

If the examiner finds that the application does not lack unity, a complete search is made for all the claims. No reasons need be given why the lack-of-unity objection raised in the ISR could not be followed.

Furthermore, if the main ISA has already objected to lack of unity, the applicant can indicate, on the supplementary search request form (in Box IV), which of the inventions searched by the main ISA the SIS should be based upon.

If the examiner agrees with the assessment of unity of invention made by the main ISA and the relevant claims are not excluded for any reason, the SIS will focus on the invention indicated by the applicant.

If the examiner cannot follow the objection raised in the ISR, but raises a different non-unity objection, when deciding on the main invention to be searched, he will take the request by the applicant into account as far as possible. The examiner will provide complete reasoning for the lack-of-unity objection in the SISR and will include an explanation of the extent to which the applicant's request could be taken into account in view of the different non-unity objection raised by the EPO.

#### **10.4 Review procedure**

If the applicant does not agree with the finding of lack of unity he can request a review of this finding. This procedure is similar to the protest procedure with the difference that additional fees cannot be paid.

Rule 45bis.6(d)  
GL/ISPE 15.91

If the applicant requests a review of the non-unity finding he must pay a review fee. If no fee is paid, the request for review is considered not to have been made.

Similar to the protest procedure, a Review Panel is established consisting of the examiner responsible for the file, an examiner as chairperson of the Review Panel and a further examiner. This Review Panel will, in case of entry into the European phase, constitute the Examining Division (see GL/PCT-EPO B-VII.7.2). The examiner dealing with the file will make a first assessment of the arguments made by the applicant and will then discuss the case with the members of the Review Panel to come to a decision.

The purpose of the Review Panel is to determine whether the lack-of-unity objection was justified on the basis of the reasoning given in the SISR. The review does not include re-evaluation to determine possible additional grounds for lack of unity.

Where the Review Panel determines that the objection was not justified, it will inform the applicant with Form 503; no reasoning needs to be given. Furthermore, it will order the reimbursement of the review fee. A corrected SISR must then be established on all claims.

If the Review Panel considers that the objection is completely or partially justified, it will communicate this to the applicant with Form 503. In these cases, reasoning must be given indicating why the objection is (at least partially) upheld. This reasoning should also address the applicant's