



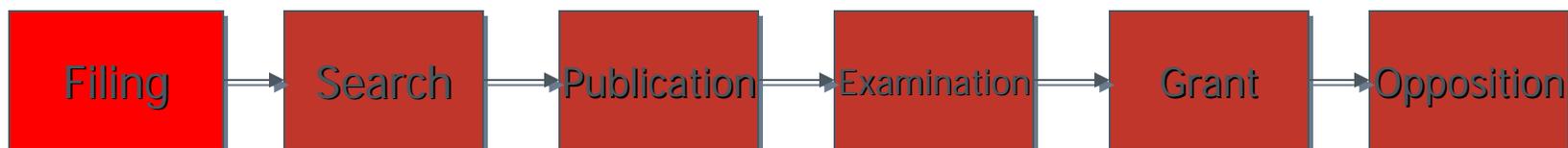
Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

Life of a File

Lisbon, 20 March 2007

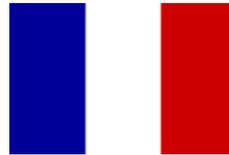


The European Procedure



Filing

- Art 14(1): EPO official languages

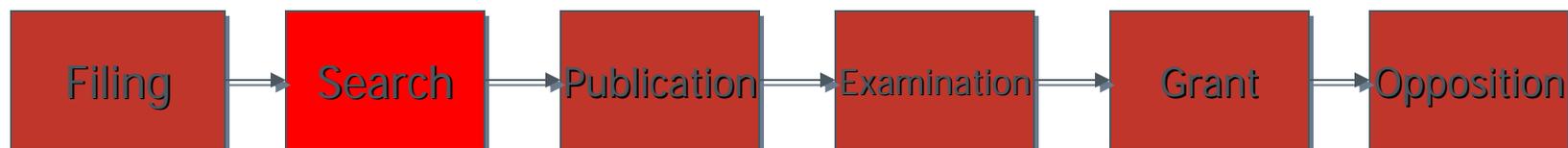


- language of contracting state
 - own language
 - language of state of residence
 - translation within 3 months of filing date
- Where: EPO München, EPO The Hague, EPO Berlin, online

Contents of EP Patent Application Art. 78 (1) EPC

- Request for grant
- Description of the invention
 - Disclosure of prior art
 - Detailed description
- Claims
- Drawings
- Abstract

The European Procedure



Search Phase

- Aim of the search:
 - Find the most relevant state of the art
- Source of information: internal, external databases, Internet etc.
- Carried out by an examiner (Search Examiner)
- (Extended European) Search report drafted
 - including relevant documents found, or
 - a Rule 45 EPC declaration
 - non-binding opinion (from 1/7/2003 for European first filings)



EP 00305103

G02C7/02
G02B5/22

1-4

X (also Y or A)

DE 43 03552 A (KUROPKA HORST)
11 AUGUST 1994

* abstract *
* page 1, line 10 – line 25 *
* page 3, line 12 – line 45 *

David Examiner

24 August 2001

| DOCUMENTS CONSIDERED TO BE RELEVANT | | | |
|-------------------------------------|---|-------------------|--|
| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (Int.Cl.7) |
| 1 X | DE 43 03 552 A (KUROPKA HORST) 11 August 1994 (1994-08-11) * abstract * * page 1, line 10 - line 25 * * page 3, line 12 - line 45 * | 1-4 | G02C7/02 G02B5/22 |
| 1 A | US 2 009 700 A (MCMURDO HEW B) 30 July 1935 (1935-07-30) * page 1, column 2, line 45 - page 2, column 4, line 34 * * figure 1 * * claims 1,2 * | 1-4 | |
| 1 A | US 4 247 177 A (MARKS ALVIN M ET AL) 27 January 1981 (1981-01-27) * abstract * * page 1, line 25 - page 3, line 30 * * page 4, line 1 - line 10 * | 1-3 | |

| | | |
|---|--|--|
| The present search report has been drawn up for all claims | | |
| Place of search THE HAGUE | Date of completion of the search 24 August 2001 | Examiner David Examiner |
| CATEGORY OF CITED DOCUMENTS | | |
| C: particularly relevant if taken alone CR: particularly relevant if combined with another document of the same category T: technological background O: non-written disclosure P: intermediate document | | T: theory or principle underlying the invention E: earlier patent document published on, or after the filing date D: document cited in the application L: document cited for other reasons &: member of the same patent family, corresponding document |

