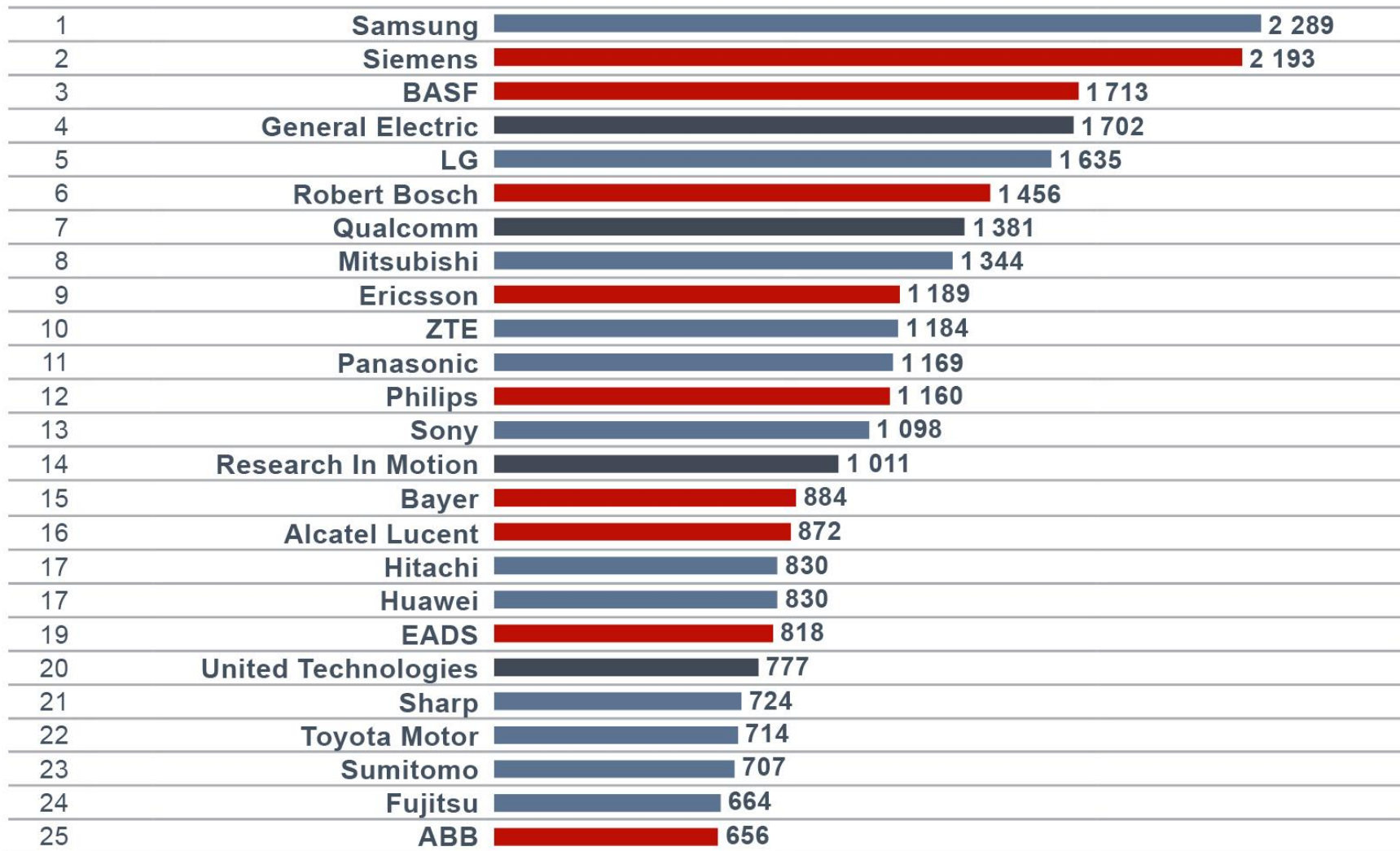
# Technical fields<sup>1</sup> with the most applications (2012)<sup>2</sup>

			% vs. 2011	
1	Medical technology		10 412	1.6%
2	Electrical machinery, apparatus, energy		9 799	11.4%
3	Digital communication		9 592	20.4%
4	Computer technology		8 288	3.3%
5	Transport		6 633	7.2%
6	Measurement		6 428	1.9%
7	Organic fine chemistry		6 002	-6.9%
8	Engines, pumps, turbines		5 668	20.0%
9	Pharmaceuticals		5 364	-0.2%
10	Biotechnology		5 309	-4.3%

<sup>1</sup> Classified according to the IPC and technology concordance table compiled by the Fraunhofer ISI for WIPO

<sup>2</sup> Based on European patent applications filed with the EPO

# Top applicants seeking protection with the EPO in 2012<sup>1</sup>



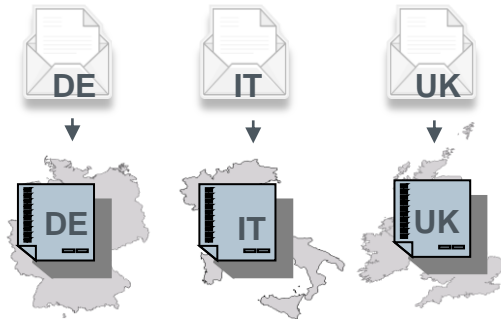
<sup>1</sup> Based on European patent applications filed with the EPO

# The options available

## Routes towards patent protection in Europe

### 1. The national route

- separate procedure for each state
- procedures differ according to national law



### 3. via the international route - The PCT System

- one application for 185 member states
- does not lead to patent until it has been "nationalised" through national offices or the EPO

### 2. The regional route - The European Patent Convention

- **one** application filed at **one** office
- **one** procedure
- **one** European patent for up to **40** states
- results in a bundle of national patents



### 4. (The unitary patent, coming soon)

# How to get a patent in Europe?

Patent applications can be filed:

- separately via national patent offices  
=> national patent **valid only in the country** where it is granted
- with the EPO  
=> **single examination procedure**  
=> a European patent **is equivalent to national patents** in the countries for which it is granted
- as an international (PCT) application  
=> just one application for up to 143 countries  
=> after the initial application phase, the international application leads to **multiple national patent examination procedures**

**UK Patent Application GB 2 355 146 A**  
(43) Date of Publication: 11.04.2001

(21) Application No. 992392.8	(51) Int. Cl. <sup>7</sup> H04M 1/02
(22) Date of Filing: 08.10.1999	(52) Int. Cl. (Edition 8) H04L 12/00 H04M 1/02
(71) Applicant Nokia Mobile Phones Limited Suominenkatu 4, 02150 Espoo, Finland	(58) Documents Cited EP 0781987 A1
(72) Inventor Jonathan Sharp	(59) Kind of Patent UK CL. Edition 8   H04M 1/02, H04L 12/00 JP CL.   G06F 1/16, G06M 1/04 Other: WPL, JAPRO, EPIDOC
(74) Agent and/or Address for Service Nobels Patent Department FARMACOLOGICAL, Hampshire, GU14 0NL, United Kingdom	

(54) Abstract Title  
Display for a mobile phone

(57) A mobile phone has a moving cover containing an aperture, the aperture allowing a portion of a display on the phone to be visible when in a closed position. Upon receiving data, and detecting the cover to be in a closed position, an indication that data has been received is provided on the display for the benefit of the user in response to movement of the cover from a closed to an open position, the received data is automatically displayed on the display. The received data may include a text message.

At least one drawing originally filed was informal and the print reproduced here is taken from a later filed formal copy.

**EP 1 226 699 B1**

(11) EP 1 226 699 B1

**EUROPEAN PATENT SPECIFICATION**

(43) Date of publication and mention of the agent of the patent:  
14.06.2000 Bulletin 2000/24

(51) Int. Cl.<sup>7</sup>  
H04M 1/02 (2000.01)

(52) Application number: 992392.8

(53) Date of filing: 28.09.2000

(54) International publication number:  
WO 99/14878 (19.04.2001 Gazette 2001/16)

(55) Designated Contracting States  
AT BE CH CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE

(56) International classification:  
EP-A 992392  
WO-A 992398

(57) Inventor: SHARP, Jonathan  
Banks, NL3 008 (GB)

(71) Applicant: SHARP, Jonathan  
at  
Sanku & Pearson  
48 Park Lane  
Derby DE1 1QY (GB)

(72) Representative: Wiggins, Paul et al  
at  
Sanku & Pearson  
48 Park Lane  
Derby DE1 1QY (GB)

(73) Proprietor: Nokia Corporation  
02150 Espoo (FI)

(74) Patent attorneys:  
EP-A 992392  
WO-A 992398

Note: Within one month from the publication of the mention of the grant of the European patent, any person may give notice to the European Patent Office of opposition to the European patent granted. Notice of opposition shall be filed in a written reasoned statement. It shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention.)

