

Date

Reference	Application No./Patent No.
Applicant/Proprietor	

Communication pursuant to Rule 55 EPC

The above-mentioned European patent application, received by the EPO on as a divisional application relating to the earlier European patent application number , does not meet the requirements of Article 80 and Rule 40 EPC for the accordance of a filing date for the reasons indicated below:

- The application does not contain a description or a reference to a previously filed application (R. 40(1)(c) EPC).
- The application has been filed with reference to a previously filed application and does not indicate, in accordance with Rule 40(2) EPC,
 - the filing date of the previously filed application
 - the number of the previously filed application
 - the Office with which it was filed
 - that the reference replaces the description and any drawings
- A certified copy of the previously filed application number PCT/ has not been filed within two months of filing the application (R. 40(3) EPC).
 See Notice from the European Patent Office dated 14 September 2009 concerning the filing of a certified copy of an earlier application to which reference is made (OJ EPO 2009, 486).

You are invited to remedy the above deficiency/deficiencies within a non-extendable period of **two months** from notification of this communication.

If the deficiency/deficiencies is/are not remedied in due time, the application will not be dealt with as a European (divisional) application (Art. 90(2) EPC).

If the deficiency/deficiencies is/are remedied in due time, the divisional application will be accorded the filing date of the earlier application. In case the complete application documents comprise more than 35 pages, the additional fee (Art. 2(1), 1a, RFees) due must be paid within the period specified in Rule 38(3) EPC.

Please note that the question of whether the divisional application is confined to subject-matter contained in the earlier application is not decided until the examination procedure (Art. 76(1) EPC).

Your attention is drawn to the provisions of Rule 36(1) EPC, according to which a divisional application can be filed as long as the earlier European patent application is pending.



SAMPLE