03813346

1504

2006-03-06



European Patent Office

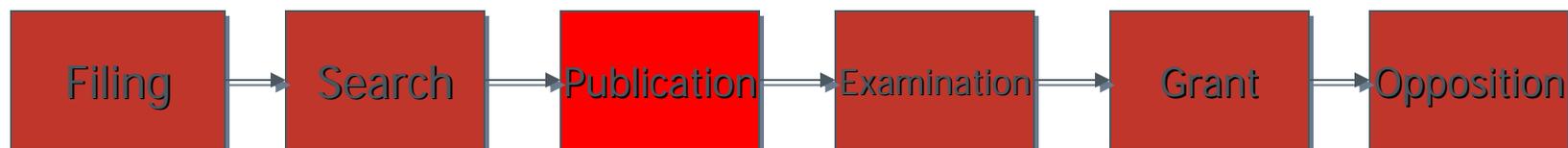
DECLARATION

Application Number

which under Rule 45 of the European Patent Convention EP 03 81 3346 shall be considered, for the purposes of subsequent proceedings, as the European search report

| | | |
|---|---|---|
| <p>The Search Division considers that the present application, does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims</p> <p>Reason:</p> <p>The claims of the application are formulated to merely specify commonplace features relating to matter excluded from patentability under Art. 52(2) and (3) EPC and its technological implementation. Due to the attendant lack of resolution of technical definition, the search division could not establish a technical problem addressed in order to be able to carry out a meaningful search into the state of the art (Rule 45 EPC). See also Guidelines Part B Chapter VIII. Accordingly no search has been carried out.</p> <p>The applicant's attention is drawn to the fact that a search may be carried out during examination following a declaration of no search under Rule 45 EPC, should the problems which led to the declaration being issued be overcome (see EPC Guideline C-VI, 8.5).</p> <p>-----</p> | | <p>CLASSIFICATION OF THE APPLICATION (IPC)</p> <p>G06F17/60</p> |
| <p>1</p> <p>EP0-PCSM:1604 (P04)27</p> | <p>Place of search</p> <p>The Hague</p> | <p>Date</p> <p>27 February 2006</p> |
| | | <p>Examiner</p> <p>FERNANDEZ FERREIRA</p> |

The European Procedure



Date of Publication: (< 18m after filing)

Appl. No: 00305103.4

Date of filing: 16.06.2000

Designated Contracting States:
AT BE CH DK ES FR GB...
Designated Extension States:
AL LT LV MK RO SI

Applicant:
Spectacular Spectacles Inc.
Wimbledon SW29
Great Britain

Figures....

ABSTRACT: To enhance perception of a yellow tennis ball

Title : APPARATUS FOR ENHANCING VISUAL...