**WO 01/28190 A1**

(11) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(12) International Publication Number  
WO 01/28190 A1

(13) International Filing Date  
25 September 2000 (21.09.2000)

(14) International Filing Office  
English

(15) Publication Language  
English

(16) Priority Date  
01 October 1999 (01.10.1999) GB

(17) Applicant: NOKIA MOBILE PHONES LIMITED (7175) Suominenkatu 4, 02150 Espoo (FI)

(72) Inventor: SHARP, Jonathan  
at  
Sanku & Pearson  
48 Park Lane, Derby, Derby, DE1 1QY (GB)

(73) Proprietor: NOKIA MOBILE PHONES LIMITED (7175) Suominenkatu 4, 02150 Espoo (FI)

(74) Patent attorneys:  
SANKU & PEARSON  
48 PARK LANE, DERBY, DERBY, DE1 1QY (GB)

(54) Title: RADIO COMMUNICATIONS DEVICE

(57) Abstract: A radio communications device comprising a body and an attached cover having an aperture, wherein the device has a closed configuration in which portions of the body are covered and an open configuration in which at least one of the portions covered in the closed configuration are uncovered. The body comprising: a receiver means for receiving data via radio transmission; a display positioned such that in the closed configuration the aperture is substantially aligned with the display; and a data processor. At the display is visible a text through the aperture when movement of the aperture, relative to the device, in the open configuration the processor is operable to provide an indication that information has been received and is operable to movement of the cover from the closed configuration to the open configuration to automatically show said received data on the display.

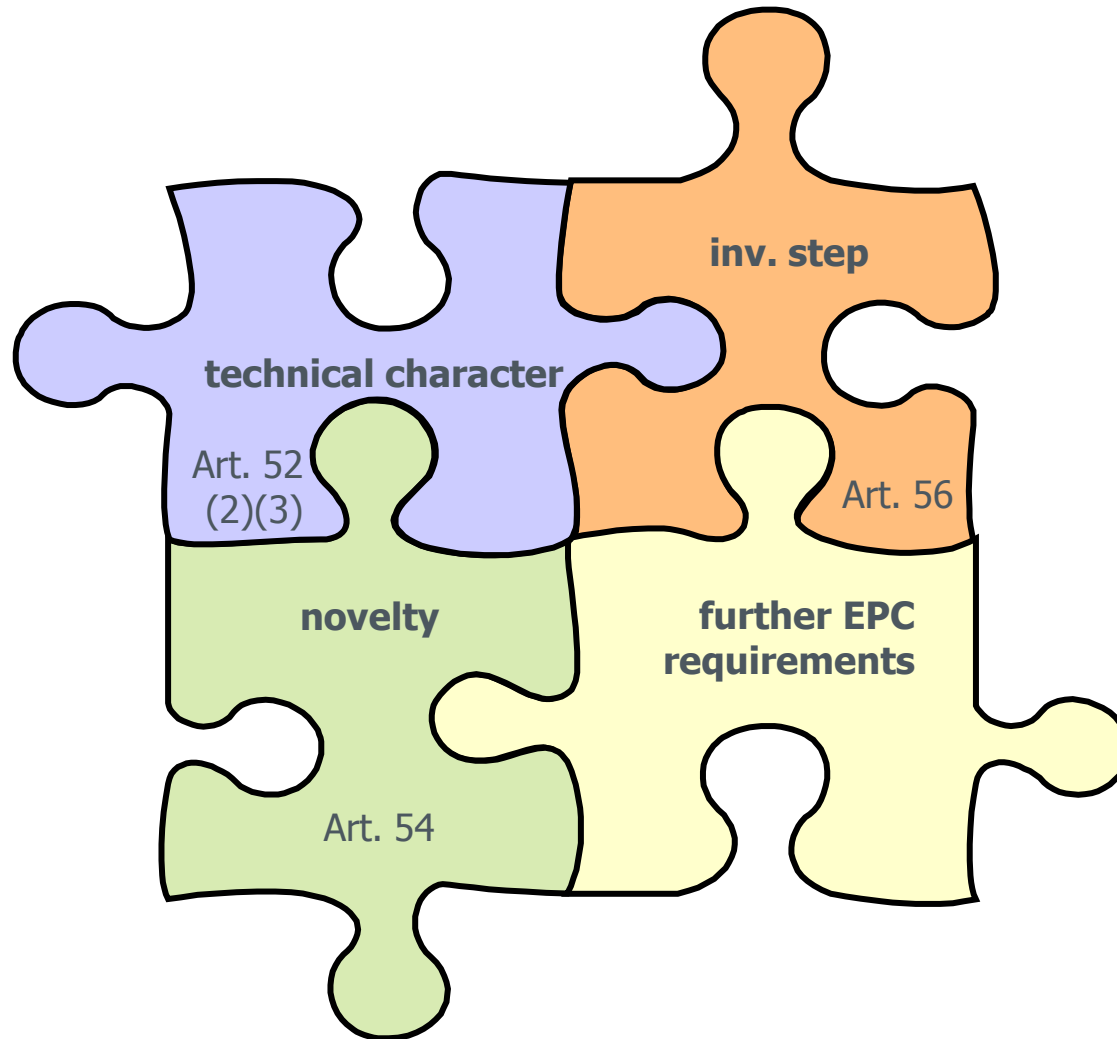




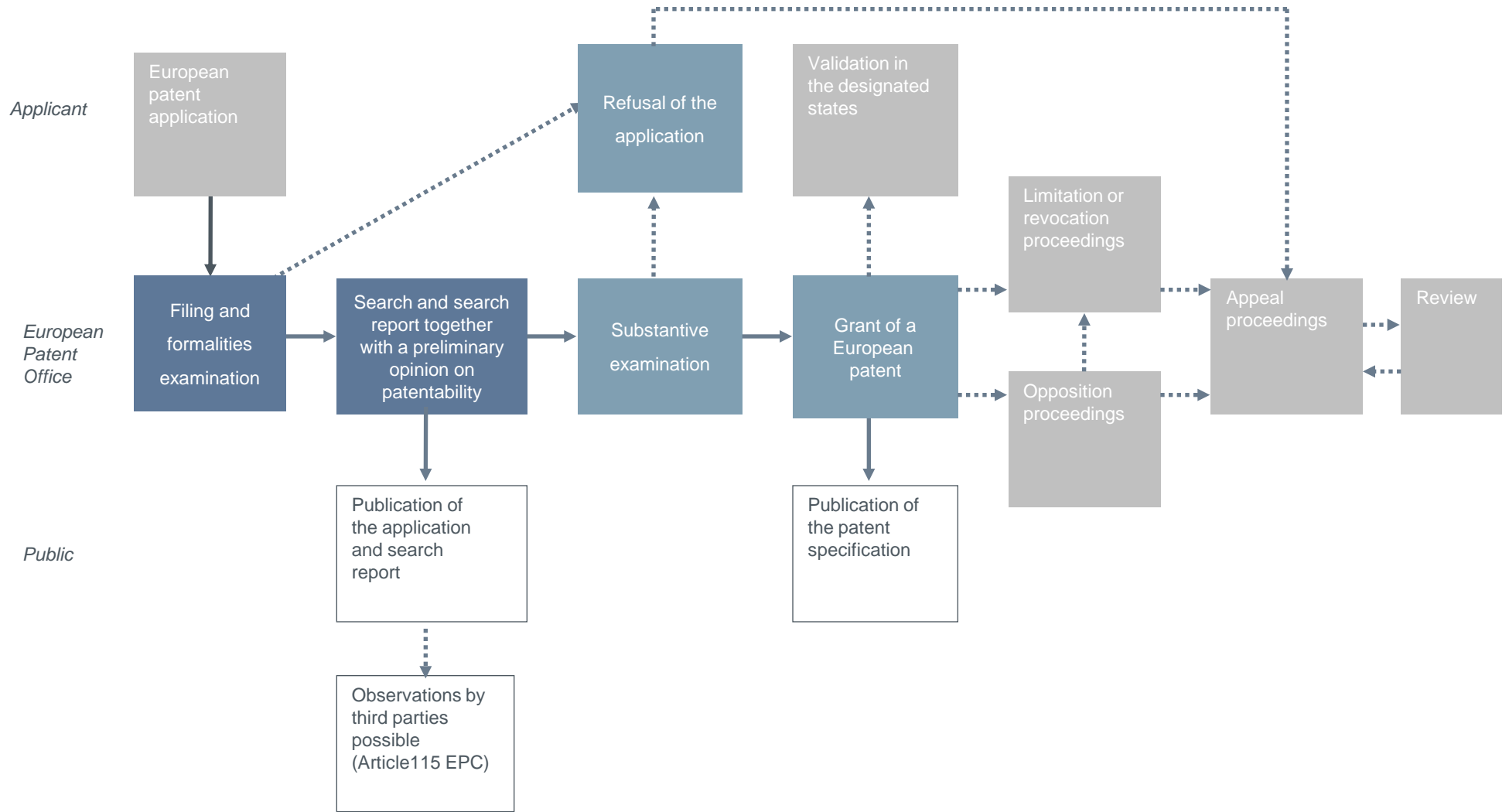
# Contents

- Introduction
- **The grant procedure**
- Filing a patent
- The search phase
- Substantive examination
- Post grant procedures
- The unitary patent
- Searching for prior art

# Basic components for the grant of applications



# The grant procedure at a glance



# Overview – grant procedure

The procedure begins when an application for a European patent is filed with the EPO. During this **filing phase**:

- a date of filing is assigned
- formal requirements are checked

Once the application complies with the filing requirements, it enters the **search phase**, where:

- a search for prior art is performed
- a search report and a written opinion are issued

In the **examination phase** all the substantive issues relating to the application are assessed and the contents of the application are shaped into a form in which the patent can be granted ... or the application refused.

