**1. Filing requirements and formalities**

**1.1 Minimum requirements for a filing date**

* **Scope**: assessing the mandatory elements (e.g., description, claims) and their submission modes.
* **Sample sentences:** 
  + *What documents are required on the filing date for the epo to accord a filing date?*
  + *How is the filing date affected if claims are missing initially?*
  + *If no reference to any drawing is included, can missing drawings be submitted later without a change in the filing date?*

**1.2 Filing methods and locations**

* **Scope**: addressing allowed filing modes (fax, online, physical) and relevant epo sites.
* **Sample sentences:** 
  + *Which epo offices can receive an ep application filed via fax?*
  + *How do the rules differ for filing with the epo vs. National patent offices?*

**1.3 Formality examination**

* **Scope**: checking if formal requirements (payment of fees, form usage, etc.) Are met.
* **Sample sentences:** 
  + *What happens if the request for grant (form 1001) is not correctly completed?*
  + *What is the procedure if the formalities officer notes a missing inventor designation?*

**2. Priority claims and right of priority**

**2.1 Substantive requirements for priority**

* **Scope**: validity criteria, same invention requirement, earliest date, and partial priorities.
* **Sample sentences:** 
  + *What conditions must be fulfilled for a valid priority claim from an earlier application?*
  + *Does the priority application need to disclose every feature claimed in the subsequent filing?*

**2.2 Time limits and restoration**

* **Scope**: one-year priority period, procedures for requesting restoration, conditions for success.
* **Sample sentences:** 
  + *How is the 12-month priority period calculated when it ends on a weekend?*
  + *What evidence must be provided to restore priority under rule 26bis.3 pct?*

**2.3 Multiple priorities and partial priority**

* **Scope**: handling claims that rely on more than one earlier application.
* **Sample sentences:** 
  + *Can a single claim contain subject-matter from two different priority dates?*
  + *How to split claims into portions entitled to partial priority?*

**3. Divisional applications**

**3.1 Filing requirements**

* **Scope**: when a parent must still be pending, language options, and timing.
* **Sample sentences:** 
  + *By what date must a divisional be filed if the parent is due to grant?*
  + *Can a divisional be filed in a different language than its parent?*

**3.2 Subject-matter and scope**

* **Scope**: compliance with article 76 epc, no added subject-matter, and ensuring unity.
* **Sample sentences:** 
  + *How is added subject-matter assessed in a divisional relative to the parent’s original disclosure?*
  + *Can a divisional cover an invention that was excluded from the parent’s search due to lack of unity?*

**3.3 Fees for divisionals**

* **Scope**: payment of filing fees, renewal fees, examination fees, and other relevant costs.
* **Sample sentences:** 
  + *When are renewal fees due for a divisional application compared to its parent?*
  + *Is any reduction possible for the filing or examination fee of a divisional?*

**4. Fees, payment methods, and time limits**

**4.1 Types and calculation of fees**

* **Scope**: understanding different fee types (filing, search, examination, renewal, claims).
* **Sample sentences:** 
  + *How are excess claims fees calculated if claims are amended during examination?*
  + *When must the search fee be paid if the epo acts as isa under the pct?*

**4.2 Payment mechanisms**

* **Scope**: automatic debit orders, bank transfers, credit cards, and fee payment via third parties.
* **Sample sentences:** 
  + *How does an automatic debit order work and what happens if the deposit account lacks funds?*
  + *Can multiple applicants share a single deposit account for fee payment?*

**4.3 Fee deadlines and late payment consequences**

* **Scope**: additional fees, surcharges, and further processing if deadlines are missed.
* **Sample sentences:** 
  + *What surcharge applies if renewal fees are not paid by the due date?*
  + *How can an applicant avoid loss of rights if a fee payment is overlooked?*

**5. Languages and translations**

**5.1 Language of filing and procedural language**

* **Scope**: filing in non-epo official languages, subsequent translation deadlines, language-based fee reductions.
* **Sample sentences:** 
  + *How long after filing must a translation be submitted if the application was filed in italian?*
  + *Which official language of the epo becomes the language of proceedings if multiple languages are used?*

