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EN

EUROPEAN QUALIFYING EXAMINATION 2016

Pre-examination

This paper comprises:

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*	Legal questions (Questions 1-10)	Pages 2-11
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Instructions for answering the paper and marking scheme

1. The pre-examination is in the form of a multiple choice paper. It comprises 20 questions in all, 10 questions relating to legal knowledge (questions 1-10) and 10 questions relating to the analysis of claims (questions 11-20). Questions must be answered by filling in the circles on the answer sheet printed on the reverse side of your personal cover sheet. The duration of this examination is four hours.

a) Each question X has 4 separate statements, namely X.1, X.2, X.3 and X.4. For each statement X.1, X.2, X.3 and X.4 candidates must unambiguously indicate on the answer sheet whether the statement is true or false. For each statement X.1, X.2, X.3 and X.4 only one answer can be given, either true or false. Each statement within a question is to be considered independently of the other statements.

b) To indicate that a statement X.1, X.2, X.3 or X.4 is true, the corresponding circle for "true" should be filled using a black medium soft HB pencil. To indicate that a statement X.1, X.2, X.3 or X.4 is false, the corresponding circle for "false" should be filled using a black medium soft HB pencil.

c) If, in reply to a statement X.1, X.2, X.3 or X.4, no indication is given as to whether the statement is true or false, or if both true **and** false are indicated, then the answer to this statement will be deemed not to be correct. Accordingly, if a candidate fills or partly fills a circle they do not intend to submit as part of their answer, it is essential that any mark in that circle is fully erased.

d) There is no possibility for submitting notes or remarks to the examiner. Any such submission will be disregarded.

2. Only one answer sheet per candidate will be available.

3. Marking

a) Marks awarded per question
If within one question X, none or only one of the answers to the statements X.1, X.2, X.3 and X.4 is correct, then 0 marks will be awarded for this question X.
If within one question X, two of the answers to the statements X.1, X.2, X.3 and X.4 are correct, then 1 mark will be awarded for this question X.
If within one question X, three of the answers to the statements X.1, X.2, X.3 and X.4 are correct, then 3 marks will be awarded for this question X.
If within one question X, all four of the answers to the statements X.1, X.2, X.3 and X.4 are correct, then 5 marks will be awarded for this question X.

b) Total number of marks awarded
The total number of marks awarded for the pre-examination is the sum of the marks achieved for each question, calculated as stated above

Legal questions

Question 1

Opposition proceedings are pending against all claims of European patent EP-B. The only ground of opposition is Article 100(c) EPC. Today, 29 February 2016, the EPO receives third party observations against EP-B. The submissions of the third party are as follows:

- it is explained that prior art document D1 anticipates claim 1 of EP-B; and
- it is reasoned that the invention in EP-B is not sufficiently disclosed.

For each of the statements 1.1 – 1.4, indicate on the answer sheet whether the statement is true or false:

1.1 Since third party observations can only be filed concerning issues arising under Articles 52 to 57 EPC, the opposition division will not consider the reasoning concerning lack of sufficiency of disclosure.

1.2 The submissions of the third party will be forwarded by the EPO to the patent proprietor.

1.3 The submissions of the third party will be accessible to the public through file inspection.

1.4 The opposition division is allowed to introduce into the proceedings lack of novelty with respect to claim 1 as a fresh ground for opposition.

Question 2

In December 2015, the examining division issued a first communication informing the applicant of the text in which it intends to grant European patent EP-D. The text contains an amendment proposed by the examining division in claim 15. Apart from this, the text of the application is as filed by the applicant. Today is 29 February 2016.

For each of the statements 2.1 – 2.4 indicate on the answer sheet whether the statement is true or false:

2.1 As soon as the applicant files the translation of the claims and pays the fee for grant and publication, resumption of the examination proceedings is no longer possible.

2.2 If the applicant requests a reasoned amendment to claim 15 today, the applicant must at the same time file the translation of the so amended set of claims and pay the fee for grant and publication.

2.3 If the applicant adds two dependent claims to the set of claims today, the examining division will not examine these two claims, unless claims fees are also paid.

2.4 Third party observations on EP-D filed with the EPO today are no longer considered by the examining division, since they are late filed.

Question 3

With a communication under Article 94(3) EPC, the examining division invited the applicant to amend the European patent application EP-T and set a period for replying. The communication is dated 21 December 2015.

For each of the statements 3.1 – 3.4 indicate on the answer sheet whether the statement is true or false:

3.1 The communication is deemed to be delivered on 1 January 2016.

3.2 If the communication sets a period of two months, the applicant's reply must be filed at the latest on 1 March 2016.

3.3 If the communication sets a period of four months, the applicant's reply must be filed at the latest on 2 May 2016.

3.4 If the communication sets a period of four months and the applicant does not reply, he can validly request further processing on 4 July 2016.

Question 4

The European patent application EP-F was filed in May 2013. Philippe is designated as the sole inventor. Last week the applicant of EP-F, company F, received a communication under Rule 71(3) EPC for EP-F. Today, 29 February 2016, an error is noted: the inventors of EP-F are actually Philippe and Béatrice. The applicant now consults you for advice.

For each of the statements 4.1 – 4.4 indicate on the answer sheet whether the statement is true or false:

A valid element of your advice for correcting the error before the EPO is that ...

4.1 ... the designation of the inventor may be rectified even after the grant of EP-F.

4.2 ... the applicant need not provide evidence that an error was made.

4.3 … if the request is filed by the applicant, the consent of Philippe is required to rectify the designation of the inventor.

4.4 ... if the request is filed by Béatrice, the consent of the applicant is required to rectify the designation of the inventor.

Question 5

Last week, Greta validly filed with the German Patent and Trade Mark Office (DPMA) the international patent application PCT-G. Now, she wants to appoint Hassan as her representative. Hassan is entitled to act before the DPMA but he is not a European patent attorney. Greta and Hassan are resident in Germany.

For each of the statements 5.1 – 5.4, indicate on the answer sheet whether the statement is true or false:

5.1 Greta can validly appoint Hassan to represent her before the EPO as the International Searching Authority for PCT-G.

5.2 As a general rule, a power of attorney need not be submitted with the EPO in order to appoint a representative to act before the EPO as the International Searching Authority.

5.3 According to the provisions of the PCT, it is mandatory that the Demand for International Preliminary Examination is signed by the applicant, even in the case where a representative has been validly appointed.

5.4 According to the provisions of the PCT, a representative can only validly withdraw an international application if the representative has filed a power of attorney.

Question 6

The mention of the grant of European patent EP-I was published on 25 November 2015. The single claim of EP-I is directed to a product. The patent was validated in Germany and France. EP-I was filed in May 2011.

For each of the statements 6.1 – 6.4, indicate on the answer sheet whether the statement is true or false:

6.1 The renewal fees for European patent EP-I that are due in 2016 cannot be validly paid to the EPO.

6.2 A notice of opposition against EP-I must be filed with the EPO at the latest on 25 August 2016.

6.3 Any infringement of European patent EP-I can be dealt with under the EPC and by the EPO, provided that opposition proceedings are pending.

