

Thus if, after reply to the WO-ISA, there are still objections outstanding, before issuing a negative IPER the examiner must send:

- as a rule, a (further) written opinion (Form 408, WO-IPEA), but:
- if a request for a telephone consultation was filed before the (further) written opinion was issued: telephone minutes;
- if a request for either a telephone consultation or a (further) written opinion (see GL/PCT-EPO C-VII, 1) was filed before the (further) written opinion was issued: a written opinion or telephone minutes,

Rule 66.2(d)

in either case generally (see GL/PCT-EPO C-VII, 1) with a time limit to reply which is normally two months, in order to give the applicant a further opportunity to provide arguments and/or amendments in reply to any outstanding objections. Documents newly found during the top-up search (see GL/PCT-EPO C-IV, 5) are attached to the WO-IPEA or to the telephone minutes, as appropriate.

If the applicant has not submitted any response to the negative WO-ISA with his demand, and the top-up search in Chapter II does not reveal any new pertinent prior art, then a negative IPER, repeating the objections raised in the WO-ISA, will be issued directly.

In the exceptional situation of a non-unitary application, where all inventions examined were found novel and inventive, but still lacking unity as the only remaining objection, a negative IPER can be sent directly without a further WO-IPEA (see GL/PCT-EPO C-VIII, 3).

2.3 Supplementary international search (SIS) by another office

When conducting preliminary examination under Chapter II, the examiner must also take into account any documents cited in any supplementary international search report (SISR) by another office which is available in the file.

If the SISR has not been received by the EPO 24 months after the priority date, the file will be sent to the examiner anyway. If, after checking, the examiner concludes that an invitation to pay additional fees in case of lack of unity (see GL/PCT-EPO C-V, 1) or a WO-IPEA (see GL/PCT-EPO C-IV, 2.2) has to be sent, he will do so as soon as possible without awaiting the SISR.

If neither an invitation to pay additional fees in case of lack of unity nor a WO-IPEA needs to be sent out before the IPER is established, the examiner waits until 27 months from the priority date to establish the IPER to allow the SISR to arrive and be taken into account.

Rule 45bis.8(c)

If the IPER has not yet been established, the examiner will take the SISR into account when establishing the IPER.