**5.2 Translation requirements on grant or other stages**

* **Scope**: claim translations under rule 71(3) epc, translation for validation in national phases.
* **Sample sentences:** 
  + *What is required if the text intended for grant is not in the applicant’s preferred official language?*
  + *Does the applicant need to file translations in all contracting states after grant?*

**5.3 Effects of language on costs and procedural rights**

* **Scope**: fee reductions for certain languages, language-based rights of small entities or universities.
* **Sample sentences:** 
  + *What reduction in examination fees applies for a university filing in an official language of an epc contracting state?*
  + *Can an applicant who filed in spanish benefit from a fee reduction?*

**6. Procedural remedies and legal effect**

**6.1 Further processing (rule 135 epc)**

* **Scope**: available for missed deadlines in examination or other proceedings, scope of remedy, exceptions.
* **Sample sentences:** 
  + *For which official time limits is further processing not available?*
  + *How must an applicant request further processing after failing to respond to an examination report?*

**6.2 Re-establishment of rights (article 122 epc)**

* **Scope**: conditions (all due care), time limit for requesting, and required evidence.
* **Sample sentences:** 
  + *What steps demonstrate “all due care” to justify re-establishment?*
  + *When does the two-month time limit for re-establishment start running if an applicant misses a final deadline?*

**6.3 Loss of rights and remedies**

* **Scope**: notices of loss of rights, deemed withdrawals, subsequent procedural options.
* **Sample sentences:** 
  + *When is a communication under rule 112(1) epc issued, and how to react?*
  + *Is an appeal possible against a deemed withdrawal?*

**7. Pct procedure and entry into the european phase**

**7.1 International filing and search**

* **Scope**: filing at receiving offices, international search by epo or other isas, invited corrections.
* **Sample sentences:** 
  + *Which receiving office can a us applicant choose when filing a pct application?*
  + *What happens if the applicant fails to pay the international filing fee within the deadline?*

**7.2 Preliminary examination and amendments**

* **Scope**: filing a demand, timing for article 34 amendments, unity objections at iper stage.
* **Sample sentences:** 
  + *When must the demand for international preliminary examination be filed at the epo as ipea?*
  + *How are amendments under article 34 pct handled differently from article 19 pct amendments?*

**7.3 European phase entry and requirements**

* **Scope**: minimum actions to enter ep phase (translations, fees, etc.), optional actions (requesting examination).
* **Sample sentences:** 
  + *What are the minimum requirements to validly enter the european phase under articles 22/39 pct?*
  + *Is an additional search fee always required in the ep phase if the epo was the isa?*

**8. Examination, amendments, and grant**

**8.1 Examination procedure and communications**

* **Scope**: responding to article 94(3) communications, telephone consultations with examiners, time limit extensions.
* **Sample sentences:** 
  + *What are the applicant’s options upon receiving an objection regarding lack of clarity under article 84?*
  + *Is an in-person hearing possible before the examining division issues a final decision?*

**8.2 Claim amendments and article 123 epc**

* **Scope**: no added subject-matter, no broadening after grant, clarity considerations.
* **Sample sentences:** 
  + *How is an amendment evaluated for compliance with article 123(2)?*
  + *When is it permissible to delete features from the original independent claim?*

**8.3 Grant stage (rule 71(3) epc) and post-grant publication**

* **Scope**: paying the fee for grant and publishing, submitting claim translations, final text for publication.
* **Sample sentences:** 
  + *What steps must be completed before the decision to grant is issued?*
  + *What happens if errors are found in the druckexemplar after paying the grant fee?*

**9. Opposition and appeals**

**9.1 Grounds for opposition (article 100 epc)**

* **Scope**: novelty, inventive step, subject-matter not patentable, insufficiency of disclosure, extension beyond original filing.
* **Sample sentences:** 
  + *Can an opponent rely on lack of clarity under article 84 epc as a ground for opposition?*
  + *Is lack of unity a valid ground for opposition?*

**9.2 Opposition procedure and admissibility**

* **Scope**: formal requirements (time limits, opponent identity), partial opposition, withdrawal of opposition.
* **Sample sentences:** 
  + *Is it possible to oppose only one independent claim of a granted patent?*
  + *How does the epo handle late-filed documents in opposition?*