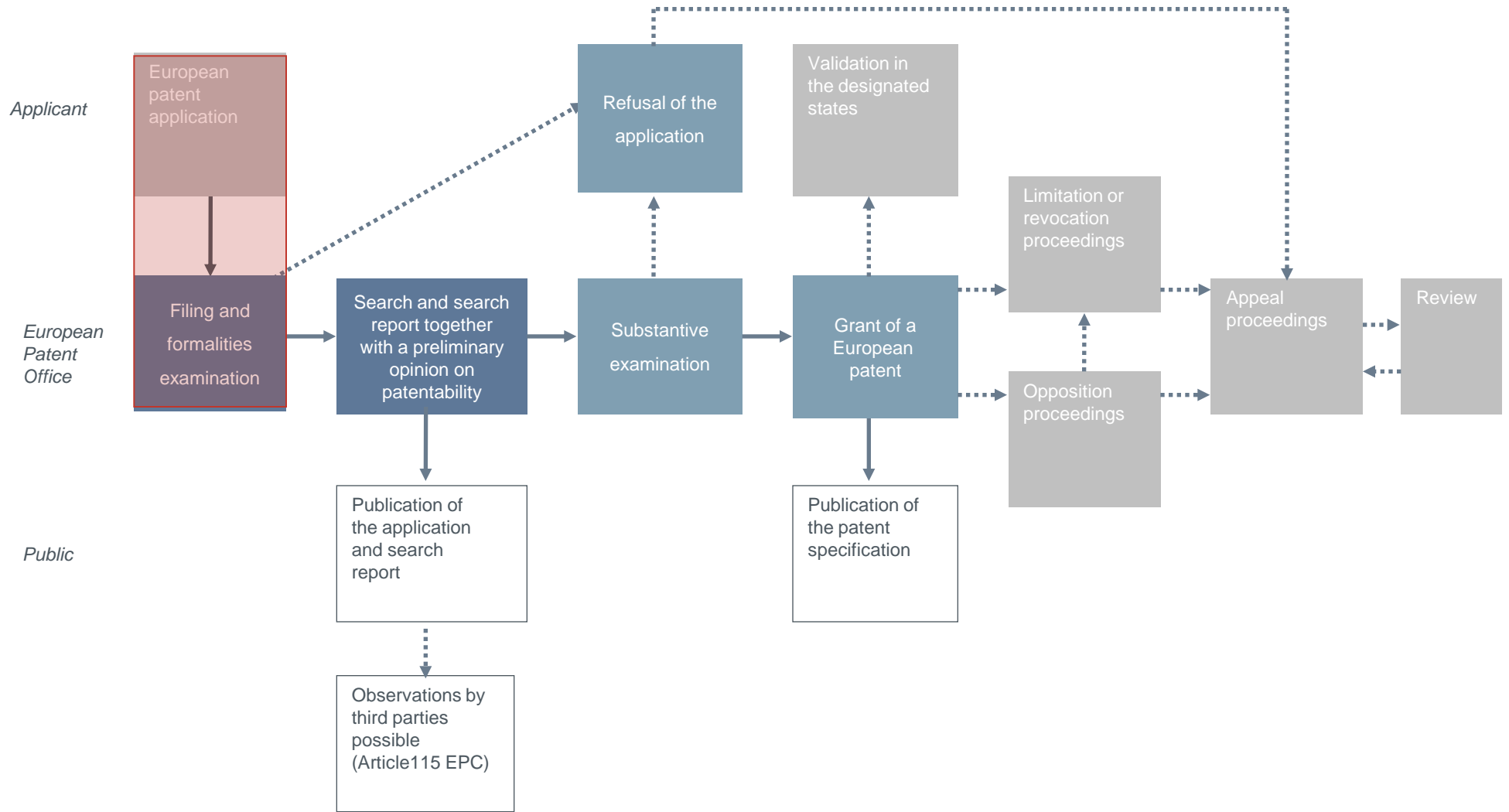


# Overview – post-grant procedures

The post-grant procedures are:

- **Opposition** - where third parties may contest a granted patent
- **Revocation** and limitation - where patent proprietors may revoke their own patent or limit its scope
- **Appeal** - every adverse decision is subject to appeal, to guarantee a two-instance procedure

# The grant procedure at a glance





# Filing a patent application

- The first step is for the applicant to file a request for grant of a European patent.
- The application must be accompanied by the required documentation.
- Applications may be filed online.

# Request for grant of a European patent



## Antrag auf Erteilung eines europäischen Patents Request for grant of a European patent Requête en délivrance d'un brevet européen

- Nachreichung von Form 1001 zu einer früher eingereichten Anmeldung nach Regel 40 (1) vom Form 1001 filed further to a previous application under Rule 40(1) on Dépot du formulaire 1001 pour une demande déposée antérieurement au titre de la règle 40(1) en date du
- Bestätigung einer bereits durch Fax eingereichten Anmeldung vom Confirmation of an application already filed by fax on Confirmation d'une demande déjà déposée par téléfax le  bei with auprès de

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration	
1 Anmelde Nummer / Application No. / N° de la demande	<input type="text" value="MKEY"/>
2 Tag des Eingangs (Regel 35 (2)) / Date of receipt (Rule 35(2)) / Date de réception (règle 35(2))	<input type="text" value="DREC"/>
3 Tag des Eingangs beim EPA (Regel 35 (4)) / Date of receipt at EPO (Rule 35(4)) / Date de réception à l'OEB (règle 35(4))	<input type="text" value="RENA"/>
4 Anmelde tag / Date of filing / Date de dépôt	

- 5 Es wird die Erteilung eines europäischen Patents und gemäß Artikel 94 die Prüfung der Anmeldung beantragt / Grant of a European patent, and examination of the application under Article 94, are hereby requested / Il est demandé la délivrance d'un brevet européen et, conformément à l'article 94, l'examen de la demande
- Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt II, 5) / Request for examination in an admitted non-EPO language (see Notes II, 5) / Requête en examen dans une langue non officielle autorisée (voir notice II, 5)*

- 5.1 Der Anmelder verzichtet auf die Aufforderung nach Regel 70 (2), zu erklären, ob die Anmeldung aufrechterhalten wird / The applicant waives his right to be asked whether he wishes to proceed further with the application (Rule 70(2)) / Le demandeur renonce à être invité, conformément à la règle 70(2), à déclarer s'il souhaite maintenir sa demande

- 6 Zeichen des Anmelders oder Vertreters (max. 15 Positionen) / Applicants or representative's reference (max. 15 keystrokes) / Référence du demandeur ou du mandataire (max. 15 caractères ou espaces)

Anmelder / Applicant / Demandeur

- 7 Name / Nom

- 8 Anschrift / Address / Adresse

- 9 Zustellanschrift / Address for correspondence / Adresse pour la correspondance

TRAN   FILL

Zeichen des Anmelders / Applicant's reference / Référence du demandeur



# Filing a patent application

- Where? EPO (Munich, The Hague, Berlin) ([Art. 75 \(1\)a EPC](#))  
National Patent Offices ([Art. 75 \(1\) b](#)) and [77 EPC](#))  
PCT ([Art. 150 et seq. EPC](#))
- How? Post ([R. 35 EPC](#))  
Fax  
EPO online services
- Who? Inventor/applicant ([Art. 60 \(1\) und \(3\) EPC](#))

# Date of filing

- The date of filing is **crucial** because:
  - it determines the state of the art
  - it must be within the priority year if priority is claimed
  - many deadlines depend on this date
  
- For applicants it is therefore **essential** to acquire a date of filing.
  
- The requirements are laid out in [R. 40 EPC](#).
  - indication that a European patent is sought
  - identification of the applicant
  - description or reference to a previously filed application
  
- For a date of filing to be accorded, the application may be filed in any language. No claims, fees or declaration of priority are necessary at this point  
... but they will be required later!



# Date of filing

- The application as **originally filed** will define any amendments to come.
- The application as originally filed consists of the documentation present at the date of filing
- This has impact on subsequent phases: search and examination may be restricted to the original scope of protection sought.