6.4 The patent proprietor is entitled under all circumstances to produce and sell in France any matter that is covered by the claim of EP-I.

Question 7

On 20 February 2015, the German applicant Susanne validly filed the German patent application DE-S. On 22 February 2016, the German applicant Walter filed the European patent application EP-W claiming priority from DE-S. Today, 29 February 2016, Walter states in a letter to the EPO that he is entitled to claim priority from DE-S. Annexed to the letter is a contract signed on 18 February 2016 by Susanne and Walter. According to the contract, the priority right from DE-S is transferred from Susanne to Walter.

For each of the statements 7.1 – 7.4 indicate on the answer sheet whether the statement is true or false:

7.1 EP-W is considered to be filed within the priority period of twelve months from the filing date of DE-S.

7.2 According to the provisions of the EPC, a declaration of priority must be made within fourteen months from the earliest priority date claimed.

7.3 The priority is not validly claimed because the evidence of the transfer of the priority right from DE-S was filed after the date of filing of EP-W.

7.4 One of the requirements for the validity of the priority right from DE-S is that the transfer of the priority right must have taken place before the date of filing of EP-W.

Question 8

The company Q has developed a process for producing the known product P by means of a more efficient and ecological process including the process steps A, B and C. To protect the invention, company Q has filed a European patent application EP-Q in January 2014. EP-Q has two claims: claim 1 is directed to a process for producing product P including the steps A, B and C; claim 2 is directed to product P obtainable by the process of claim 1.

For each of the statements 8.1 – 8.4, indicate on the answer sheet whether the statement is true or false:

8.1 The subject-matter of claim 2 lacks novelty.

8.2 If a patent is granted for the subject-matter of claim 1, product P directly obtained from process claim 1 is also protected under the provisions of the EPC.

8.3 If the subject-matter of a claim relative to a production process is novel and inventive, then the subject-matter of a claim relative to a product directly obtainable from the same production process must also be novel and inventive.

8.4 In examination proceedings before the EPO, the subject-matter of claim 2 would be novel if claim 2 was directed to product P directly obtained by the process of claim 1.

Question 9

The European patent application EP-N was filed on 30 July 2013. The applicant notes today, 29 February 2016, that the renewal fee for the third year was not paid. The applicant is convinced that the fee was not paid because of a particularly exceptional situation in his company. Therefore, the applicant intends to file a request for re-establishment of rights with respect to EP-N.

For each of the statements 9.1 – 9.4, indicate on the answer sheet whether the statement is true or false:

9.1 On 1 February 2016 it was possible to validly pay the renewal fee for EP-N together with the additional fee.

9.2 Before filing a request for re-establishment of rights in respect of EP-N, a request for further processing must be filed.

9.3 One step that must be taken with regard to the request for re-establishment of rights is to pay the renewal fee for the third year.

9.4 One step that must be taken with regard to the request for re-establishment of rights is to show that all due care required by the circumstances was observed.

Question 10

On 28 February 2016, Paco, a Spanish national resident in Spain, filed with the EPO a reasoned notice of opposition against European patent EP-E in Spanish. The mention of the grant of EP-E was published on 3 June 2015. The language of the proceedings of EP-E is English. In the notice of opposition, Paco requested oral proceedings.

For each of the statements 10.1 – 10.4, indicate on the answer sheet whether the statement is true or false:

10.1 Paco is not entitled to a reduction of the opposition fee.

10.2 Paco must file the translation of the notice of opposition at the latest on 3 March 2016.

10.3 If Paco requested in the notice of opposition to speak and listen in French during oral proceedings, the EPO would provide for interpretation.

10.4 Paco will be allowed to speak Spanish during oral proceedings if he provides for interpretation into English.

Description of the client's European patent application

[001] The invention relates to a saucepan with an integrated strainer.

[002] A known saucepan includes a container having an upper opening and a lid with a knob wherein, in use, the lid closes the upper opening. After cooking, usually it is necessary to separate a solid content from a liquid present in the cooked food. Commonly this is accomplished by lifting the lid off the container and pouring the whole cooked content of the saucepan into a separate strainer. The solid content is retained in the strainer, whereas the liquid is strained away.

[003] FIG. 1 is an exploded perspective view of a saucepan in accordance with a first embodiment of this invention. FIG. 2 is an exploded perspective view of a saucepan in accordance with a second embodiment of this invention. Fig 3 is an exploded perspective view of a saucepan in accordance with a third embodiment of this invention.

[004] In the first embodiment of the invention shown in FIG. 1 a saucepan includes a container 10 and a lid 15. The container 10 has a circular upper opening 70 and a side wall 25. The lid 15 has a form such that the circular upper opening 70 of the container 10 can be closed by the lid 15 during cooking. The lid 15 can be provided with a knob 27. The container 10 can further comprise a handle 20.

[005] The lid 15 comprises a skirt 40 protruding from the rim of the lid. The skirt 40 has at least a solid section 50 which has no openings and fits against the inner wall of the container 10 when the lid 15 closes the container. The skirt 40 also comprises a straining section 45. The straining section 45 provides a plurality of perforations through which liquid content of the container can be strained. The perforations are all of the same size and are dimensioned such as to only allow liquid to pass through them.

[006] The saucepan of the first embodiment further comprises a spout 30 located on the side wall 25 of the container 10. The spout 30 is a lip protruding from the side wall 25 for pouring out the content of the saucepan.

[007] During cooking, the lid 15 can be rotated within the container 10 to a cooking position in which the solid section 50 of the skirt 40 closes the spout 30. The lid 15 in this position prevents for example boiling liquid from escaping through the spout 30.

[008] After cooking, the lid 15 can be rotated within the container 10 to a straining position such that the straining section 45 can be placed in communication with the spout 30. In the straining position, the lid 15 allows the liquid content of the container 10 to be strained by tilting the saucepan and holding the lid 15 on the container 10 without lifting the lid 15 away from the container 10.

[009] The saucepan is further equipped with securing means. The securing means secure the lid to the container. In this manner the user of the saucepan does not need to hold the knob of the lid manually when tilting the container during straining. The securing means are engaged whenever the lid is rotated to the straining position.

[010] In the first embodiment of the invention as shown in FIG. 1 the securing means comprise one or more triangular shaped locking tabs 60 protruding outwardly from the skirt 40. Locking tabs 60 cooperate with corresponding triangular shaped locking tabs 65 provided on the inner surface of the side wall 25. The locking tabs 60, 65 are located such that when the lid 15 is rotated to the straining position, the locking tabs 60 of the lid engage under the corresponding locking tabs 65 of the container 10 to secure the lid 15 in place. To disengage the locking tabs 60, 65 from each other, the lid 15 is rotated in the opposite direction away from the straining position.

[011] In the second embodiment of the invention shown in FIG. 2, the skirt 40 comprises a ring 53 and four protrusions 45, 50 protruding from the ring 53, the protrusions 45, 50 being separate from each other. One protrusion is the straining section 45 and the other protrusions are the solid sections 50, corresponding to the solid sections as described for the first embodiment. The open space without wall between the straining section 45 and the solid sections 50 provides an opening 55 in the skirt 40.

