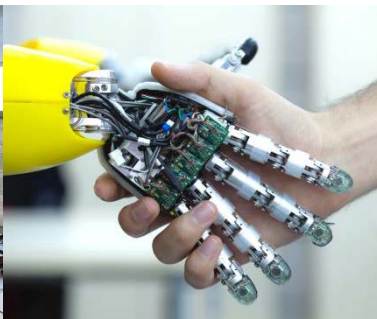
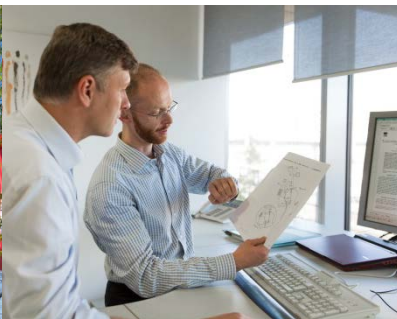




Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

Recent and upcoming procedural changes

Platform Formalities Officers – EPO The Hague



Recent and upcoming procedural changes

- New PPH partner offices
- Filing of enquiries as to the processing of files
- Provisional Search opinion
- Revised ADA
- Refund of the examination fee
- Refund of the Chapter II examination fee
- Streamlined opposition proceedings

New PPH partner offices

IPA (Australia) as of 01.07.2016

SIC (Columbia) as of 01.10.2016

ROSPATENT (Russia) as of 01.02.2017

IP5 pilot programme extended until 05.01.2020

*Patent Prosecution Highway pilot programme between the IP5 Offices based on PCT and national work products, OJ EPO 2014, A8 and OJ EPO 2015, A4-A8
OJ EPO 2016, A54 + A75, OJ EPO 2017, A5+A106*

PPH programme

- Patent Prosecution Highway pilot programme between the PPH partner offices
 - EPO, JPO, KIPO, SIPO, USPTO, CIPO, IMPI, IPOS, ILPO, **IPA, SIC, ROSPATENT**
- Aims at utilisation of PCT or national work products for corresponding applications

PPH pilot programme - requirements

- PPH request requirements:
 - Substantive examination of EP application has **not** yet begun
 - Filing of request with EPO Form 1009 providing all necessary information
 - No need to (re-)submit any documents already available to EPO or accessible via electronic Dossier Access Systems

eOLF

Original file name: PPH.pdf **Number of Pages:** 2

This pdf file contains:

Cateaorv:

Document type:

- Medical certificate
- Non-public annex
- PPH: documents for examination
- PPH: documents for search
- Request for accelerated search/examination
- Request for certified copies of the application
- Request for inspection of the file
- Request for participation in the Patent Prosecution H**

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PPH-SRCH-1.pdf

- PPH: do... search

PPH pilot programme

- If all requirements met, request granted / applicant notified
 - Application **processed in accelerated manner**
 - Conditions applicable to PACE programme apply by analogy
- **One** opportunity to correct any **formal** deficiencies in request
 - If not corrected, application taken out of PPH / applicant notified

PPH programme

- PPH request can be based either on
 - the latest **PCT** work product (ISR + written opinion / IPER) established by one of the **PPH partner offices as ISA or IPEA**, or on
 - a **national** work product established by one of the PPH partner offices during the processing of a national application or a PCT application having entered the national phase

PPH pilot programme

- PPH request requirements:
 1. Applications sharing same filing or priority date (filed with a PPH Office) or processed by a PPH Office in its capacity as PCT ISA/IPEA
 2. One of PPH Offices - Office of Earlier Examination (OEE) - has determined at least one claim to be patentable/allowable
 3. **Claims** must **sufficiently correspond** to those of corresponding application found patentable/allowable by OEE

Filing of enquiries as to the processing of files as of 01.11.2016

Notice from the European Patent Office dated 2 August 2016 concerning the handling of enquiries as to the processing of files OJ EPO 2016, A66

Enquiries as to the processing of files

- Since **1 November 2016**:
- Enquiry as to when the next Office action is to be expected processed only
 - if **filed online**
 - using **EPO Form 1012**
 - for **one** application/patent **at a time**

➤ **Enquiry does not imply acceleration of prosecution!**

Enquiries as to the processing of files – F1012



Anfrage zum Bearbeitungsstand der Akte
Enquiry as to the processing of the file
Demande de renseignement concernant l'instruction d'un dossier

Hiermit wird angefragt, wann das EPA den (ergänzenden) europäischen Recherchenbericht/den nächsten Bescheid zusenden wird¹