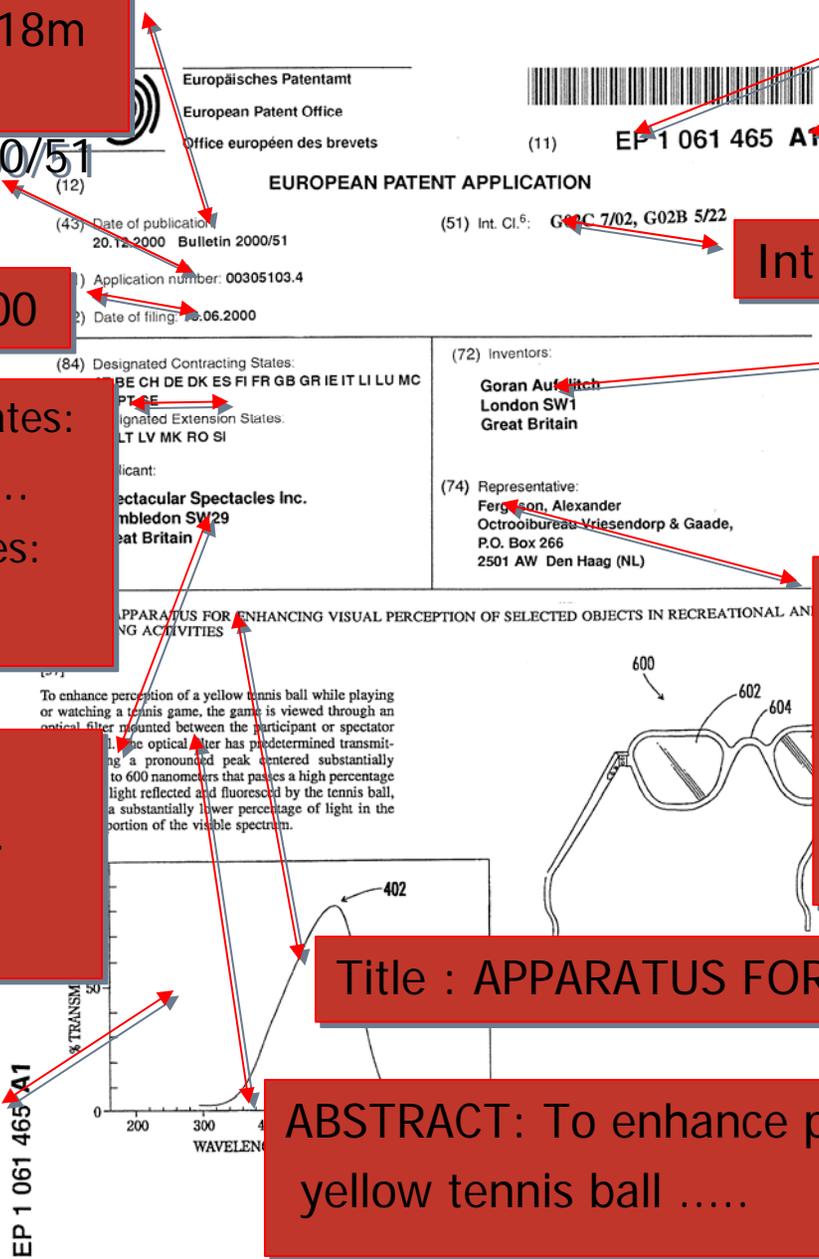
EP1 061 465

A1 (Also A2, A3)

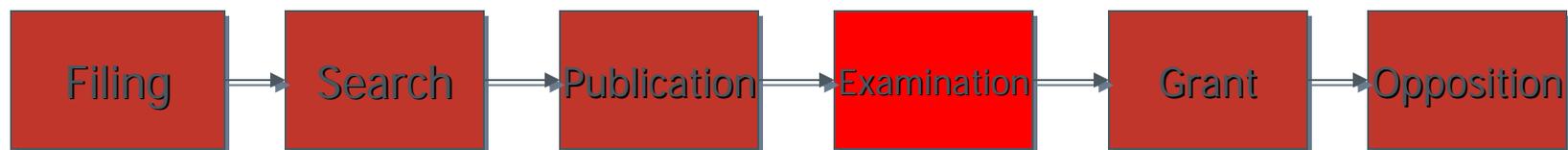
Int Cl.: G02C7/02, G02B5/22

Inventors:
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London,
United Kingdom