[012] Located on the side wall 25 of the container is a circular opening 35, instead of the spout 30 of FIG. 1. As for the first embodiment, during cooking, the lid 15 can be rotated within the container 10 to a cooking position in which a solid section 50 of the skirt 40 closes the circular opening 35. After cooking, the lid 15 can be rotated within the container 10 to a straining position where the straining section 45 is placed in communication with the circular opening 35. The lid 15 can also be rotated to a pouring position where the opening 55 is placed in communication with the circular opening 35. The dimension of the opening 55 is greater than the dimension of the circular opening 35. In this pouring position, the content of the container 10 can be poured out through the circular opening 35.

[013] The securing means of the second embodiment of the invention are rectangular shaped locking tabs 61, 66, instead of the triangular shaped locking tabs 60, 65 of the first embodiment. The rectangular shaped locking tabs 61 of the lid 15 can reversibly engage under the corresponding rectangular shaped locking tabs 66 of the inner surface of the side wall 25 when the lid 15 is rotated to the straining position.

[014] In the third embodiment of the invention shown in FIG. 3, the skirt 40 of the lid 15 comprises a straining section 45. The skirt 40 further comprises the opening 55 of greater dimension than any of the perforations of the straining section 45. The side wall 25 of the container 10 comprises a spout 30. The dimension of the opening 55 is greater than the dimension of the spout 30. The lid 15 can be rotated to the pouring position where the opening 55 is placed in communication with the spout 30. In this pouring position, the content of the container 10 can be poured out through the spout 30.

[015] FIG. 3 further shows the securing means of the third embodiment. The securing means comprise a plurality of pegs 58 located on the inner surface of side wall 25 and a plurality of corresponding L-shaped slots 59 located on the skirt 40. Pegs 58 and slots 59 are positioned in correspondence to each other such that when the user rotates lid 15 into the straining position, pegs 58 engage the horizontal portions of slots 59, thereby securing the lid 15 to container 10. These are securing means of the bayonet type.

[016] The upper surface of the lid 15 of any of the embodiments may comprise an engraved arrow (not shown). When the arrow points towards the handle 20 of the container 10, the lid 15 is placed in the straining position. In this manner the user can bring the lid 15 to the straining position without looking through the spout 30 or the circular opening 35 to identify the position of the straining section.

[017] The saucepan in accordance with the invention is very simple to use. The lid 15 can be rotated in the cooking position and in the straining position while keeping the lid 15 on the container 10. When the pieces of cooked food are bigger than the dimension of the opening 55 of the skirt 40, the lid 15 can be lifted off the container 10 to pour out the contents from the circular upper opening 70.

Drawings of the client's European patent application

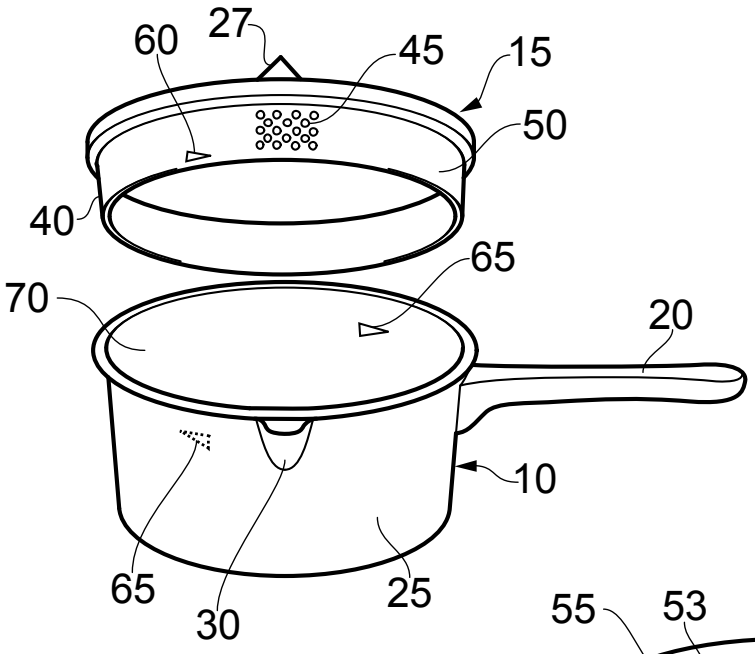


FIG. 1

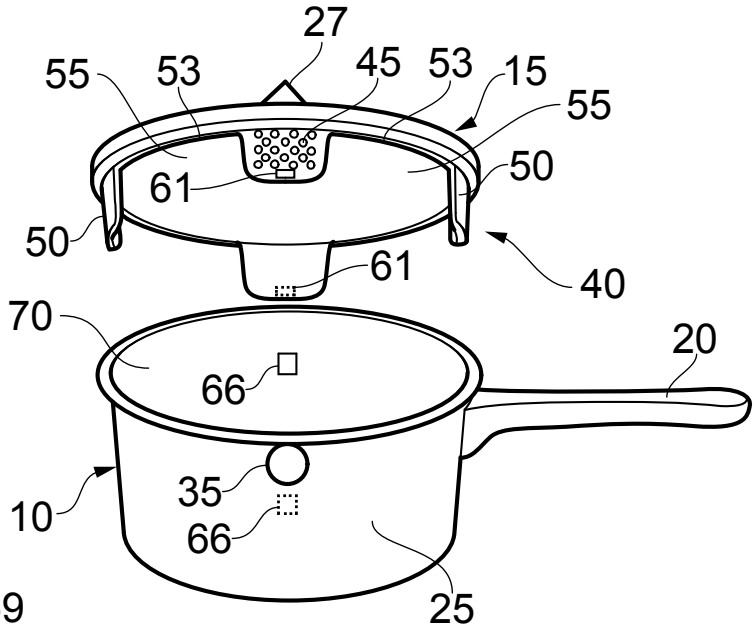


FIG. 2

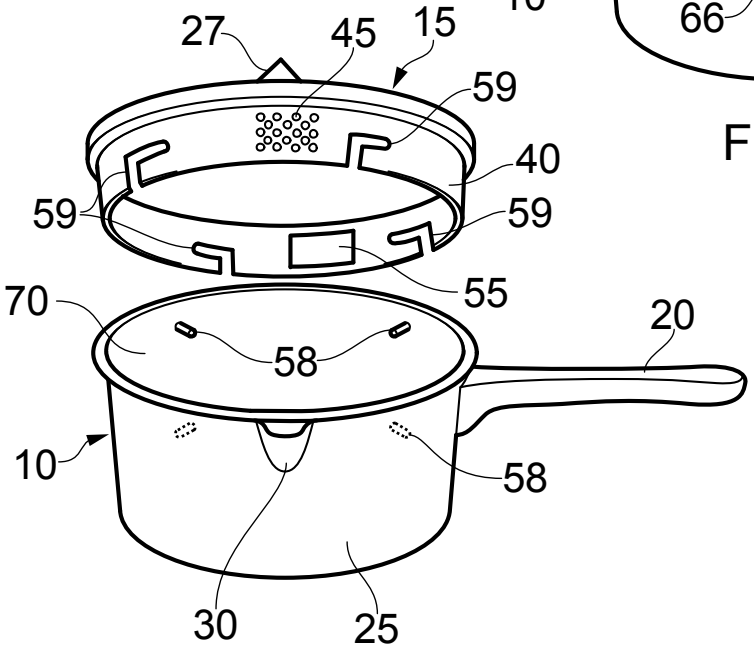


FIG. 3

Document D1

[001] A kitchen utensil for washing vegetables is shown in FIG. 1. This kitchen utensil comprises a container 1 and a lid 2. Both the container 1 and the lid 2 are made of a light and soft plastic material.