# Formalities examination

- Once the date of filing is accorded, the file must be complete.
- The following aspects are examined for compliance (R. 57 EPC):
  - Translation of the application ([Art. 14](#))
  - Request for grant of a European ([R. 41 EPC](#))
  - One or more claims ([Art. 78](#))
  - An abstract ([Art. 78](#))
  - Filing fee (additional fee for the 36th and subsequent pages) and the search fee paid ([R. 17\(2\), 36\(3\), 38 EPC](#))
  - Designation of the inventor ([R. 19\(1\)](#))
  - Claim to priority ([R. 52, 53 EPC](#))
  - Representation ([Art 133\(2\) EPC](#))
  - Formal requirements ([R. 46, 49 EPC](#))
  - Nucleotide or amino acid sequences

# File constitution

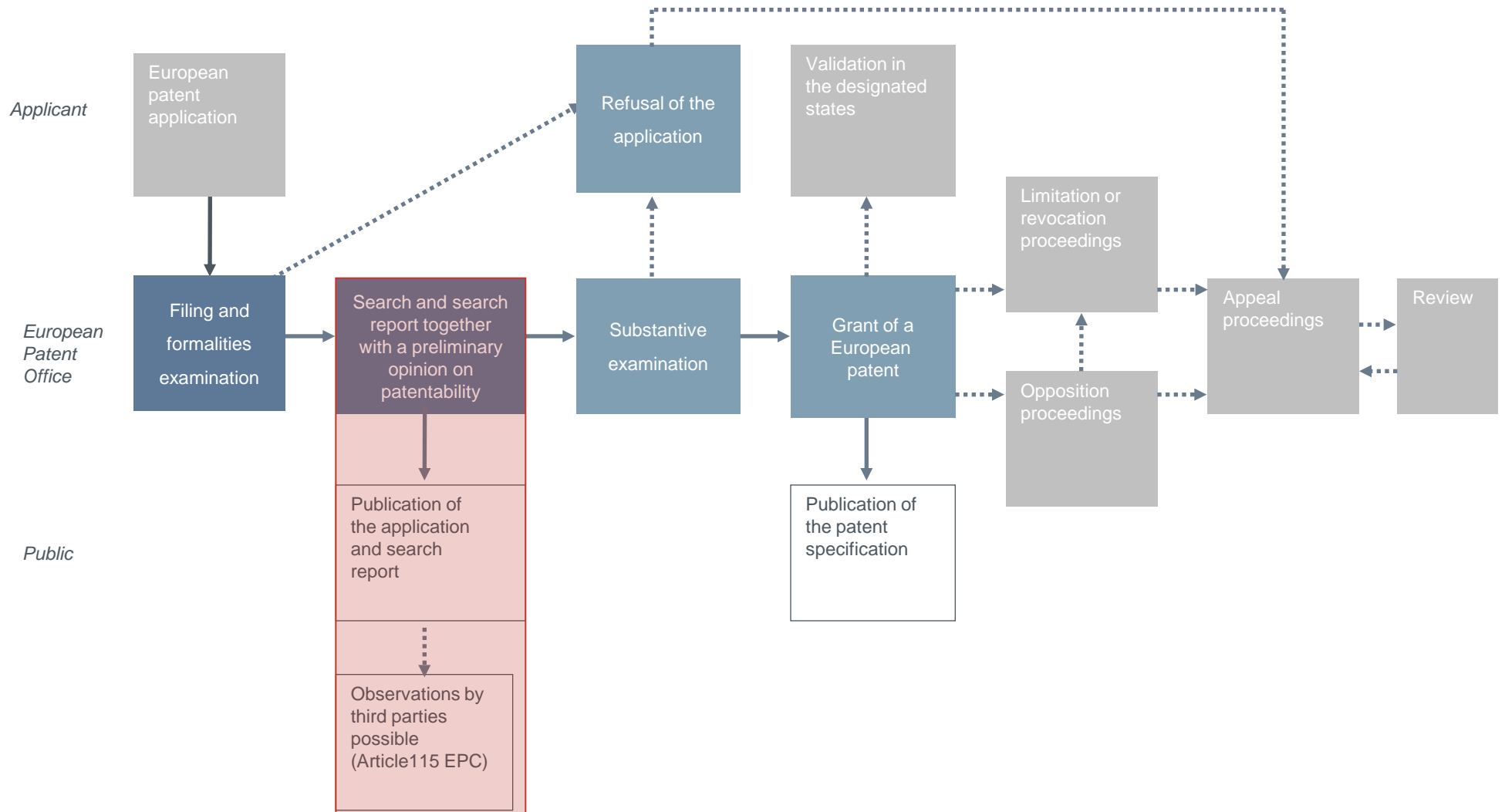
- If all the information is present, a paper copy of the file is printed, containing at least:
  - a description
  - claims
  - drawings (where available)
  
- Different codes are assigned depending on whether the application
  - is a first filing, i.e. without any priority claim
  - claims priority from a previous application
  - is entering the European phase after the Patent Cooperation Treaty phase



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# The grant procedure at a glance



# Search

## Purpose of the search ([Art. 92 EPC](#))

- To discover the state of the art at the relevant date.
- To prepare for substantive examination and to determine whether, and if so to what extent, the invention to which the application relates is new and involves an inventive step.

## Search documentation

- Internal and external documents
- Patent and non-patent literature





# Search phase

- The outcome of the search phase is:
  - a search report listing the relevant prior art ([Art. 92, R. 61 EPC](#)) an opinion on whether the application and the invention to which it relates meet the requirements of the EPC ([R. 62\(1\) EPC](#))
- The combination of these two documents is known as the extended European search report ([R. 62 EPC](#)).

# European search report

The search report includes the citations of relevant documents.

Categories are assigned (X, Y, ...) to indicate the relevance and type of citation.

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 1 203 328 A (TREVOR JOHN FRANKLIN) 26 August 1970 (1970-08-26) example 1 ---	1,2,6-10
X	WO 94 12184 A (SYNTEX INC) 9 June 1994 (1994-06-09) examples 1,2 ---	1,10
X	US 5 688 529 A (HEGDE SAYEE GOJANAN ET AL) 18 November 1997 (1997-11-18) abstract ---	1,7,10
Y	WO 97 38689 A (HAEBERLIN BARBARA ;CIBA GEIGY AG (CH); MAK CHING PONG (CH); MEINZE) 23 October 1997 (1997-10-23) cited in the application example 1 --- -/--	1-10

The opinion provides a written analysis of the patentability of the application, based on the cited documents.

1 The following documents are referred to in this communication:  
D1 : US 6 243 026 B1 (JUDGE KEVIN ET AL) 5 June 2001 (2001-06-05)

Clarity

2. The present application refers to a traffic signal priority system, although the wording of claim 1 is such that tries to encompass a generic entry/exit control system. This however is not in line with the description, page 3, lines 3-5, where is clearly state that the invention directs to a traffic signal priority system. As such will be the claimed invention understood in the following (Art. 84 EPC). The applicant is reminded that the full scope of the claims must be supported by the 1

3 Independent claims

3.1 The present application does not meet the criteria of Article 52(2) EPC because the subject-matter of claim 1 is not new in the sense of Article 54(1) and (2) EPC.

Document D1 discloses (the references in parenthesis applying to this document):


A mobile event triggering method, comprising  
 detecting an entry of a vehicle into a defined event location (D1, col. 14, line 53)  
 evaluating a vehicle status with respect to at least one entry criterion (col. 14, line 53)  
 conducting an event entry action when the vehicle status meets said at least one entry criterion (D1, col. 14, line 55; lines 26-28)  
 evaluating the vehicle status with respect to at least one mobile event criterion corresponding to at least one mobile event  
 activating said at least one mobile event when the vehicle status meets said at least one mobile event criterion corresponding to said at least one mobile event

# Publication

- Patent applications are published around 18 months from the date of filing or priority.
  - These documents are known as A publications ([Art. 93 EPC](#)).
- Publication makes the contents of the application available to the public. It also
  - provides provisional protection ([Art. 67 EPC](#));
  - enables third parties to submit observations ([Art. 115 EPC](#));
  - forms part of the state of the art ([Art. 54\(2\)](#)).

# Publication of the application

- If it is ready, the European search report may be published together with the application.
- If it is not ready, the application is published without it, and the search report is published separately.
  - They can both be found in the [publication server](#).
- The opinion is not published together with the search report ([R. 62 EPC](#)) ...
  - ... but it is made available to the public as part of the written procedure via [online](#) file inspection.