**9.3 Appeal proceedings**

* **Scope**: grounds of appeal, fresh evidence, remittal, boards’ powers, and procedures.
* **Sample sentences:** 
  + *Can a new ground for opposition be introduced during appeal without the patentee’s consent?*
  + *What is the composition of a board of appeal deciding a patent case?*

**10. Substantive patent law: novelty and inventive step**

**10.1 Novelty analysis**

* **Scope**: defining prior art, comparing features, selection inventions, disclaimers.
* **Sample sentences:** 
  + *How is novelty assessed against a document that discloses a range overlapping the claimed range?*
  + *Does prior use by the applicant themselves destroy novelty?*

**10.2 Inventive step analysis**

* **Scope**: closest prior art selection, objective technical problem, and problem-solution approach.
* **Sample sentences:** 
  + *Can a known alternative material render the claim obvious if it provides no improved result?*
  + *How does the examiner establish a lack of inventive step if the solution is an obvious combination of known teachings?*

**10.3 Special forms of claims (e.g., medical use)**

* **Scope**: swiss-type, article 54(5) epc second medical use claims, allowable claim wording.
* **Sample sentences:** 
  + *What is the difference between swiss-type claims and epc 2000 medical use claims?*
  + *How is novelty established for a second or further medical use?*

**11. Entitlement and transfers**

**11.1 Entitlement disputes (article 61 EPC)**

* **Scope**: disputes over who owns the right to a european patent application or patent.
* **Sample sentences:** 
  + *How can proceedings be stayed if entitlement proceedings are initiated before a national court?*
  + *What is the effect on the ongoing examination of a pending entitlement dispute?*

**11.2 Transfers and assignments**

* **Scope**: formalities for registering changes in ownership, partial transfers, and licensing.
* **Sample sentences:** 
  + *Which documents are needed to record a transfer of rights in the european patent register?*
  + *Does a partial assignment allow different co-owners in different designated states?*

**11.3 Procedural consequences**

* **Scope**: impact on deadlines, actions that can/cannot be taken by a transferee before registration.
* **Sample sentences:** 
  + *At what point can the transferee begin prosecuting the application in their own name?*
  + *Is there a fee for recording a transfer at the epo?*

**12. Biotech and sequence listings**

**12.1 Sequence listing filing and format**

* **Scope**: mandatory wipo standard, electronic submission, late furnishing fees.
* **Sample sentences:** 
  + *What are the consequences if a sequence listing is not filed upon request?*
  + *In what format must the sequence listing be provided under wipo standard st.25 or st.26?*

**12.2 Added subject-matter in biotech claims**

* **Scope**: ensuring that no new sequences or mutations are introduced beyond the original disclosure.
* **Sample sentences:** 
  + *How is compliance with article 123(2) epc checked for nucleotide and amino acid sequences?*

**12.3 Specific patentability exceptions in biotech**

* **Scope**: exclusions (plant/animal varieties, essentially biological processes), rule 28 epc.
* **Sample sentences:** 
  + *What biotech inventions are explicitly excluded from patentability under the epc?*
  + *Does the epc allow gene editing claims for plants?*

**13. Unity of invention**

**13.1 Unity in european applications**

* **Scope**: criteria for single general inventive concept, partial search where unity is lacking.
* **Sample sentences:** 
  + *How does the epo handle multiple independent claims that appear unrelated?*
  + *Can the epo invite payment of additional search fees for non-unified claims during ep examination?*

**13.2 Unity in pct applications**

* **Scope**: international phase unity criteria, additional fees for multiple inventions, protest procedure.
* **Sample sentences:** 
  + *What steps can an applicant take if the isa invites payment of additional search fees?*
  + *Is it possible to pursue unsearched inventions in a later european divisional?*

**13.3 Strategies for overcoming lack of unity**

* **Scope**: amendments, selecting one invention to proceed with, potential divisional filings.
* **Sample sentences:** 
  + *Which claims should be retained if the applicant pays no additional search fees?*
  + *How does an applicant choose the invention providing the strongest prospect of allowance?*