[002] The lid 2 can be placed on the upper circular opening of the container 1 to close it. The lid 2 is provided with a dome-shaped top portion 20 with a central knob 21. The top portion 20 is provided with a plurality of perforations 25 all having the same size. The diameter of the perforations 25 is smaller than the size of the vegetables which are washed with cold or at maximum lukewarm water, and which must subsequently be strained.

[003] Releasable securing means are further provided for the securing of the lid 2 onto the container 1. Such releasable securing means can be of the bayonet type whereby the inner wall of the container 1 has at least two pegs 12 and the lid 2 has at least two corresponding L-shaped slots 27.

[004] In order to secure the lid 2 onto the container 1 it is necessary first to insert the pegs 12 into the open ends of the L-shaped slots 27 and then to rotate the lid 2 with respect to the container 1 until each peg 12 engages the horizontal portion of the respective L-shaped slot 27.

[005] During straining, the water flows out through the perforations 25 with the lid 2 being secured to the container 1. The vegetables do not pass through the perforations 25 and are held by the lid 2. The vegetables are then poured out through the circular upper opening of the container 1 after the lid 2 has been lifted off.

Drawing of D1

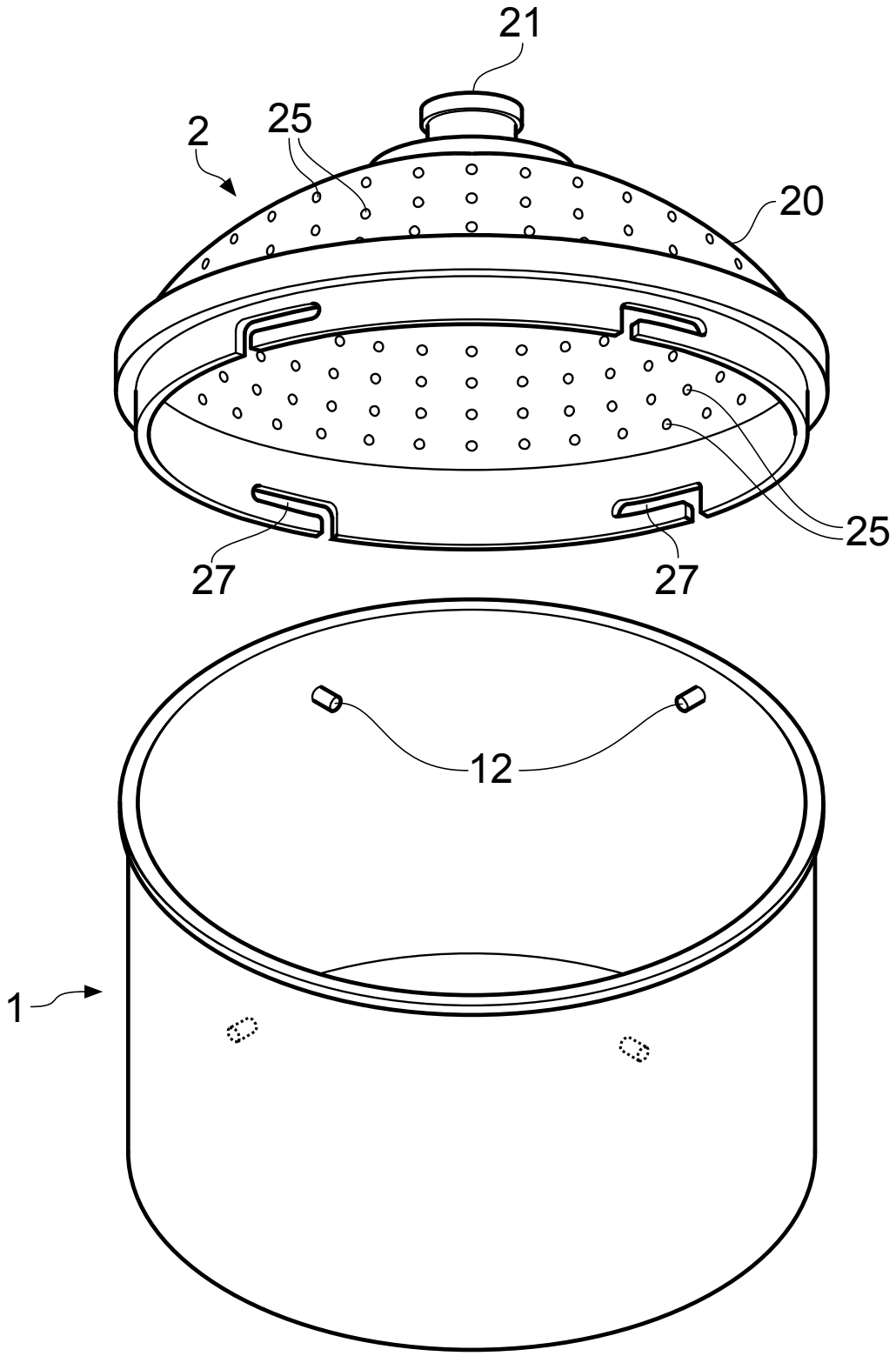


FIG. 1

Document D2

[001] As shown in FIG. 1, a saucepan 1 includes a container 2 and a lid 3. The container 2 has a rim 7 defining an upper opening 8 which the lid 3 can close. The container 2 has a handle 9 attached to a side wall. The lid 3 has a knob 15 and a skirt 4.

[002] As shown in FIG. 2, the skirt 4 provides straining zones through which liquid contents can be strained out of the container. The straining zones comprise a plurality of perforations 19. Preferably, a first straining zone is provided with perforations of one size and a second straining zone is provided with perforations of a larger size (not shown). The larger perforations can be dimensioned such as to allow to pour out solid contents.

[003] The lid 3 and the skirt 4 are shaped and sized so that when the lid 3 completely closes the container 2, the skirt 4 is located within the container 2 whereby a clearance between the skirt 4 and the inner surface of the side wall 6 of the container 2 is present. In this way, the lid 3 together with the skirt 4 can be lifted straight out of the container 2.