(19)  Europäisches Patentamt  
 European Patent Office  
 Office européen des brevets



(11) EP 0 797 950 A1

(12) EUROPEAN PATENT APPLICATION

(43) Date of publication: 01.10.1997 Bulletin 1997/40  
 (51) Int Cl.®: A61B 5/042  
 (21) Application number: 97400666.0  
 (22) Date of filing: 25.03.1997

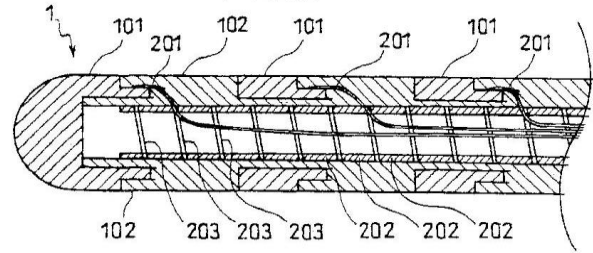
(84) Designated Contracting States: BE DE FR GB IT NL SE	(72) Inventor: Ouchi, Teruhiko Tokyo (JP)
(30) Priority: 25.03.1996 JP 67659/96	(74) Representative: Joly, Jean-Jacques et al Cabinet Beau de Loménie 158, rue de l'Université 75340 Paris Cédex 07 (FR)
(71) Applicant: TERUMO KABUSHIKI KAISHA Tokyo (JP)	

(54) Electrode catheter

(57) The electrode catheter comprises a metal inner tube (202) with distal and proximal ends and an outer tube (102) formed of a synthetic resin so as to cover the outside surfaces of said inner tube (202). The inner tube (202) has a helical slit (203) formed from the distal end to a predetermined position. One or more insulated wires (201) are laid inside the inner tube (202) from the proximal end to the distal end portion, and one or more electrodes (101) are disposed on the outer tube. The

wires (201) are brought out of the inner tube (202) through the slit (203) and are connected to the electrodes (101).  
The electrode catheter has a high pushability and torque-transmission capability along with a high flexibility and kink resistance. It can be easily inserted into a desired position of complexly branched thin blood vessels without kink or breakage of the wires caused by collapse of the lumen.

FIG.2



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# Substantive examination

- For an application to be granted, all the requirements of the EPC must be met ([Art. 97 EPC](#)).
- The applicant may request examination up to six months after the mention of publication of the search report ([R. 70 EPC](#)).



# The examining division

- The examining division consists of three members ([Art. 18 EPC](#)).
- Each decision is the responsibility of the division as a whole.
- Examination is an ex-parte procedure in which only the applicant is involved.
  - Third parties may only submit observations



# Substantive examination

- Substantive examination mainly deals with how the invention is disclosed and defined:
  - Clear definition of the protection sought ([Art. 84 EPC](#)).
  - Sufficient disclosure of the invention ([Art. 83 EPC](#)).
  - Unity of invention ([Art. 82 EPC](#)).
- A patent may be granted for an invention which
  - is new ([Art. 54 EPC](#)),
  - involves an inventive step ([Art. 56 EPC](#)),
  - has industrial applicability ([Art. 57 EPC](#)),
  - ...and is not excluded from patentability ([Art. 52-53 EPC](#)).



# Substantive examination

- These requirements are examined using the cited prior art as documentation to back up the arguments.
- All objections raised must be reasoned and supported by evidence.
- Examination cannot therefore take place until after the search phase has been completed.



# Substantive examination

- Applicants and examiners exchange written communications stating their objections, arguments and amendments.
- The applicant must always be given the right to be heard (Art. 113 EPC). There can be no decision based on objections which have not been discussed.





# Final outcome

- **The application meets the requirements of the EPC:**
  - + translation of the claims
  - + payment of grant and publishing fees
  - ➔ **grant**
  - Opposition period begins
  - Administration goes over to the national offices (+ "Validation")
  
- **The application does not meet the requirements of the EPC:**
  - ➔ **refusal**
  - Adverse decision may be appealed.

# Publication of the European patent

- Granted European patents are published after the examination procedure.
  - These documents are known as B publications ([Art. 98 EPC](#)).
  
- Publication of the specification informs the public and
  - defines the granted exclusive right ([Art. 64 EPC](#))
  - enables the opposition procedure ([Art. 99 EPC](#))

(19)		Europäisches Patentamt European Patent Office Office européen des brevets		(11) <b>EP 1 796 454 B1</b>
<b>EUROPÄISCHE PATENTSCHRIFT</b>				
(45)	Veröffentlichungstag und Bekanntmachung des Hinweises auf die Patenterteilung: <b>10.09.2008 Patentblatt 2008/37</b>	(51) Int. Cl.: <b>A01D 41/14 (2006.01)</b>	(86)	Internationale Anmeldenummer: <b>PCT/EP2006/050344</b>
(21)	Anmeldenummer: <b>06704260.6</b>	(87)	Internationale Veröffentlichungsnummer: <b>WO 2006/079609 (03.08.2006 Gazette 2006/31)</b>	
(22)	Anmeldetag: <b>20.01.2006</b>			
<b>(54) ERNTEGERÄT, INSBESONDERE ERNTEVORSATZ FÜR LANDWIRTSCHAFTLICHE ERNTEMASCHINEN ZUM AUFNEHMEN UND WEITERFÖRDERN VON HALMFRÜCHTEN</b>				
HARVESTING EQUIPMENT, IN PARTICULAR HARVESTING ATTACHMENT FOR AGRICULTURAL HARVESTING MACHINES USED TO GATHER AND TRANSPORT CEREALS				
APPAREIL DE RECOLTE, EN PARTICULIER ACCESSOIRE DE RECOLTE POUR DES MACHINES DE RECOLTE AGRICOLES, SERVANT A CUEILLIR ET TRANSPORTER DES CEREALES				
(84)	Benannte Vertragsstaaten: <b>AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IS IT LI LT LU LV MC NL PL PT RO SE SI SK TR</b>	<ul style="list-style-type: none"> <li>• SCHULZE HOCKENBECK, Leo 48351 Everswinkel (DE)</li> <li>• WEITENBERG, Klemens 46325 Borken (DE)</li> </ul>		
(30)	Priorität: <b>29.01.2005 DE 102005004211</b>	(74) Vertreter: <b>Holst, Sönke Deere &amp; Company European Office Global Intellectual Property Services John-Deere-Strasse 70 68163 Mannheim (DE)</b>		
(43)	Veröffentlichungstag der Anmeldung: <b>20.06.2007 Patentblatt 2007/25</b>			
(73)	Patentinhaber: <b>Maschinenfabrik Kemper GmbH &amp; Co. KG 48973 Stadtlohn (DE)</b>	(56) Entgegenhaltungen: EP-A- 1 685 755                      EP-A- 1 685 756 DE-A-4102004 022 53              DE-A1- 4 030 066 DE-A1- 19 523 255                  FR-A- 2 814 324 US-A- 4 355 690                      US-A- 5 934 382		
(72)	Erfinder: • <b>RICKERT, Clemens 48703 Stadtlohn (DE)</b> • <b>HÜNING, Martin 48727 Billerbeck (DE)</b>			
Anmerkung: Innerhalb von neun Monaten nach Bekanntmachung des Hinweises auf die Erteilung des europäischen Patents im Europäischen Patentblatt kann jedermann nach Maßgabe der Ausführungsordnung beim Europäischen Patentamt gegen dieses Patent Einspruch einlegen. Der Einspruch gilt erst als eingelegt, wenn die Einspruchsgebühren entrichtet worden ist. (Art. 99(1) Europäisches Patentübereinkommen).				
Printed by Jouve, 75001 PARIS (FR)				

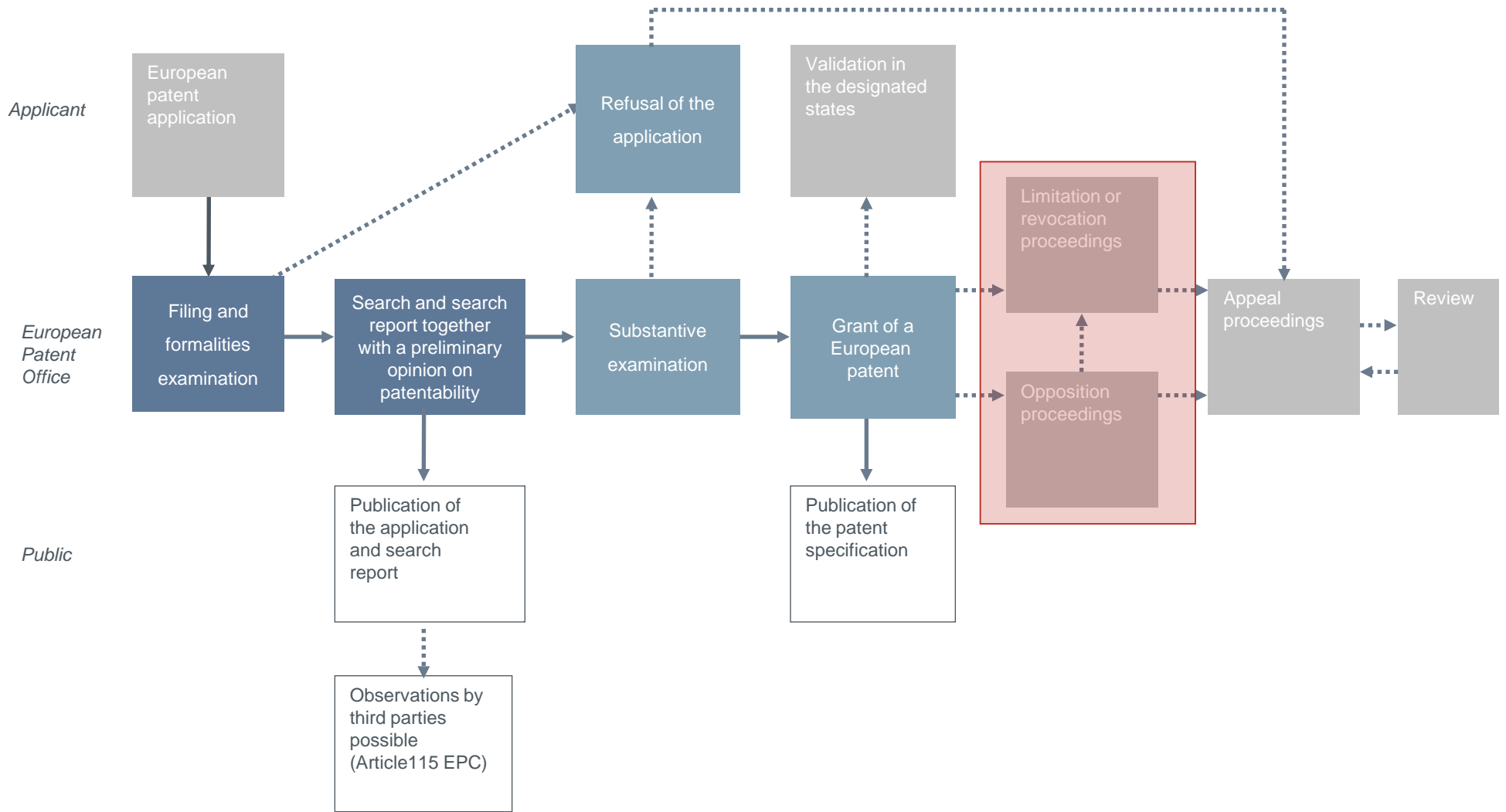
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# The grant procedure at a glance