I/We hereby enquire when the EPO will deliver the (supplementary) European search report/next communication¹

Nous vous prions de nous indiquer le délai dans lequel l'OEB enverra le rapport (complémentaire) de recherche européenne / la prochaine notification¹

für die Anmeldung/das Patent
for application/patent
pour la demande/le brevet

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelders(s) oder Vertreter(s):
Signature(s) of applicant(s) or representative(s):
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

EN/EOEB 012 11-16

¹ ABl. EPA 2010, A66 / OJ EPO 2010, A66 / JO OEB 2010, A66

Enquiries as to the processing of files - eOLF

EPO Online Filing - EP(1038E) - 8888

File Edit View Tools Windows Help

EP(1038E) - Draft - 8888 Last saved on 12/04/2017

Application No	Names ⓘ	Requests	Documents	Fee Payment	Annotations
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PACE request

Under the programme for accelerated prosecution of European patent applications, I/we hereby request that the European patent application specified in the Application No tab undergo: ⓘ

- Accelerated search
- Accelerated examination

Enquiry as to the processing of the file

I/We hereby enquire when the EPO will deliver the (supplementary) European search report/next communication for the application/patent specified in the Application No tab ⓘ

0 0 1

Enquiries as to the processing of files - CMS

The screenshot displays the EPO CMS interface. On the left, a navigation menu includes 'Application', 'Applicant', 'Representative', 'Requests', and 'Documents'. The 'Requests' section is active, showing a search box with 'No results found' and a '+Add request [?]' button. A modal dialog titled 'Add request' is open, featuring a 'Select request type' section. Under 'Type: *', there are two radio button options: 'PACE request' and 'Enquiry as to the processing of the file'. The 'Enquiry as to the processing of the file' option is selected. A 'Next' button is located at the bottom of the dialog.

Application Requests

Applicant

Representative

Requests

Documents

No results found

[Add request \[?\]](#)

Add request

Select request type

Type: *

PACE request

Under the programme for accelerated prosecution of European patent applications, I/we hereby request that the European patent application specified in the Application No tab undergo:

Enquiry as to the processing of the file

I/We hereby enquire when the EPO will deliver the (supplementary) European search report/next communication for the application/patent specified in the Application No tab

Enquiries as to the processing of files

- Since **1 November 2016**:
 - **prompt acknowledgement** of receipt
 - request and answer are part of the file and open to online file inspection
 - **reply indicating period** within which to expect Office action
 - close monitoring of timely delivery
- **PACE request recommended in case time frame given in reply to enquiry is not satisfactory!**

Enquiries – Deficiencies

- Request is filed on paper / by fax
 - Free text letter is sent
 - Request is filed orally/per email
 - One request is filed for a list of applications
-
- **In case of any deficiency EPO Form 2569A is sent and the request will not be taken into consideration. As applicable, a new request needs to be filed!**

Enquiries – EPO Form 2569A

With regard to your enquiry about the application referred to above received on, please note that

- it cannot be processed because:
 - it was not filed using EPO Form 1012 (see OJ EPO 2016, A66)
 - it was not filed online (see OJ EPO 2016, A66)
 - it was filed for more than one application (OJ EPO 2016, A66).

Please note that you may submit a new enquiry complying with the requirements set out in the Notice from the EPO dated 02.08.2016 (see OJ EPO 2016, A66).

- no committed date can be communicated because
 - the last renewal fee had not been validly paid by its due date (Rule 51(1) EPC)
 -

For the Examining Division



Enquiries as to the processing of files

- Next Office action within **one month** from receipt of enquiry, in case of
 - application filed **on/after 1 June 2014** and (supplementary) European search report + opinion not issued within 6 months from filing date / expiry of period under Rule 161(2) EPC (Euro-PCT)
 - non-performance of Office action within committed period
 - for an application processed under PACE programme
 - for cases where a previous enquiry has been made

Enquiries as to the processing of files

- Next Office action within **six months** from receipt of enquiry, in case of
 - application filed before 1 June 2014 and claiming priority, where (supplementary) European search report + opinion not issued

Provisional search opinion as of 01.04.2017

Notice from the European Patent Office dated 3 March 2017

Provisional search opinion

Before 01.04.2017 the EPO provided the opinion on patentability in non-unity cases only together with the final (supplementary) European or International search report