[004] The skirt 4 is used to strain liquid contents from within the container 2. This is shown in FIG. 3 in a cross section. When a finger of a user presses on a part of the rim of the lid 3, the lid 3 can be pivoted by an angle alpha (α) from the container 2. The shape and size of the skirt 4 is such that the bottom part 42 of the skirt 4, when the lid 3 is pivoted by the angle alpha (α), engages with the inner surface of the side wall 6 and blocks in this position. As a result, the lid 3 and the bottom part 42 of the skirt 4 are held in this position thereby partially opening the container 2. The liquid content can exit through the perforations 19 whilst the engagement of the bottom part 42 of the skirt 4 with the inner side wall 6 prevents solid contents from escaping out of the container 2.

Drawings of D2

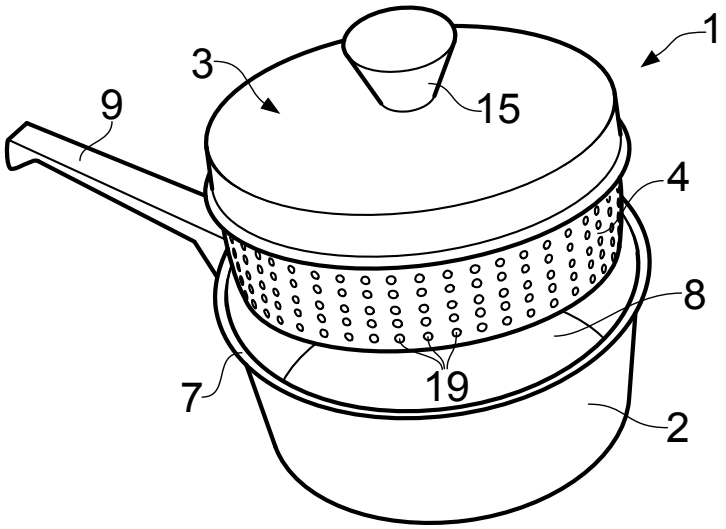


FIG. 1

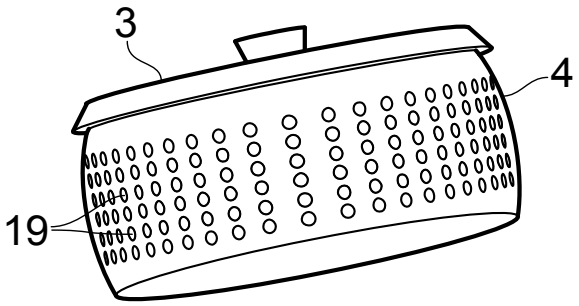


FIG. 2

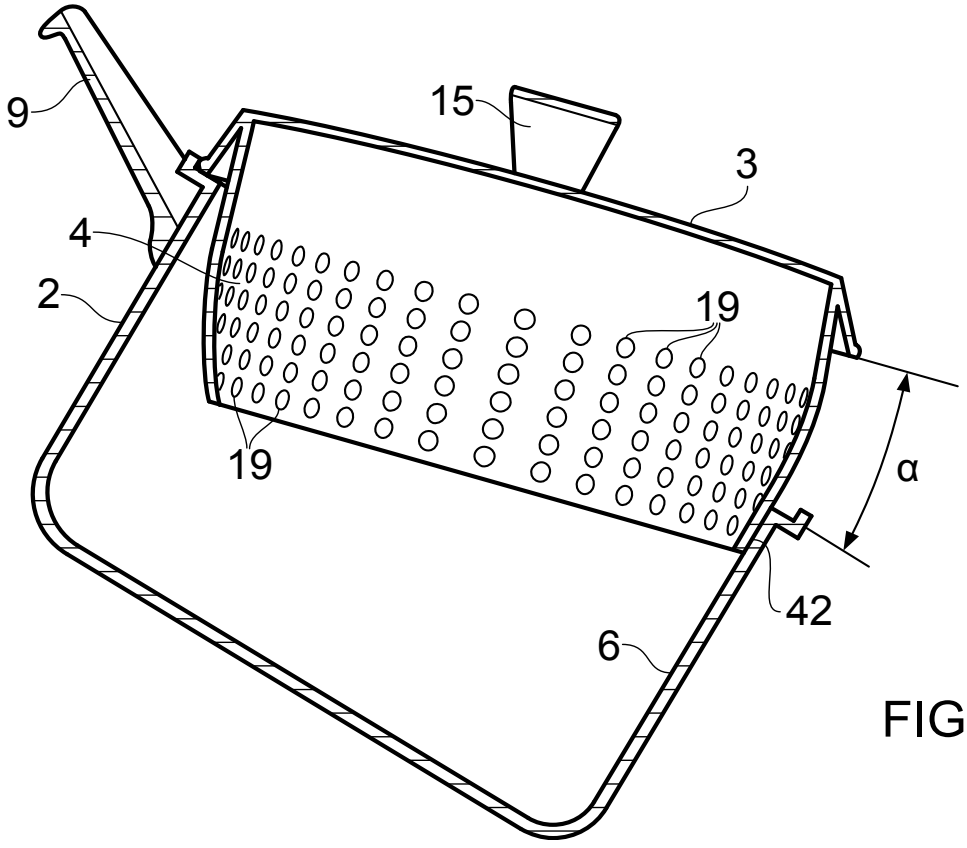


FIG. 3

Document D3

[001] FIG. 1 shows a saucepan in cross section comprising a container 5 having a spout 7 and a lid 9 comprising a knob 12 and a skirt 10 having openings 11.

[002] The skirt 10 with the openings 11 provides an annular straining portion of the lid 9. The straining portion is in communication with the spout 7 in any seated position of the lid 9 on the container 5.

[003] When the user carefully tilts the container 5 while holding the lid 9 in place with a free hand, only the liquid content passes through the openings 11 and can be poured out of the container, whilst solid content, such as cooked vegetables, is retained within the container 5.

