

### 3. Request for examination of certain claims only

Applicants sometimes file a request for examination of certain claims only without actually restricting the set of claims, e.g. in order to achieve a positive IPER although the findings for some claims would be negative. An example would be where in reply to the WO-ISA, which contained a negative opinion on claims 1-5 and a positive one on claims 6 and 7, the applicant does not change the claims but asks that the IPER be established for claims 6 and 7 only.

Art. 34(3)(c)  
Art. 34(4)(a)(i) and (ii)  
Art. 35(2)

A request for examination of certain claims only is not accepted since the IPER is established on the claims on file and can only be restricted by the examiner, e.g. on the grounds of lack of unity with not all fees paid, unsearched claims, clarity or added subject-matter. A restriction at the request of the applicant would be contrary to Art. 35(2), which states that the IPER relates to "each claim". In such a case the applicant is informed that unless a restricted set of claims is filed the IPER will be established for all claims.

### 4. Complaint against the findings at the search stage

Art. 17(3)(a),  
Art. 17(2)(a)(i) and (ii)

If the search was restricted and the applicant complains about the findings at the search stage, the complaint will be dealt with by the Complaint Handling Unit at the EPO.

In order to ensure that the applicant's submission is treated as a complaint, the applicant should use the online complaint form and explicitly state that his reply should be considered as a complaint. A letter of reply in which the applicant submits only substantive counterarguments contesting the findings of the ISA is not a complaint (see also GL/PCT-EPO C-IV, 4.1).

While there is no provision for a review based on substantive arguments, the ISA may exceptionally have to issue a corrected ISR in the event of a procedural flaw.