# Post-grant procedures

- After a European patent has been granted, three procedures may be initiated:
  - opposition
  - limitation
  - revocation
  
- These procedures may affect the patent as granted.

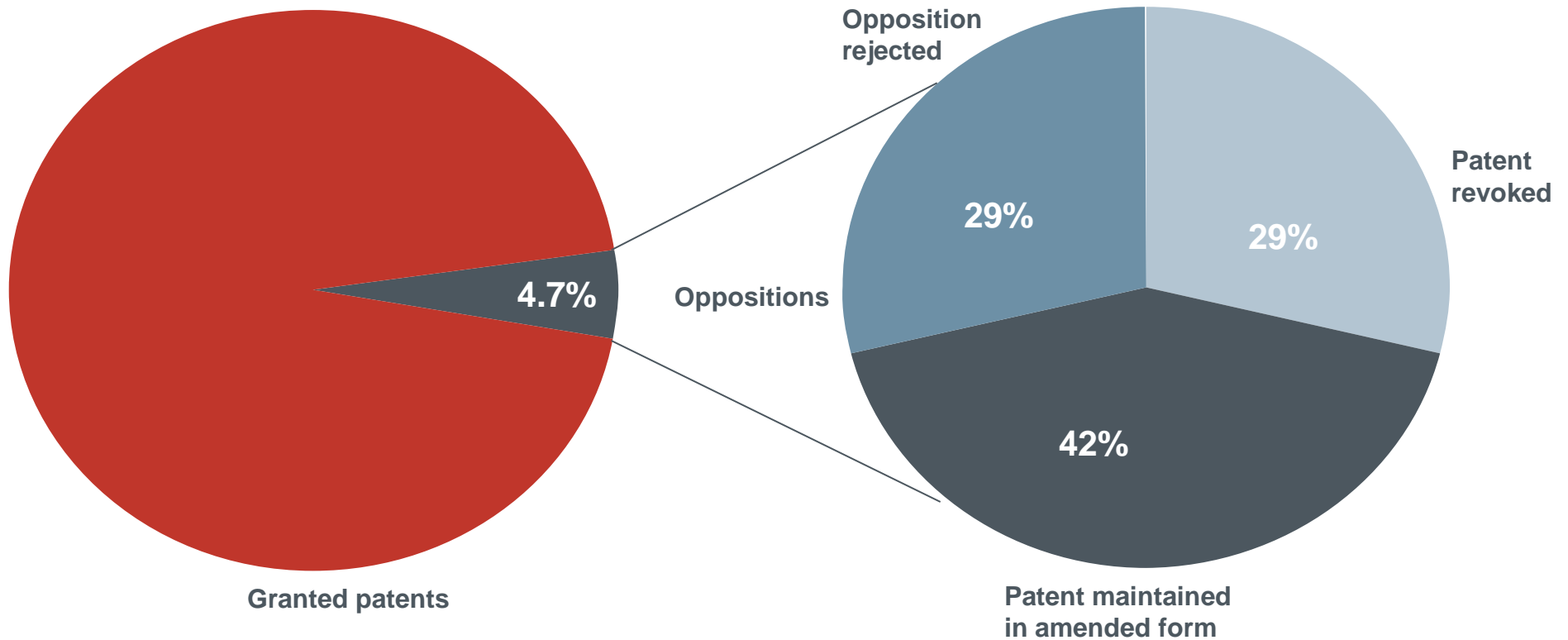


# Opposition

- Any person may oppose a European patent within nine months of its publication.
- This procedure provides for a centralised possibility to rectify the grant of the patent.
- After the opposition period has expired, European patents may be only challenged in the individual countries in which they are valid.

# Oppositions in 2012

Oppositions were filed against 4.7% of all granted European patents.  
Over one third of all opposed patents were revoked.





## Limitation procedure ([Art. 105 a-c EPC](#))

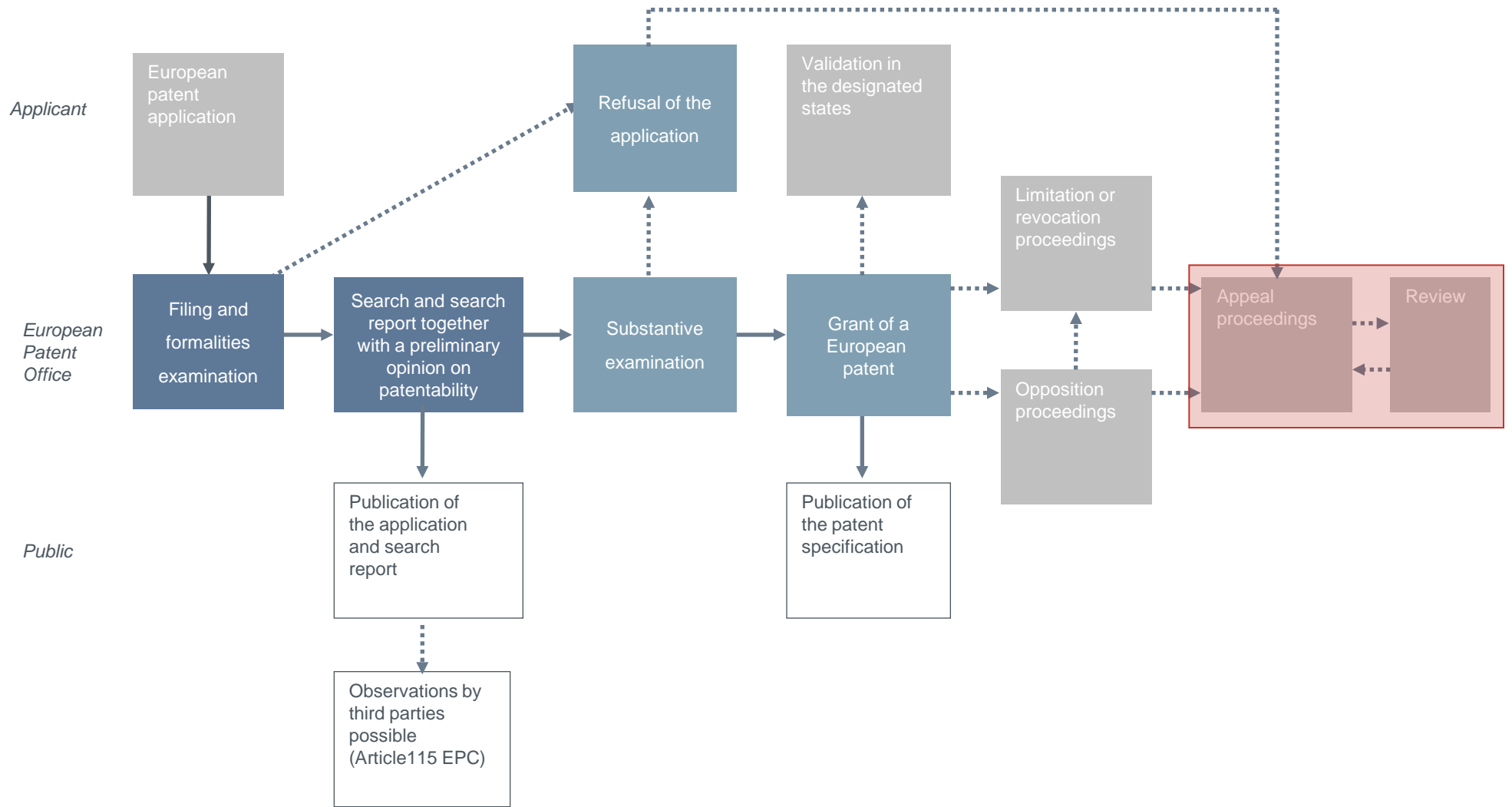
- At any time after the grant the patent proprietor may request limitation of the patent by filing a new set of claims.
- The decision to limit the European patent takes effect on the date on which it is published in the Bulletin.
- The effect of the decision to limit the patent is that the patent is limited *ab initio* in all contracting states.
- Opposition proceedings have precedence ([R. 93 EPC](#)).