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**Summary Table**

| **Question** | **Category** | **Subcategory** |
| --- | --- | --- |
| Q1 | 11. Entitlement and Transfers | 11.1 Entitlement Disputes |
| Q2 | 9. Opposition and Appeals | 9.1/9.2 (Grounds/Procedure) |
| Q3 | 9. Opposition and Appeals | 9.3 Appeal Proceedings |
| Q4 | 11. Entitlement and Transfers | 11.2 Transfers and Assignments |
| Q5 | 5. Languages and Translations | 5.1 Language of Filing / Procedural Language |
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| Q9 | 1. Filing Requirements and Formalities | 1.1 (Filing Date) / 1.3 (Representation as part of formality check) |
| Q10 | 9. Opposition and Appeals | 9.2 Opposition Procedure / Admissibility |
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| Q12 | 10. Substantive Patent Law | 10.1 Novelty Analysis |
| Q13 | 10. Substantive Patent Law | 10.1 Novelty Analysis |
| Q14 | 8. Examination, Amendments, and Grant | 8.2 Claim Amendments and Article 123(2)/84 |
| Q15 | 10. Substantive Patent Law | 10.1 (Novelty) & 10.2 (Inventive Step) |
| Q16 | 10. Substantive Patent Law | 10.1 Novelty Analysis |
| Q17 | 10. Substantive Patent Law | 10.1 Novelty Analysis |
| Q18 | 8. Examination, Amendments, and Grant | 8.1 Examination Procedure & possibly 8.2 (Article 123(2)) |
| Q19 | 8. Examination, Amendments, and Grant | 8.2 Claim Amendments and Article 123(2) |
| Q20 | 10. Substantive Patent Law | 10.2 Inventive Step Analysis |

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| **Question** | **Category** | **Subcategory** |
| --- | --- | --- |
| **Q1** | 4. Fees, Payment Methods, and Time Limits | 4.1 Types & Calculation of Fees / 4.3 Deadlines |
| **Q2** | 2. Priority Claims and Right of Priority | 2.1 Substantive Requirements, 2.2 Time Limits |
| **Q3** | 3. Divisional Applications | 3.1 Filing Requirements / 3.2 Subject-Matter and Scope |
| **Q4** | 7. PCT Procedure and Entry into the European Phase | 7.1 International Filing and Search (plus minor Article 54(3) aspects) |
| **Q5** | 9. Opposition and Appeals | 9.1 Grounds for Opposition & Admissibility / 9.2 Opposition Procedure |
| **Q6** | 8. Examination, Amendments, and Grant | 8.1 Examination Procedure (focus on sufficiency, Art. 83) |
| **Q7** | 8. Examination, Amendments, and Grant | 8.1 Examination Procedure (oral proceedings, who may speak) |
| **Q8** | 9. Opposition and Appeals | 9.3 Appeal Proceedings (fresh grounds) |
| **Q9** | 5. Languages and Translations | 5.1 Language of Filing/Procedural Language |
| **Q10** | 7. PCT Procedure and Entry into the European Phase | 7.1 International Filing and Search (unity, protest fees) |
| **Q11** | 10. Substantive Patent Law: Novelty/Inventive Step | (Claim scope interpretation; product-by-process coverage) |
| **Q12** | 8. Examination, Amendments, and Grant | 8.1 Examination Procedure (Art. 84 clarity, essential features) |
| **Q13** | 10. Substantive Patent Law: Novelty and Inventive Step | 10.1 Novelty Analysis |
| **Q14** | 8. Examination, Amendments, and Grant | 8.2 Claim Amendments & Article 123(2) |
| **Q15** | 10. Substantive Patent Law: Novelty and Inventive Step | 10.2 Inventive Step Analysis |
| **Q16** | 8. Examination, Amendments, and Grant | 8.1 Examination Procedure (clarity, scope) |
| **Q17** | 10. Substantive Patent Law: Novelty and Inventive Step | 10.1 Novelty Analysis |
| **Q18** | 10. Substantive Patent Law: Novelty and Inventive Step | 10.1 Novelty Analysis |
| **Q19** | 8. Examination, Amendments, and Grant | 8.2 Claim Amendments & Article 123(2) |
| **Q20** | 10. Substantive Patent Law: Novelty and Inventive Step | 10.2 Inventive Step Analysis (including two-part form re: D2) |