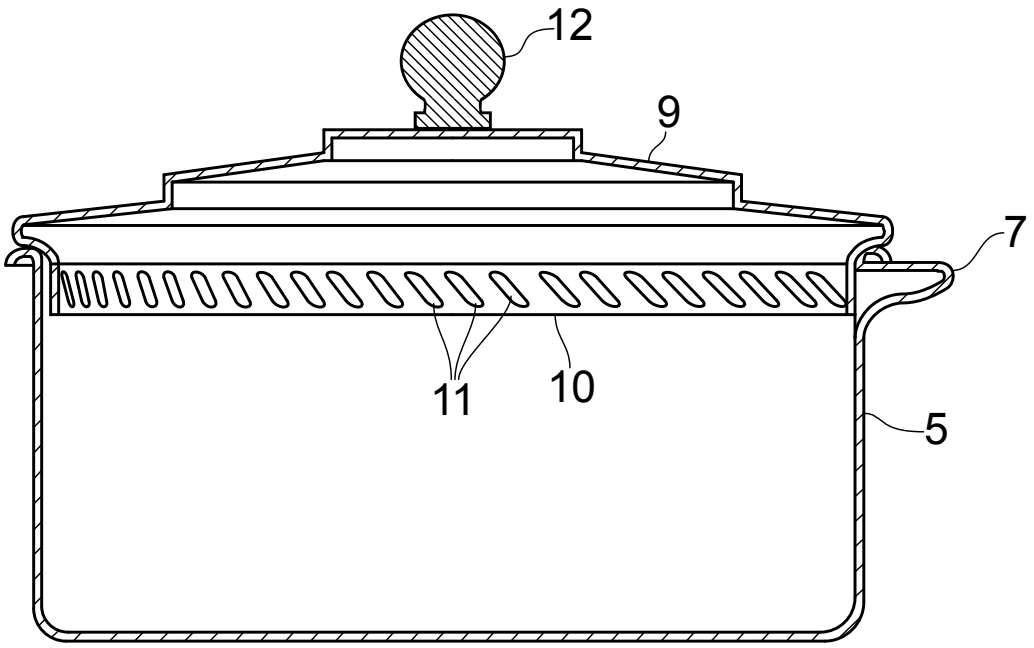


FIG. 1

Document D4

[001] FIG. 1 shows a saucepan in a cross section comprising a container 1 and a lid 4. The lid 4 can be locked to the container 1 by one or more bayonet joints. Each bayonet joint comprises an L-shaped slot 6 in a cylindrical skirt of the lid 4 and a peg 62 on the inner surface of the side wall of the container 1. The peg 62 engages into the slot 6 as shown in FIG. 1.

[002] The lid 4 further comprises an opening 2, as shown in the exploded perspective view of FIG. 2. This opening 2 is large enough to permit the vapour to escape from the saucepan when the pressure inside the saucepan exceeds a threshold pressure. The opening 2 is closed by means of a cap 5. The weight of the cap 5 corresponds to the force exerted on it by the vapour at the threshold pressure. The saucepan therefore functions as a pressure cooker.

Drawings of D4

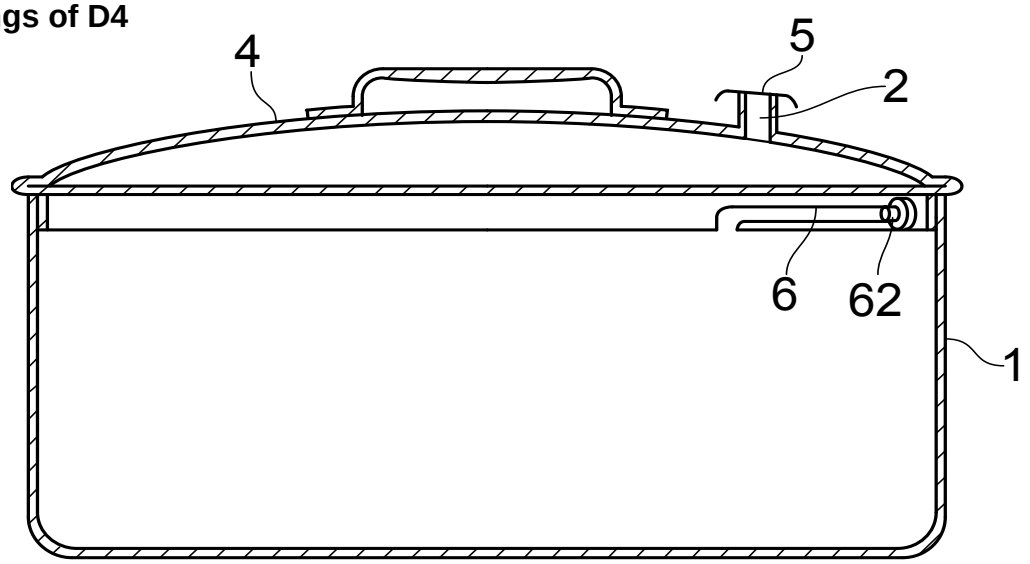


FIG. 1

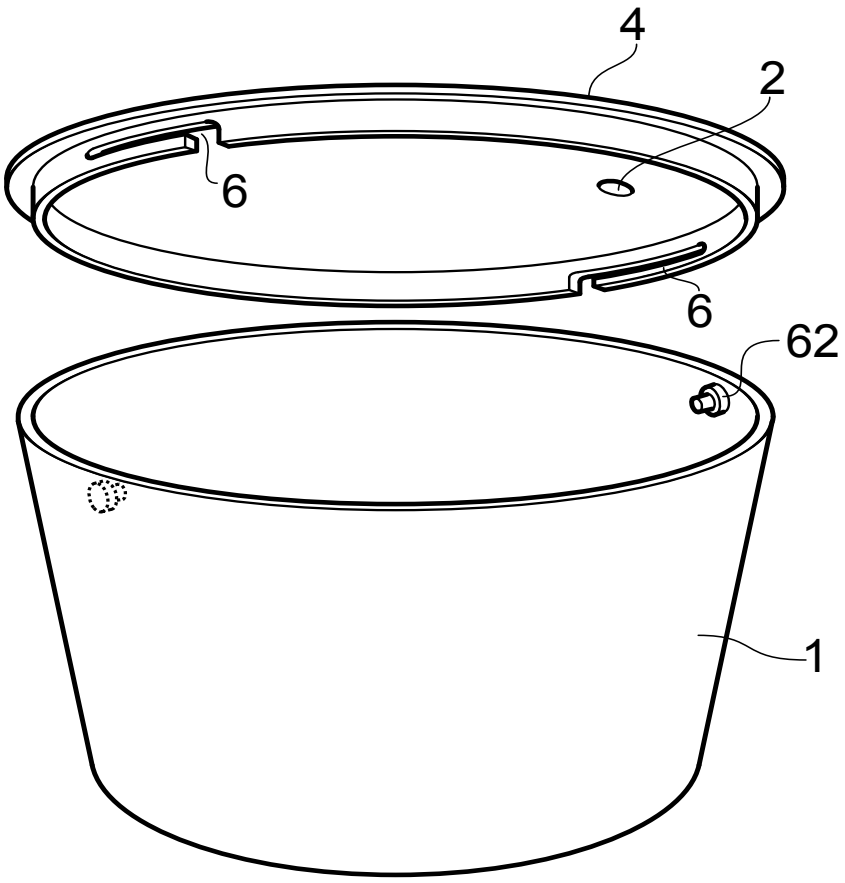


FIG. 2

Claim analysis

For questions 11 to 16, assume that claim set I which comprises claims I.1 to I.13 is filed with the client's European patent application.

Claim set I

I.1 A system comprising a container and a lid for closing the container, wherein the lid has at least two perforations of the same size.

I.2 A system according to claim I.1, wherein the lid comprises a skirt, said perforations being arranged in the skirt.

I.3 A system according to claim I.1 or I.2, comprising securing means for securing the lid to the container.

I.4 A system according to claim I.3, wherein the securing means are of the bayonet type, wherein the lid has L-shaped slots interlocking with pegs located on the inner surface of the side wall of the container.

I.5 A system according to claim I.1 or I.2, wherein the securing means comprise protruding elements on the lid adapted for being engaged with corresponding elements on the container.

I.6 A system according to any of the preceding claims, wherein the container comprises an opening for pouring.

I.7 A system according to claim I.6, wherein the container comprises a spout.

I.8 A system according to claim I.6, wherein the opening is circular.