## Revocation procedure ([Art. 105 a-c EPC](#))

- The patent proprietor may request revocation of the patent at any time after grant.
- The revocation applies *ab initio* to all contracting states in respect of which the patent was granted.

# The grant procedure at a glance





# Appeals

- Any adverse decision made by the EPO is subject to a two-instance procedure.
- The department of the first instance - for example, the Receiving Section, the examining division or the opposition division - may refuse an application or a request.
- The party adversely affected may appeal in the second instance.



# Appeal procedure

## The boards of appeal

- The EPO's **legal boards of appeal** and **technical boards of appeal** give independent final rulings on appeals against decisions taken during grant and opposition proceedings. They can exercise any power within the competence of the department responsible of the decision appealed or remit the case to that department for further prosecution ([Art. 106-111 EPC](#)).



# Grant procedure summary

The procedure starts with the filing of the documents that form the European application. Once this has occurred:

- a search is carried out
- an examination is conducted
- and a decision is taken.

This decision may later be

- opposed
- limited
- revoked
- appealed



# Contents

- Introduction
- The grant procedure
- Filing a patent
- The search phase
- Substantive examination
- Post grant procedures
- **The unitary patent**
- Searching for prior art

# Key facts about the unitary patent

## ▪ Basic principles

- a European patent **granted under the EPC**
- **unitary effect** for the territories of the 25 EU member states currently participating, at the applicant's request
- **co-existence with the existing European patent and national patents**
- **validated in one single administrative step by the EPO** for all the participating states in the language in which it was granted
- **language regime being finalised**; transition measures foreseen

## ▪ Objective

European Council Presidency and EU Commission intend to have **the first unitary patent granted in 2014**

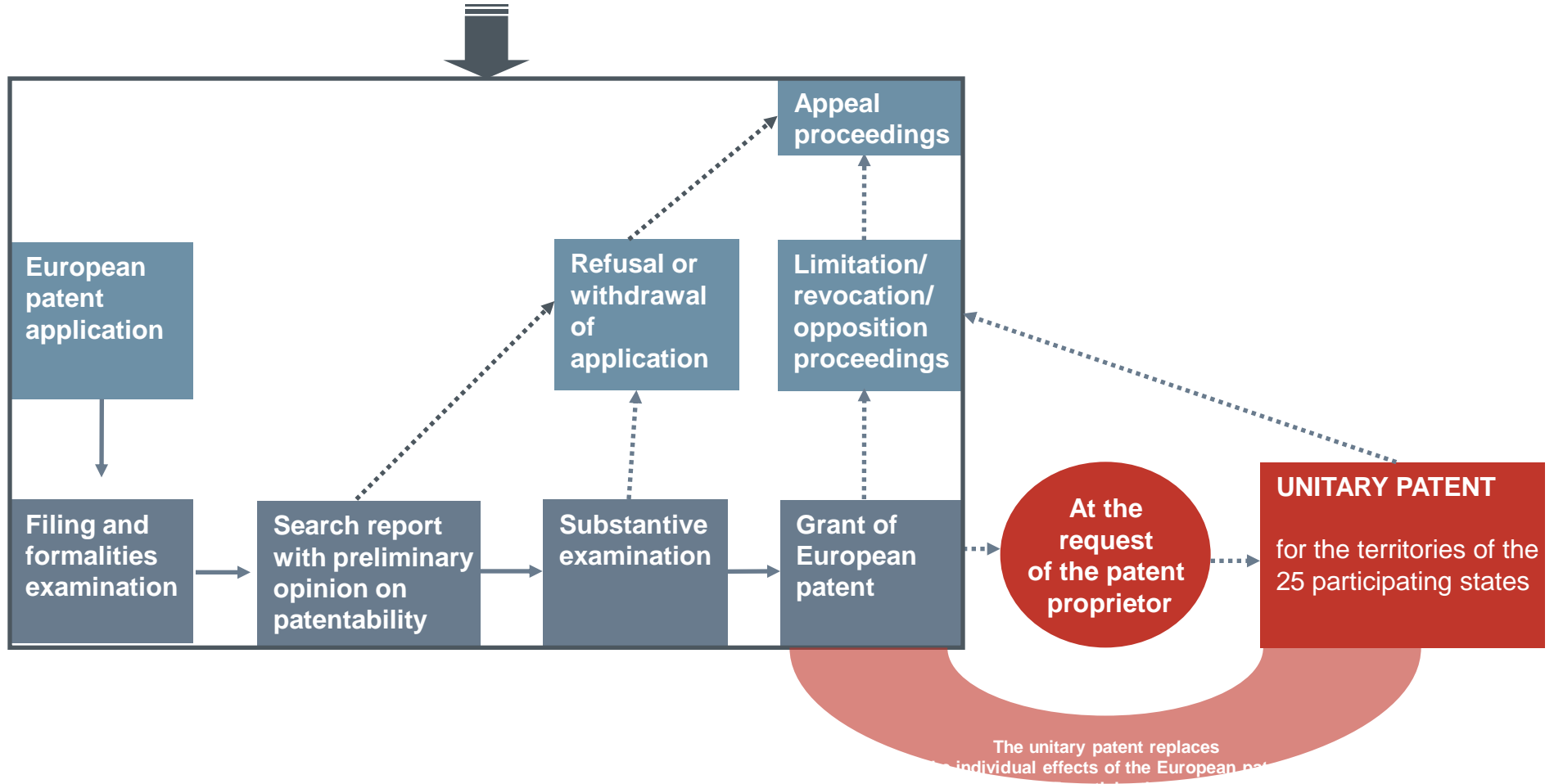


# Advantages

- **For inventors**
  - protection in **one single step for the 25 states** currently participating
  - **significant cost savings** (translation, validation, administration)
  - **simplified validation procedure** (instead of up to 25 different procedures)
  - **simplified and more cost-efficient renewal** procedure
  - **increased legal certainty** due to uniform litigation system
  
- **For Europe**
  - **optimal protection** in the participating states as a whole
  - better framework **conditions for innovative companies** and organisations
  - **simplified European protection mechanism** for companies from outside Europe
  - **improved competitiveness** of the European patent system

# The unitary patent as a European patent

Same grant procedure as for classic European patent





# Contents


- Introduction
- The grant procedure
- Filing a patent
- The search phase
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- Post grant procedures
- The unitary patent
- **Searching for prior art**



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Priority number:  WO1995US15925

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Publication date:  yyyyymmdd

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Applicant(s):  Institut Pasteur


Inventor(s):  Smith

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# Technology Specific - Biochemistry



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## Bibliographic data: US2010136531 (A1) — 2010-06-03

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### NUCLEIC ACID DETECTION USING LATERAL FLOW METHODS

Page bookmark [US2010136531 \(A1\) - NUCLEIC ACID DETECTION USING LATERAL FLOW METHODS](#)

Inventor(s): GARTHWAITE IAN [AU]; MYERS PHILIP A [AU]; SADEK CHRISTINE M [AU] ±

Applicant(s): TECRA INTERNAT PTY LTD [AU] ±

Classification: **- international: C12Q1/68**  
- Euro: C12Q1/68A2; C12Q1/68B2; G01N33/53F; G01N33/558; G01N33/569D; G01N33/58H

Application number: [US](#) 20070296536 20070410

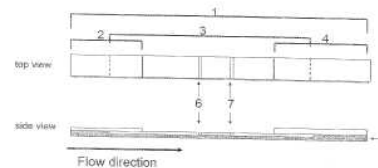
Priority number(s): [US](#) 20070296536 20070410; [AU](#) 20060901847 20060410; [US](#) 20060790536P 20060410; [WO](#) 20071B00923 20070410

Also published as: [WO](#) 2007116298 (A2) [WO](#) 2007116298 (A3) [EP](#) 2007903 (A2) [AU](#) 2007235649 (A1)

### Abstract of US2010136531 (A1)

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Methods and kits for use in detecting a target nucleic acid in a sample are disclosed. In one particular application, the methods and kits allow for the detection of an undesirable micro-organism (e.g. Listeria, Salmonella or Enterobacteriaceae) in food or present on a food preparation surface.