As of 01.04.2017 the EPO provides a provisional opinion on the patentability of the invention (or unitary group of inventions) first mentioned in the claims

As with international applications, applicants are systematically informed about the reasons for non-unity in EP applications

Provisional search opinion

EPO will issue a provisional opinion in non-unity cases for:

- EP filings (including waiver cases)
- Euro-PCTbis filings
- PCT filings

New EPO Form 1707 is for information only, and will be sent with the invitation to pay further search fees

➤ **a reply is not necessary and will not be taken into account!**

Provisional search opinion workflow

1. EPO issues partial International search report or partial (supplementary) European search report with:
 - invitation to pay further search fees
 - Provisional search opinion
2. after expiry of the time limit the EPO will issue the final International search report or final (supplementary) European search report with:
 - the opinion on patentability (WO-ISA or ESOP (unless waived))

Provisional search opinion

PROVISIONAL OPINION
ACCOMPANYING THE
PARTIAL SEARCH RESULT

Application No: 06 749 720 . 6

The examination is being carried out on the following application documents

Description, Pages

1-17 as published

Claims, Numbers

1-20 as published

Drawings, Sheets

1/10-10/10 as published

- 1 The following document has been cited in the international search report; the numbering will be adhered to in the rest of the procedure.
D1 US 2004/041709 A1
- 2 Reference is made to the following document; the numbering will be adhered to in the rest of the procedure.
D2 JP H09 152479 A (OKI ELECTRIC IND CO LTD) 10 June 1997 (1997-06-10)
- 3 The application lacks unity within the meaning of Article 82 EPC.
- 3.1 Considering US2004/0041709 as representing the nearest state of the art, the potential special technical features (Rule 44(1) EPC) of the independent claims are as follows:
 - 3.1.1 Claims 1 and 5: tag configured as a card comprising at least one laminate, detachable when the insert is not coupled to the drum, not detachable without damage when the insert is coupled to the drum.
 - 3.1.2 Claim 14: second RFID tag on the equipment, verification of the compatibility.
 - 3.1.3 Claim 16: tag detachable when the insert is not coupled to the drum, not detachable without damage when the insert is coupled to the drum.
 - 3.1.4 Claim 19: redundant identification member.
- 3.2 The potential special technical features of claims 1, 5 and 16 solve the problem of preventing that the tag could be placed on another drum.

Provisional search opinion – disclaimer Form 1717

Application no:
Demande n°: 06 749 720.6
Anmelde-Nr:

DISCLAIMER

The attached provisional opinion on the patentability of the first invention searched serves only as information.
A reply addressing the points raised in the opinion is **not** required and will **not** be taken into account when issuing the final search report and opinion on patentability.

AVERTISSEMENT

L'avis provisoire ci-joint sur la brevetabilité de la première invention recherchée ne sert qu'à titre d'information.
Une réponse abordant les points soulevés dans l'avis n'est **pas** nécessaire et ne sera **pas** prise en compte lors de l'établissement du rapport final de la recherche et de l'avis sur la brevetabilité.

DISCLAIMER

Die beigefügte vorläufige Stellungnahme zur Patentierbarkeit der ersten geprüften Erfindung dient lediglich zur Information.
Eine Antwort auf die erhobenen Punkte in der Stellungnahme ist **nicht** erforderlich und bleibt bei der Erstellung des endgültigen Recherchenberichts und der Stellungnahme zur Patentierbarkeit **unberücksichtigt**.

Revised ADA

as of 01.11.2016

Notice from the European Patent Office dated 29 September 2016 revising points 5.3 and 7 of the Arrangements for deposit accounts (ADA) OJ EPO 2016, A83

New point 5.3.4 (shortfall)

- As from **1 November 2016**:
- If the funds on the deposit account are not sufficient on the date of receipt of a debit order to cover all fees indicated for an application:
 - the fees are booked in **ascending order of fee codes**
 - **as long as funds allow**
- **Under the old provisions the debit order was not executed in its entirety!**

Amended point 7.1 (revocation of debit order)

- As from **1 November 2016**:
- A debit order can be revoked **in part** or in total by signed written notice from the account holder:
 - per fax or as an email attachment
- The revocation is accepted if all formal requirements are fulfilled.
 - **The revocation is not effective if received with the EPO after the date of receipt of the debit order!**

Refund of the examination fee as of 01.07.2016/01.11.2016

*Notice from the EPO dated 30 June 2016 concerning refunds of the examination fee
(Art. 11 RFees), OJ EPO 2016, A49*

Refund of the examination fee

- **“Start of examination date”** (EPO Form 2095) is
- Available in the public file, accessible via European Patent Register
 - For applications not yet published, information visible to applicant/representative via MyFiles, or made available on request

EPO Form 2095 - Start of substantive examination

Application No.: 09152547.7

Substantive examination has started on 27.08.15 (see Notice from the European Patent Office dated 29.01.2013, OJ EPO 2013, 153).