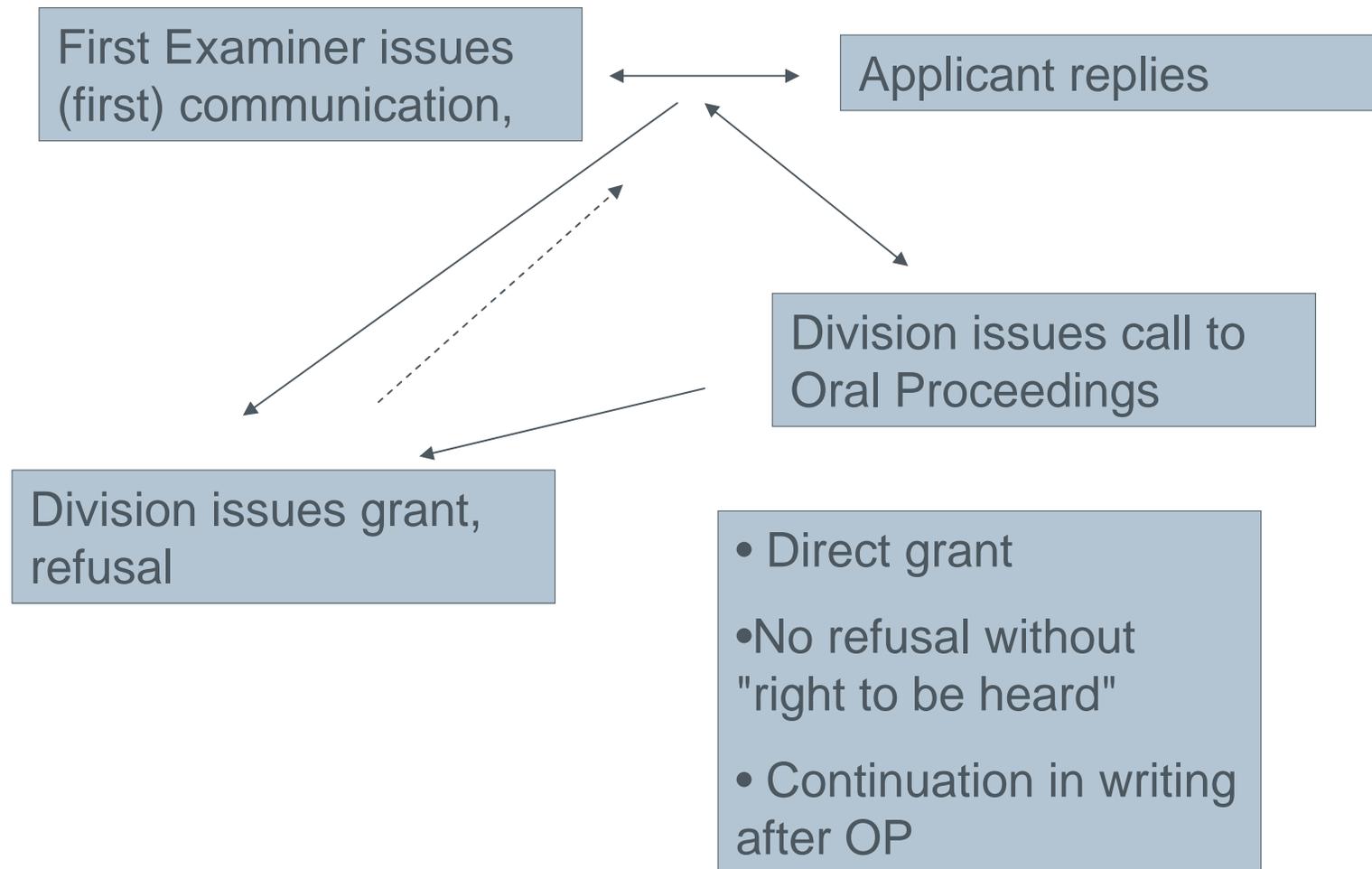
The European Procedure



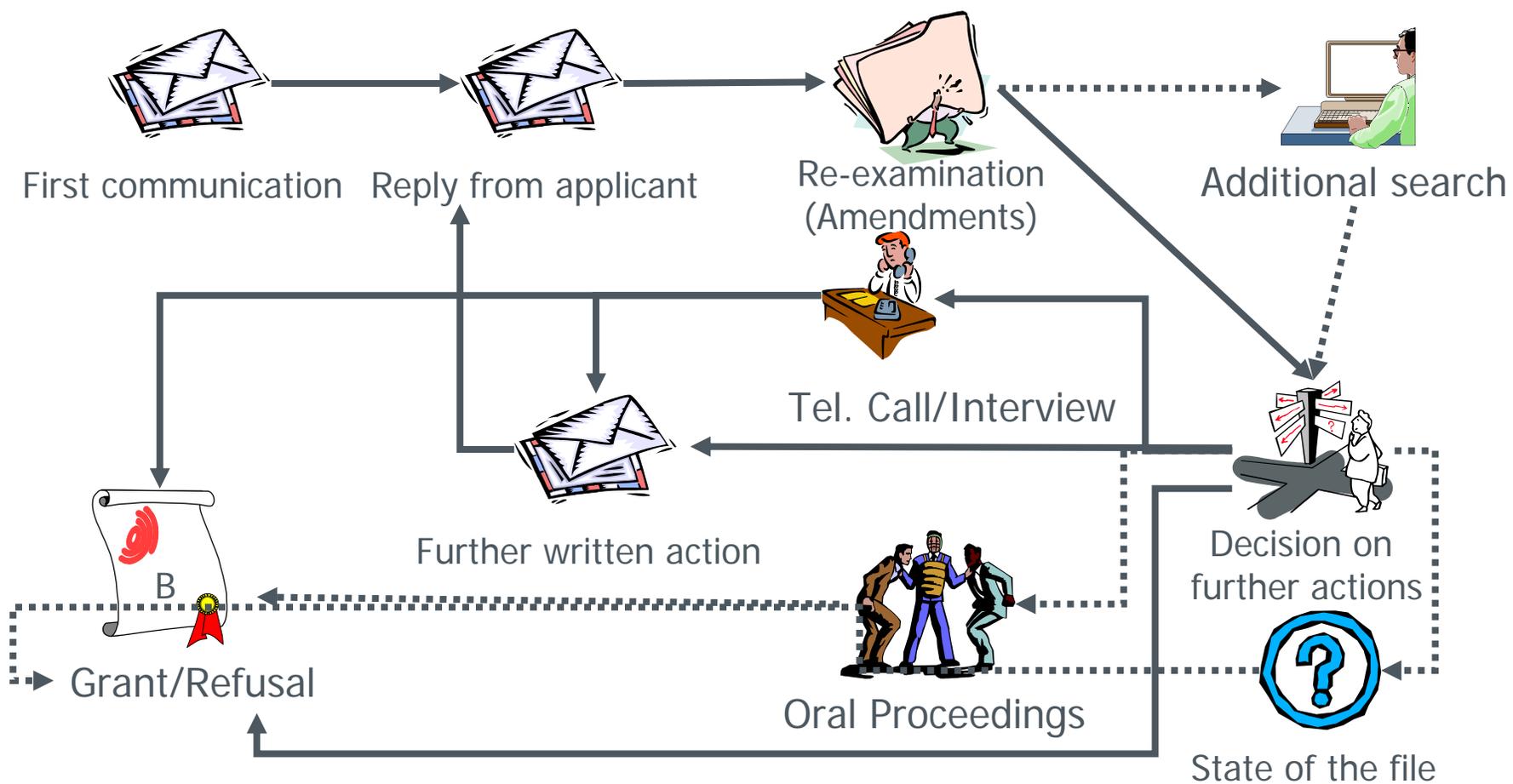
Examination: Examining Division

- **First Examiner**
 - analyses application
 - writes communications and answers replies
 - recommends grant or refusal or call to oral proceedings
- **Second Examiner**
 - Checks votum or refusal or call to oral proceedings
 - Checks form of final texts for grant /refusal
 - Minute writer in Oral Proceedings
- **Chairperson**