I.9 A system according to claim I.8, wherein the opening is located on the side wall of the container.

I.10 A system according to claim I.1, wherein the lid further comprises an opening for pouring.

I.11 A system according to claim I.1, wherein the lid comprises perforations smaller than the food pieces to be cooked in the container.

I.12 A system according to claim I.10, wherein the opening of the lid is large.

I.13 A system according to claim I.10, wherein the size of the opening of the lid is larger than the size of one of the at least two perforations.

Question 11

For each of the statements 11.1 – 11.4 identify on the answer sheet whether the statement is true or false:

11.1 The subject-matter of claim I.1 excludes a system that comprises a container with a pouring zone.

11.2 A saucepan as shown in FIG. 1 falls within the scope of claim I.2.

11.3 A saucepan as shown in FIG. 2 falls within the scope of claim I.2.

11.4 A lid for closing a container, wherein the lid has a knob and at least two perforations of the same size falls within the scope of claim I.1.

Claim analysis

Question 12

For each of the statements 12.1 – 12.4 identify on the answer sheet whether the statement is true or false:

12.1 A saucepan as shown in FIG. 3 falls within the scope of claim I.4.

12.2 A saucepan as shown in FIG. 2 falls within the scope of claim I.7.

12.3 A saucepan as shown in FIG. 3 falls within the scope of claim I.8.

12.4 A container without a lid falls within the scope of claim I.6.

Question 13

For each of the statements 13.1 – 13.4 identify on the answer sheet whether the statement is true or false:

13.1 The subject-matter of claim I.5 lacks clarity.

13.2 A saucepan as shown in FIG. 2 falls within the scope of claim I.10.

13.3 A saucepan as shown in FIG. 3 falls within the scope of claim I.13.

13.4 The subject-matter of claim I.10 lacks clarity because of its dependency.

Claim analysis

Question 14

For questions 14 and 15 assume also that claim set I is filed with the client´s European patent application and that the European search report cites D1, D2, D3 and D4 whereby all documents are published prior to the date of filing of the client's European patent application.

For each of the statements 14.1 – 14.4 identify on the answer sheet whether the statement is true or false:

14.1 The subject-matter of claim I.3 is novel with respect to D1.

14.2 The subject-matter of claim I.8 is novel with respect to D1.

14.3 The subject-matter of claim I.2 is novel with respect to D2.

14.4 The subject-matter of claim I.7 is novel with respect to D2.

Question 15

For each of the statements 15.1 – 15.4 identify on the answer sheet whether the statement is true or false:

15.1 The subject-matter of claim I.11 is clear.

15.2 The subject-matter of claim I.12 is clear.

15.3 The subject-matter of claim I.13 is clear.

15.4 The subject-matter of claim I.13 is novel with respect to D2.

Question 16

Consider that the applicant suggests to file an amended claim after filing the European patent application with claim set I.

For each of the statements 16.1 – 16.4 identify on the answer sheet whether the statement is true or false:

16.1 An amended independent claim with the following wording is allowable under Article 123 (2) EPC: "A container, a lid for closing the container and securing means of the bayonet type, whereby the lid has L-shaped slots interlocking with pegs located on the inner wall of the container."

16.2 An amended independent claim with the following wording is allowable under Article 123 (2) EPC: "A system comprising a container and a lid for closing the container, wherein the container has a spout and the lid comprises a perforation."

16.3 An amended independent claim with the following wording is allowable under Article 123 (2) EPC: "A system comprising a container and a lid for closing the container, wherein the lid has at least two perforations of the same size, wherein the lid further comprises a means pointing toward a straining position."

16.4 Claim I.3 further limited to the container comprising a handle would be an allowable amendment under Article 123 (2) EPC.

Claim analysis

For questions 17 to 19, assume that claim set II which comprises claims II.1 to II.6 is filed with the client's European patent application and that the European search report cites D1, D2, D3 and D4 whereby all documents are published prior to the filing date of the client's European patent application.

Claim set II

II.1 A saucepan comprising a container and a lid, wherein the lid is provided with at least one perforation for straining liquid, the saucepan further comprising at least a holding means for holding the lid to the container when straining liquid.

II.2 A saucepan according to claim II.1, wherein the lid is movable around a vertical axis into at least two positions, one position for straining liquid through said at least one perforation and one position where the liquid cannot be strained through the at least one perforation.

II.3 A saucepan according to claim II.2, the lid comprising a cylindrical skirt, said at least one perforation being arranged in said skirt, the container comprising an opening for pouring, the liquid being strained through said opening for pouring.

II.4 A saucepan according to claim II.2, wherein the holding means are means that lock the lid to the container.

II.5 A saucepan according to any of the claims II.2 to II.3, wherein the holding means are of the bayonet type.

II.6 A lid for a saucepan comprising at least one perforation and a means for indicating the position of the at least one perforation.

Question 17

For each of the statements 17.1 – 17.4 identify on the answer sheet whether the statement is true or false:

17.1 A technical effect of the lid being movable around a vertical axis into the two positions defined in claim II.2 is to maintain the lid close to the container while moving the lid from the cooking position to the straining position.

17.2 A technical effect of the lid being movable around a vertical axis into the two positions defined in claim II.2 is to secure the lid to the container.

17.3 A distinguishing feature of claim II.2 with respect to D3 is that the lid is movable around a vertical axis.

17.4 The subject-matter of claim II.1 distinguishes from the disclosure of D4 in that the saucepan in accordance with claim II.1 is not a pressure cooker.

Claim analysis

Question 18

For each of the statements 18.1 – 18.4 identify on the answer sheet whether the statement is true or false:

In accordance with the problem-and-solution approach …

18.1 … D1 is the closest prior art with regard to claim II.1.

18.2 … D2 is the closest prior art with regard to claim II.2.

18.3 … D4 is the closest prior art with regard to claim II.4.

18.4 … D2 is the closest prior art with regard to claim II.3.

Claim analysis

Question 19

For each of the statements 19.1 – 19.4 identify on the answer sheet whether the statement is true or false:

19.1 An objective technical problem solved by the subject-matter of claim II.4 with respect to D3 is to provide a safe device for straining the contents of a saucepan.

19.2 An objective technical problem solved by the subject-matter of claim II.6 with respect to D3 is to provide a lid that can be adapted to any container.

19.3 The person skilled in the art would apply the teaching of D4 of applying locking means in the saucepan of D2 and arrive in an obvious manner at the subject-matter of claim II.4 so as to secure the lid to the container when tilting the saucepan.

19.4 The person skilled in the art would apply the teaching of D3 to the device of D4 and arrive in an obvious manner at the subject-matter of claim II.5.

Question 20

For question 20, assume that following claim III.1 is a single independent claim filed with the client's European patent application and assume again that the European search report cites D1, D2, D3 and D4 whereby all documents are published prior to the filing date of the client's European patent application.

Claim III.1

A saucepan comprising a container, a lid, securing means for securing the lid to the container, wherein:

- the lid is provided with at least one perforation for straining liquid;
- the lid, when it is on the container, is movable around a vertical axis into at least two positions, a first position for straining liquid through said perforation and a second position for closing the saucepan where the liquid cannot be strained through said perforation; and
- the securing means secure the lid in the position for straining liquid.