For the Examining Division

Refund of the examination fee – 100%

- If an application is withdrawn, deemed withdrawn or refused
 - **before** substantive examination has begun, 100% of the examination fee is refunded (Art. 11(a) RFees)
 - applies to applications that are withdrawn, deemed to be withdrawn or refused on or after **01.07.2016** (date of legal effect)
 - **The refund of 75%, previously applying as of the date when the Examining Division has assumed responsibility, no longer applies to applications with a date of legal effect on or after 01.07.2016!**

Refund of the examination fee – 50%

If an application is actively withdrawn **after** substantive examination has begun, but

- **before** expiry of the time limit for replying to the first invitation issued by the Examining Division proper **or**,
- if no such invitation has been issued by the Examining Division (direct grant), **before the date** of the communication under Rule 71(3) EPC
- **50%** of the of the examination fee is refunded (Art. 11(b) RFees)
- applies to applications for which substantive examination begins as of **01.11.2016**

Refund of the examination fee

- The Office will inform the applicant in selected applications at least two months beforehand of the date on which it intends to start substantive examination (EPO Form 2919)
 - This information letter commits the Office to not start substantive examination before the date indicated, although it may of course start later.
 - The actual starting date is shown in the European Patent Register
- **The letter is for information only !**

EPO Form 2919

Date	08.07.16
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Reference WHU 200902 EP	Application No./Patent No. 09152547.7 - 1710 / 2090213
Applicant/Proprietor Whirlpool Corporation	

Expected start of examination

Please be informed that according to current work planning, substantive examination of the above-mentioned application is expected to begin on or after 08.09.16

If the European patent application is withdrawn, refused or deemed to be withdrawn before substantive examination has begun, the examination fee is refunded at a rate of 100% (Article 11(a) RFees as amended with effect from 1 July 2016).

Refund of the PCT Chapter II examination fee as of 01.04.2017

*Amendments of annex C of the Agreement between the EPO and WIPO under PCT,
OJ EPO 2017, A28*

Refund of the Chapter II examination fee

- In order to harmonise the treatment between EP and PCT, the Agreement between EPO and WIPO under the PCT, annex C, Part II, paragraphs 3 and 5 has been amended with effect as of **01.04.2017**
- the refund in case of a **valid withdrawal** filed **before start of the examination** has been increased from 75% to 100%
- **The new regulation applies for all valid withdrawals filed as of 01.04.2017!**

Streamlined Opposition Proceedings

as of 01.07.2016

Notice from the European Patent Office concerning the opposition procedure as from 1 July 2016, OJ EPO 2016, A42+A43

Streamlined Opposition

- Takes effect for all cases where the opposition period expires on or after **01.07.2016**
- Requests for extension of any time limit will only be granted in exceptional cases with duly substantiated requests if the communication setting the time limit was despatched on or after 01.07.2016)
- **The restrictive handling of requests for time extension is one of the prerequisites for a speedy conclusion establishing legal certainty for all parties**

Streamlined Opposition

- If no observations are filed by the proprietor in reply to the communication under Rule 79(1) EPC, the service letter (EPO Form 2344A) will no longer be despatched to the proprietor.
- Opponent(s) will no longer be invited to submit a reply to the observations from the proprietor, neither for substantive amendments nor for contesting the admissibility (EPO Form 2322)
- **The proprietor's reply/submissions including all non-patent literature are still forwarded to all opponents!**

Streamlined Opposition

- Oral proceedings commonly held in Opposition
- If summons to attend oral proceedings is the first action the **summons** is despatched at the latest **6 months prior** to the actual date of the oral proceedings
- The final date for filing submissions prior to oral proceedings is two months before the date of the oral proceedings.

Streamlined Opposition

- **Pending opposition cases** where the opposition period expired before 01.07.2016 are affected for:
 1. any request for extension of time limit
 2. oral proceedings

if the communication/summons is despatched **on/after**
01.07.2016

Thank you for your attention!