 - Checks legal and technical reasoning of votum/refusal/call for oral proceedings
 - Leads the Oral proceedings
- Decision by majority

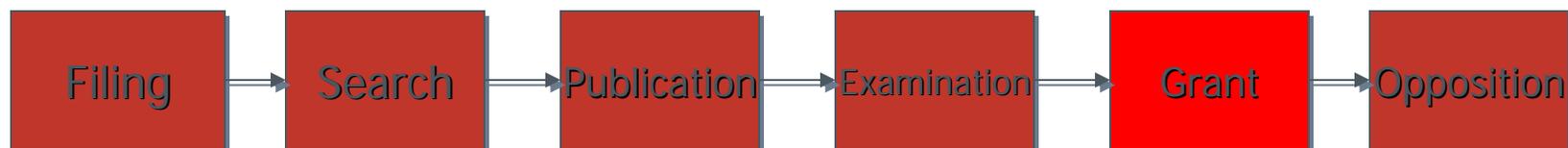
Examination (cont.)



Examination (detailed)



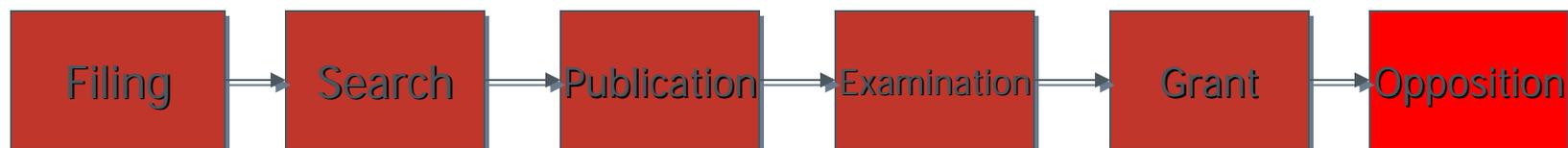
The European Procedure



Grant Art. 97(2), Rule 51(4) EPC

- Approval of final text
- Fees for grant and printing
- Translation of claims in other two languages
- Before national offices
 - Translation of specification
 - appointment of representative
 - additional fees, etc.