**Questions Sup OEB**

| **Q** | **Topic (Short)** | **Category** |  | **Subcategory** |
| --- | --- | --- | --- | --- |
| 1 | 20% exam fee reduction (Spanish) | 5. Languages & Translations |  | 5.3 Effects of Language on Costs/Rights |
| 2 | Stay of proceedings & renewal fees | 6. Procedural Remedies & Legal Effect |  | (Stay of proceedings under Rule 14(4)) |
| 3 | Interruption (Rule 142) & resuming an opposition time limit | 6. Procedural Remedies & Legal Effect |  | (Interruption/resumption) |
| 4 | Correcting inventor in PCT vs. EPC (consent not required vs. required) | 7. PCT Procedure & Entry into EP Phase |  | 7.1 International Filing & Search |
| 5 | Recording sub-licence in EP Register | 11. Entitlement & Transfers |  | 11.2 Transfers & Assignments (Licences) |
| 6 | Exhibition priority certificate refused if not issued at exhibition | 1. Filing Requirements & Formalities |  | 1.3 Formality Examination or a special Art. 55(1)(b) case |
| 7 | Payment date of exam fee via bank transfer | 4. Fees, Payment & Time Limits |  | 4.2 Payment Mechanisms / 4.3 Deadlines |
| 8 | Filing a divisional after refusal, still within appeal period (G1/09) | 3. Divisional Applications |  | 3.1 Filing Requirements |
| 9 | Renewal fees can be paid up to 3 months early | 4. Fees, Payment & Time Limits |  | 4.3 Fee Deadlines |
| 10 | Article 61(1)(b) new application, first renewal fee date | 4. Fees, Payment & Time Limits |  | 4.3 Fee Deadlines |
| 11 | Too late to add a priority claim (Rule 52(2) EPC) | 2. Priority Claims & Right of Priority |  | 2.2 Time Limits & Restoration |
| 12 | Effect of not filing priority document: loss of priority right | 2. Priority Claims & Right of Priority |  | 2.2 Time Limits & Restoration |
| 13 | Inventor designation due date (Rule 60(1)) | 1. Filing Requirements & Formalities |  | 1.3 Formality Examination |
| 14 | Amended feature was “result to be achieved,” clarity not re-opened | 9. Opposition & Appeals |  | 9.1 / 9.2 (G 3/14 in opposition) |
| 15 | Oppose a lapsed/surrendered patent (ex nunc vs. ex tunc) | 9. Opposition & Appeals |  | 9.2 Opposition Procedure |
| 16 | Amendment in opposition not occasioned by ground (Rule 80, clarity only) | 9. Opposition & Appeals |  | 9.2 Opposition Procedure |
| 17 | Intervention in appeal, only pay opposition fee | 9. Opposition & Appeals |  | 9.2 or 9.3 (Intervention at appeal stage) |
| 18 | Intervener is entitled to appeal | 9. Opposition & Appeals |  | 9.3 Appeal Proceedings |
| 19 | Request for revocation by proprietor, existence of exclusive licensee | 9. Opposition & Appeals |  | (Central revocation procedure) |
| 20 | Recording exclusive licence in EP Register | 11. Entitlement & Transfers |  | 11.2 Transfers & Assignments (Licences) |
| 21 | PACE request by fax not valid, examination can start but not accelerated | 8. Examination, Amendments & Grant |  | 8.1 Examination Procedure |
| 22 | Art. 115 obs. in limitation proceedings re: patentability | 9. Opposition & Appeals (or post-grant) |  | (Limitation is not strictly opposition, but close enough) |
| 23 | Last day to file divisional (day before publication of mention of grant) | 3. Divisional Applications |  | 3.1 Filing Requirements |
| 24 | Fee reduction for additional pages (part of filing fee) | 5. Languages & Translations |  | 5.3 Effects of Language on Costs/Rights |
| 25 | Amendment is an intermediate generalization (A123(2)) | 8. Examination, Amendments & Grant |  | 8.2 Claim Amendments & Article 123(2) |