For this question assume that:

- D3 is the closest prior art;
- the distinguishing features are : the second position where the liquid cannot be strained and the securing means securing the lid in the first position for straining.

Claim analysis

For each of the statements 20.1 – 20.4 identify on the answer sheet whether the statement is true or false:

20.1 One technical effect of the distinguishing features is that the lid is prevented from falling off the container during straining liquid even if the lid is not held by the user.

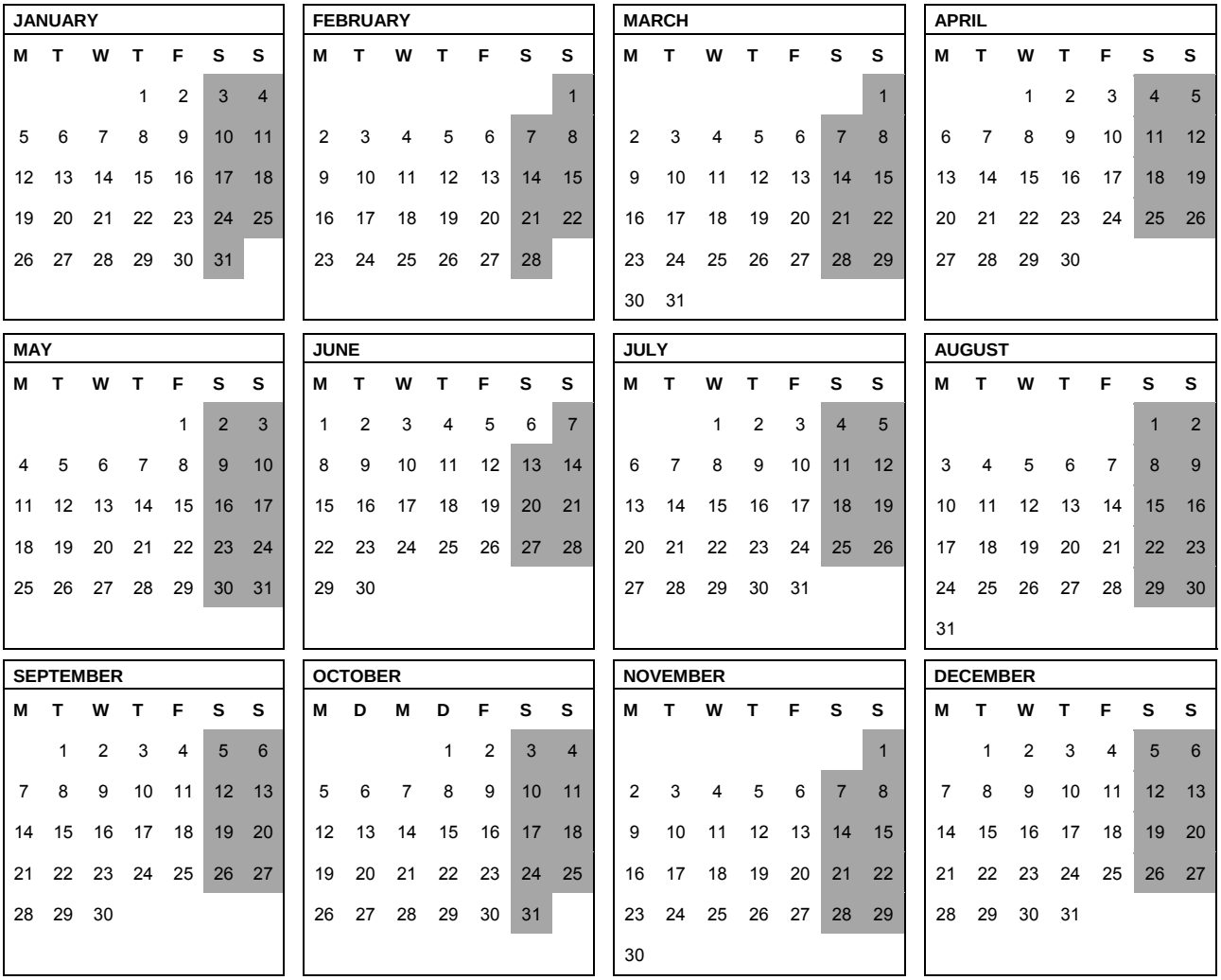
20.2 One technical effect of the distinguishing features is that the lid stays on the container during cooking and straining.

20.3 The person skilled in the art faced with the problem of the lid of D3 falling off during straining would obviously apply the locking means of D4, because these locking means are used to solve a similar problem.

20.4 Combining the securing means of D1 with the straining perforations on the skirt of D3 cannot lead the person skilled in the art to the invention of claim III.1.

Annex 1

2015



Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Neujahr - New Year's Day - Nouvel An	01.01.2015	x	x	x
Heilige Drei Könige - Epiphany - Epiphanie	06.01.2015	x		
Karfreitag - Good Friday - Vendredi Saint	03.04.2015	x	x	x
Ostermontag - Easter Monday - Lundi de Pâques	06.04.2015	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	27.04.2015		x	
Maifeiertag - Labour Day - Fête du Travail	01.05.2015	x	x	x
Christi Himmelfahrt - Ascension Day - Ascension	14.05.2015	x	x	x
Pfingstmontag - Whit Monday - Lundi de Pentecôte	25.05.2015	x	x	x
Fronleichnam - Corpus Christi - Fête-Dieu	04.06.2015	x		
Heiliger Abend - Christmas Eve - Veille de Noël	24.12.2015	x	x	x
1. Weihnachtstag - Christmas Day - Jour de Noël	25.12.2015	x	x	x
Silvester - New Year's Eve - Saint-Sylvestre	31.12.2015	x	x	x

Annex 2

2016

JANUARY

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

MARCH

M	T	W	T	F	S	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

M	T	W	T	F	S	S
				1	2	3
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25	26	27	28	29	30	

MAY

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE

M	T	W	T	F	S	S
		1	2	3	4	5
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27	28	29	30			

JULY

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

M	T	W	T	F	S	S
					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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Heilige Drei Könige - Epiphany - Epiphanie	06.01.2016	x		
Karfreitag - Good Friday - Vendredi Saint	25.03.2016	x	x	x
Ostermontag - Easter Monday - Lundi de Pâques	28.03.2016	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	27.04.2016		x	
Christi Himmelfahrt - Ascension Day - Ascension	05.05.2016	x	x	x
Pfingstmontag - Whit Monday - Lundi de Pentecôte	16.05.2016	x	x	x
Fronleichnam - Corpus Christi - Fête-Dieu	26.05.2016	x		
Mariä Himmelfahrt - Assumption Day - Assomption	15.08.2016	x		
Nationalfeiertag – National Holiday – Fête nationale	03.10.2016	x		x
Allerheiligen - All Saints' Day - Toussaint	01.11.2016	x	x	x
2. Weihnachtstag - Boxing Day - Lendemain de Noël	26.12.2016	x	x	x