The European Procedure



Opposition

- Opposition is a centralized EPO procedure for challenging the validity of a granted European Patent
- Art 99 EPC
 - grounds filed within 9 months of the mention of grant being published
 - It can be filed by any person except proprietor
- Why needed
 - allows introduction of disclosures not available to Examining Division (proprietary disclosures, prior use, etc)
 - Public can challenge EPO assessment of patentability (eg. Greenpeace opposition to "Edinburgh Patent" in 2000)

Opposition: Grounds

- Art. 100 EPC
 - subject-matter not patentable
 - insufficiency or lack of clarity of disclosure
 - subject-matter of the patent extends beyond the contents of the application as filed

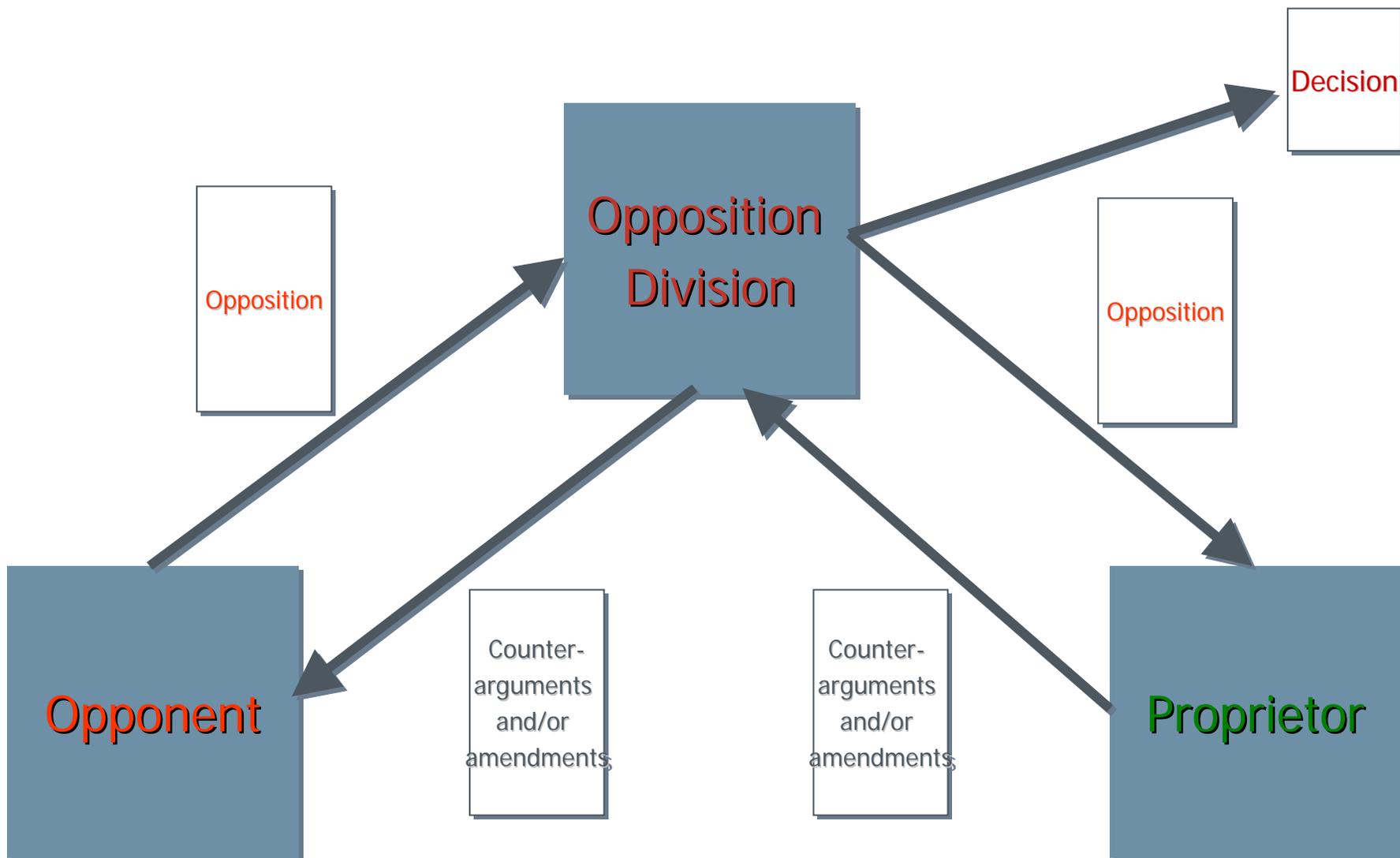
Opposition (cont.)

- Participants:
 - Opposition Division
 - Opponents
 - Patent proprietor
- Oppositions are adversarial:
 - the patent proprietor and the opponent battle it out amongst themselves
 - the Opposition Division arbitrates and takes the final decision

Opposition (cont.)