| 26 | Omitting “asbestos” from a 4-element list is permissible (A123(2)) | 8. Examination, Amendments & Grant |  | 8.2 Claim Amendments & Article 123(2) |
| 27 | When an authorization is required & consequences of not filing | 1. Filing Requirements & Formalities |  | 1.3 Formality Examination |
| 28 | Last date for Rule 139 correction before grant decision is posted | 8. Examination, Amendments & Grant |  | 8.2 (Corrections under 139 up to decision) |
| 29 | No correction after grant decision is dispatched (Rule 140 not for docs) | 8. Examination, Amendments & Grant |  | 8.2 (No correction possible) |
| 30 | Filing an opposition as a “straw man” (G 3/97, G 4/97) | 9. Opposition & Appeals |  | 9.2 Opposition Procedure |
| 31 | Changing method claim to device claim in opposition – Art. 123(3) issue | 9. Opposition & Appeals |  | 9.2 Opposition Procedure |
| 32 | Withdrawing application after first exam comm. => partial fee refund | 4. Fees, Payment & Time Limits |  | 4.1 or 4.3 (Refund specifics) |
| 33 | Late payment of PCT filing fees but before invitation => no extra fee | 7. PCT Procedure & EP Phase |  | 7.1 Int. Filing & Search (Rule 16bis PCT) |
| 34 | Multiple PCT applicants, withdrawal needs all signatures (Rule 90bis.5) | 7. PCT Procedure & EP Phase |  | 7.1 International Filing & Search |
| 35 | Withdrawing a PCT app. to prevent publication (15 days before pub) | 7. PCT Procedure & EP Phase |  | 7.1 International Filing & Search |
| 36 | Correct inventor in int. phase better (no need for consent) | 7. PCT Procedure & EP Phase |  | 7.1 International Filing & Search |
| 37 | Third-party obs. via ePCT | 7. PCT Procedure & EP Phase |  | 7.1 International Filing & Search |
| 38 | EPO as RO sets 2-month time; date of mailing, 10-day rule | 7. PCT Procedure & EP Phase |  | 7.1 International Filing & Search |
| 39 | EPO uses “all due care” for priority restoration | 2. Priority Claims & Right of Priority |  | 2.2 Time Limits & Restoration |
| 40 | Missed 31-month deadline, further processing for EP phase | 7. PCT Procedure & EP Phase |  | 7.3 EP Phase Entry & Requirements |
| 41 | Renewal fee 3rd year for Euro-PCT app. date of payment | 4. Fees, Payment & Time Limits |  | 4.3 Deadlines |
| 42 | PCT-1 is A54(3) prior art for EP-1 | 10. Substantive Patent Law: Novelty & Inventive Step |  | 10.1 Novelty Analysis |
| 43 | No unity in PCT, pay addl. fee after EPO invites or file divisional | 7. PCT Procedure & EP Phase, or 13. Unity |  | 7.3 EP Phase & 13 Unity (Rule 164) |
| 44 | Receiving section can refuse OP request (Art. 116(2) EPC) | 6. Procedural Remedies & Legal Effect |  | (General OP rules, receiving section) |
| 45 | Early entry & which fees must be paid | 7. PCT Procedure & EP Phase |  | 7.3 EP Phase Entry & Requirements |
| 46 | Priority restored under “unintentional,” EPO demands “all due care” | 2. Priority Claims & Right of Priority |  | 2.2 Time Limits & Restoration |
| 47 | Priority from KR utility model; translation only if relevant to patentab. | 2. Priority Claims & Right of Priority |  | 2.2 or 2.3 (Focus: translation of priority doc) |
| 48 | No translation on EP entry => further processing | 7. PCT Procedure & EP Phase |  | 7.3 EP Phase Entry & Requirements |
| 49 | Japanese applicant can do R.159(1) acts themselves | 1. Filing Requirements & Formalities |  | 1.3 Formality Examination (Representation) |
| 50 | Two French priorities: first for A, second for A+B, effect on EP1 | 2. Priority Claims & Right of Priority |  | 2.1 Substantive Requirements (first filing) |