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# Technology Specific - Transport

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### A railway vehicle having a tiltable body

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Inventor(s):

Applicant(s):    AUTOMATISK DOSERINGS KOMPENSAT ±

Classification:    - international: [B60G21/00](#); [B61D13/00](#); [B61F3/04](#); [B61F3/16](#); [B61F5/02](#); [B61F5/22](#); [B61F5/24](#); [B61F5/38](#); [B61H7/04](#); (IPC1-7): [B61F5/02](#)

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Application number:    **GB** 19810015993 19810526

Priority number(s):    SE1980006575 19800919; US19740519665 19741031

Also published as:    → [GB2085383 \(B\)](#)    ↗ [US3974779 \(A\)](#)

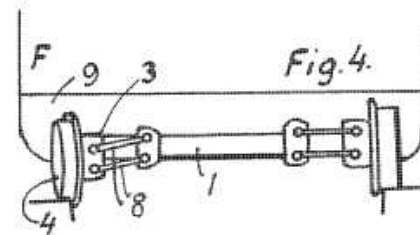
### Abstract of GB2085383 (A)

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The vehicle body (F), is tilted in a curve by raising its side (9) facing away from the centre of curvature while the side of the body facing towards the centre of curvature remains substantially unaffected and at a predetermined level. The vehicle can thereby be provided with small wheels (4) and the constructional height of the body be reduced. The tilting, which is performed by hydraulic cylinders, may be in conjunction with radial displacement of the wheel axes. The vehicle, which may be an articulated street vehicle, may be propelled by wheel-associated hydraulic motors.



# Technology Specific - ICT

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### Incoming telephone call management for a portable multifunction device

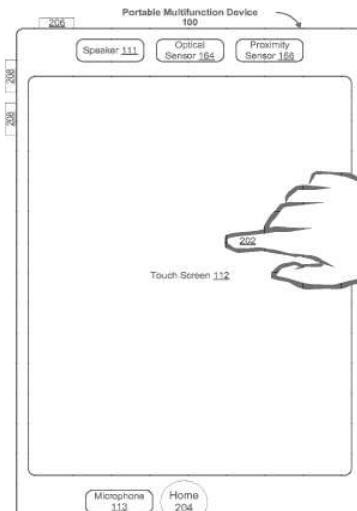
<b>Page bookmark</b>	<a href="#">EP2387215 (A1) - Incoming telephone call management for a portable multifunction device</a>
<b>Inventor(s):</b>	COFFMAN PATRICK [US]; LEMAY STEPHEN O [US]; JOBS STEVEN P [US]; FORSTALL SCOTT [US]; CHRISTIE GREG [US]; NOVICK GREGORY [US]; VAN OS MARCEL [US]; CHAUDHRI IMRAN [US] ±
<b>Applicant(s):</b>	APPLE INC [US] ±
<b>Classification:</b>	<p>- international: <a href="#">G06F3/048</a>; <a href="#">H04M1/2745</a>; <a href="#">H04M1/57</a>; <a href="#">H04M1/725</a></p> <p>- Euro: <a href="#">G06F3/0481H</a>; <a href="#">G06F3/0488</a>; <a href="#">H04M1/2745G</a>; <a href="#">H04M1/57P1</a>; <a href="#">H04M1/725F1</a>; <a href="#">H04M1/725F1M</a>; <a href="#">H04M1/725F1M4</a>; <a href="#">H04M1/725F3</a>; <a href="#">H04M1/725F4</a></p>
<b>Application number:</b>	<a href="#">EP</a> 20110176480 20070831
<b>Priority number(s):</b>	<a href="#">EP</a> 20070841759 20070831; <a href="#">US</a> 20060824769P 20060906; <a href="#">US</a> 20070883783P 20070106; <a href="#">US</a> 20070879253P 20070107; <a href="#">US</a> 20070879469P 20070108; <a href="#">US</a> 20070769695 20070627
<b>Also published as:</b>	<a href="#">US</a> 2008055263 (A1) <a href="#">WO</a> 2008030778 (A1) <a href="#">EP</a> 2060096 (A1) <a href="#">DE</a> 212007000039 (U1) <a href="#">DE</a> 112007001109 (T5) → <a href="#">more</a>

### Abstract of EP2387215 (A1)

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At a portable electronic device (100) with a touch screen display (112), a list of items (2800B) comprising missed telephone calls is displayed (5002). Upon detecting (5014) user selection of an item (2803) in the list (2800B), contact information (2800C) is displayed (5016) for a respective caller corresponding to the user selected item (2803). The displayed contact information (2800C) includes a plurality of contact objects that include a first contact object (2816), comprising a telephone number object having a first telephone number associated with the missed telephone call, and a second contact object (2818,2820,2822). Upon detecting (5018) user selection of the second contact object (2818,2820,2822), a communication with the respective caller is initiated via a modality corresponding to the second contact object (2818,2820,2822).





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<input checked="" type="checkbox"/>	<b>2.</b>	<b>METHOD AND SYSTEM FOR OPERATING A TIME-OF-FLIGHT MASS SPECTROMETER DETECTION SYSTEM</b>				
	<b>Inventor:</b>	<b>Applicant:</b>	<b>EC:</b>	<b>IPC:</b>	<b>Publication info:</b>	<b>Priority date:</b>

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01 September 2011, 00:00:00 | LEDFORD EDWARD B JR [US]; TANNER CHRISTIAN [CH] (2) →

## METHOD AND SYSTEM FOR OPERATING A TIME OF FLIGHT MASS SPECTROMETER DETECTION SYSTEM

11 August 2011, 00:00:00 | LOBODA ALEXANDRE [CA] →

## Disease Diagnosis Method, Marker Screening Method and Marker Using TOF-SIMS

28 April 2011, 00:00:00 | LEE TAE GEOL [KR]; MOON DAE WON [KR] (2) →

## METHOD OF ANALYZING ORGANIC MOLECULE ON SURFACE OF METAL NANOPARTICULATE

24 March 2011, 01:00:00 | INAGA TAKASHI; SHIBAMOTO KOHEI (1) →

## METHOD FOR DIAGNOSIS OF ABNORMAL IRON METABOLISM USING ACTIVE HEPCIDIN AS INDICATOR

03 March 2011, 01:00:00 | TOMOSUGI NAOHISA [JP] →

## ANODE, BATTERY, AND METHODS OF MANUFACTURING THEM

03 February 2011, 01:00:00 | NAKAI HIDEKI [JP]; IHARA MASAYUKI [JP] (1) →

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### 1. PULSED MASS CALIBRATION IN TIME-OF-FLIGHT MASS SPECTROMETRY

★ <b>Inventor:</b> LEDFOED EDWARD B JR [US] TANNER CHRISTIAN [CH] (+2)	<b>Applicant:</b> ZOEX LICENSING CORP [US] LEDFOED EDWARD B JR [US] (+3)	<b>EC:</b>	<b>IPC:</b> G01N27/62 H01J49/40	<b>Publication info:</b> WO2011106640 (A2) 2011-09-01	<b>Priority date</b> 2010-02-26
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### 2. METHOD AND SYSTEM FOR OPERATING A TIME-OF-FLIGHT MASS SPECTROMETER DETECTION SYSTEM

★ <b>Inventor:</b> LOBODA ALEXANDRE [CA]	<b>Applicant:</b> DH TECHNOLOGIES DEV PTE LTD [SG] LOBODA ALEXANDRE [CA]	<b>EC:</b> <a href="#">H01J49/00S</a> <a href="#">H01J49/40</a>	<b>IPC:</b> H01J49/40	<b>Publication info:</b> WO2011095863 (A2) 2011-08-11	<b>Priority date</b> 2010-02-02
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### 3. METHOD OF ANALYZING ORGANIC MOLECULE ON SURFACE OF METAL NANOPARTICULATE

★ <b>Inventor:</b> INAGA TAKASHI SHIBAMOTO KOHEI (+1)	<b>Applicant:</b> UNIV TOKYO METROPOLITAN	<b>EC:</b>	<b>IPC:</b> G01N27/62 G01N27/64	<b>Publication info:</b> JP2011058823 (A) 2011-03-24	<b>Priority date</b> 2009-09-07
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### 4. Disease Diagnosis Method, Marker Screening Method and Marker Using TOF-SIMS

★ <b>Inventor:</b> LEE TAE GEOL [KR] MOON DAE WON [KR] (+2)	<b>Applicant:</b> KOREA RES INST OF STANDARDS [KR]	<b>EC:</b> <a href="#">G01N33/483</a> <a href="#">G01N33/487</a> (+2)	<b>IPC:</b> B01D59/44	<b>Publication info:</b> US2011095179 (A1) 2011-04-28	<b>Priority date</b> 2008-05-26
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### 5. METHOD FOR DIAGNOSIS OF ABNORMAL IRON METABOLISM USING ACTIVE HEPCIDIN AS INDICATOR

★ <b>Inventor:</b> TOMOSUGI NAOHISA [JP]	<b>Applicant:</b>	<b>EC:</b> <a href="#">G01N33/68A12A</a> <a href="#">G01N33/74</a>	<b>IPC:</b> C07K14/575 C07K16/18 -----	<b>Publication info:</b> US2011053268 (A1) 2011-03-03	<b>Priority date</b> 2006-10-17
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Disease Diagnosis Method, Marker Screening Method and Marker Using TOF-SIMS	<a href="#"><u>US2011095179 (A1)</u></a>	2011-04-
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