- Opposition Division
 - 3 members
 - *at least 2 did not take part in the Examination Proceedings*
usually first examiner plus two other technically qualified
- Opposition procedure
 - similar to examination
 - written procedure
 - eventually end: Oral Proceedings

Opposition: Procedure Art. 101(2) EPC



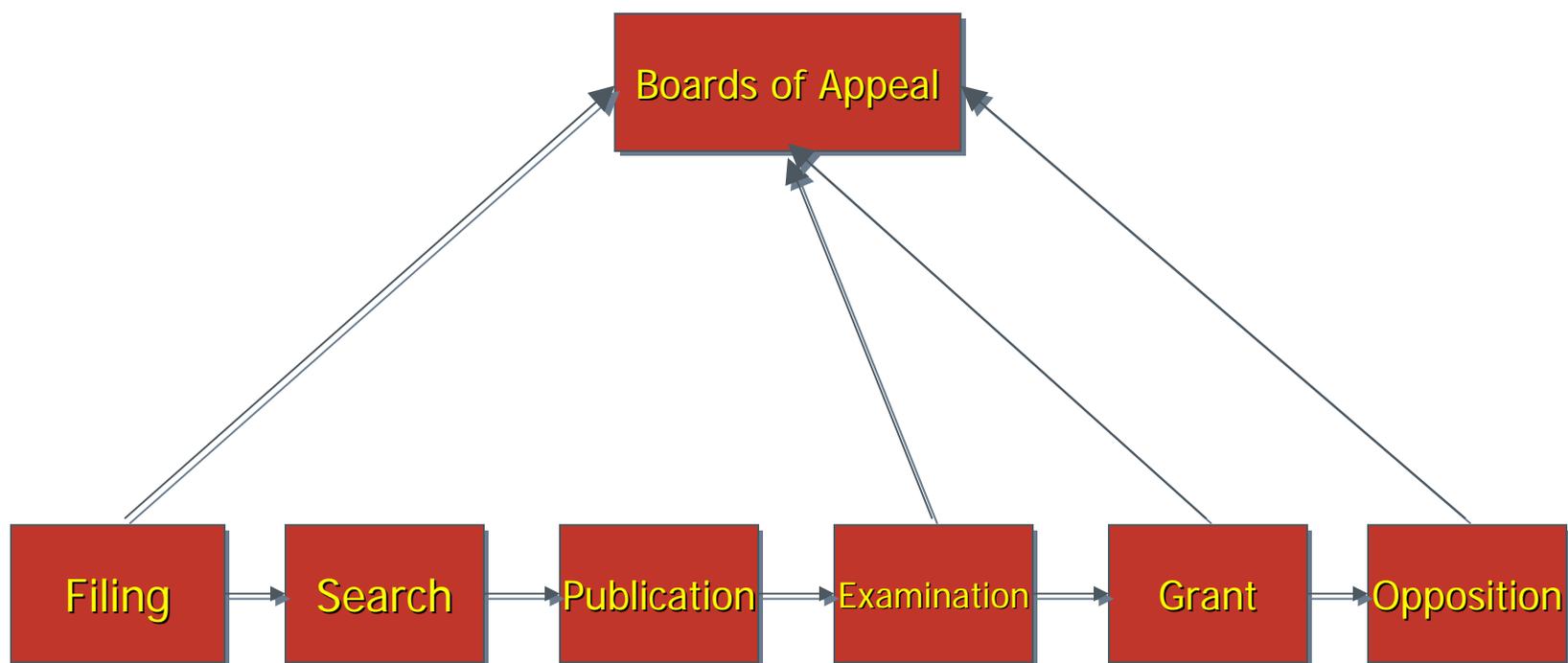
Opposition: Outcome

- Revoke patent in its entirety
 - patent no longer exists
- Maintain patent in amended form
 - claims restricted
- Maintain patent in unamended form
 - claims as granted

Opposition: Advantages

- Patent is revoked for all designated states
- Cheap compared to proceedings before national courts (613 Euros)
- Possibility of appeal
- 2634 oppositions filed in year 2003
 - only 4,3 % of granted patents opposed

Appealable Decisions



Appeal Procedures Arts 106-111 EPC

- From decisions of
 - Receiving section
 - Examining division
 - Opposition division
- Any party adversely affected
- Examination of Appeal
 - Suspensive effect
- Decision

Appeals: Boards

- Legal Board
 - Appeals relating to legal matters e.g. refund of fees
- Technical Board
 - Technical matters in examination e.g. refusal for lack of novelty
 - Decisions not binding for other similar cases
- Enlarged Board of Appeals
 - special matters

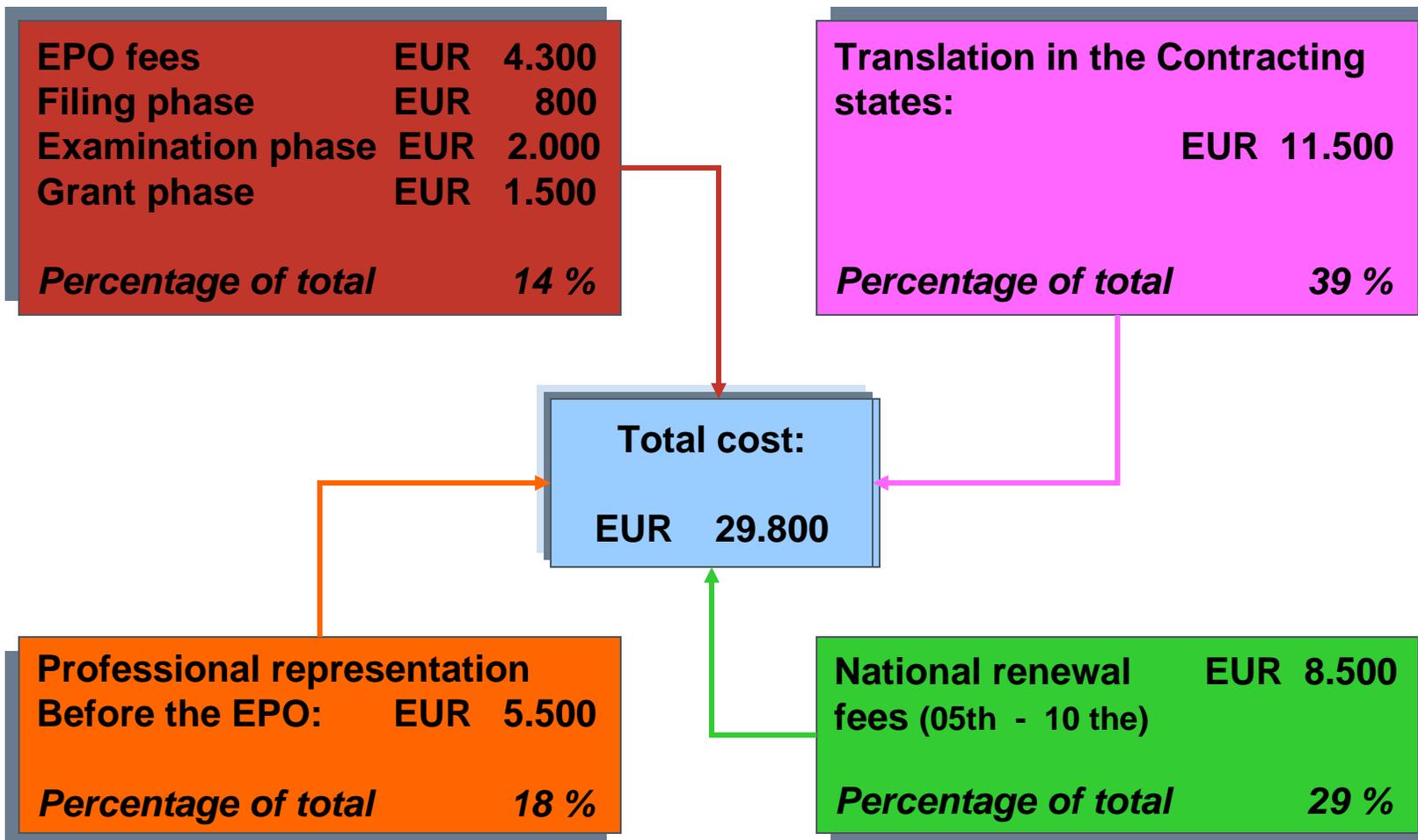
Boards of Appeal: Outcome

- First instance decision upheld
- First instance decision rectified
 - Possible remittal to first instance with instructions

Enlarged Board of Appeal

- Important legal questions from Boards of Appeal
 - During appeal proceedings
- Points of law referred by President
 - Conflicting decisions given by different Boards of Appeal
- **Not** a further instance
- Decisions are binding

Approximate Cost of an average European Patent (as at: 01.07.2003) (8 states; 10-year term)



Thank you for your attention

More information

www.epo.org