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Reference	Application No./Patent No.
Applicant/Proprietor	

**Communication pursuant to Rule 31(2) EPC**

On the basis of the Request for grant form (Form 1001) and/or the application documents, it is taken that the invention involves the use of biological material deposited in accordance with Rule 31(1) EPC.

The information referred to in

- Rule 31(1)(c) EPC (depository institution and accession number of the deposited biological material)
- Rule 31(1)(d) EPC (name and address of the depositor and authorisation where the biological material has been deposited by a person other than the applicant)

has not yet been submitted.

You are invited to submit the above information within a period of **sixteen months** after the date of filing of the application or, if priority is claimed, after the earliest priority date. This period is deemed to have been observed if the information is communicated before completion of the technical preparations for publication of the European patent application (R. 31(2)(a) EPC).

Your attention is drawn to Rules 31(2)(b) and (c) EPC, according to which the period for submitting the above information may change in view of a request for early publication (Art. 93(1)(b) EPC) or a request for file inspection (Art. 128(2) EPC).

**Your attention is drawn to the fact that further processing is excluded for the time limits stipulated in Rule 31(2) EPC (R. 135(2) EPC).**

The communication of this information is considered as constituting the unreserved and irrevocable consent of the applicant to the deposited biological material being made available to the public in accordance with Rule 33 EPC. Where the necessary information has not been filed in due time, a decision on the matter lies within the competence of the Examining Division, provided that the request for examination has been filed.

- The receipt(s) of deposit of the biological material (see R. 7.1 Budapest Treaty) has (have) not yet been filed. You are invited to do so as soon as possible so as to enable the Examining Division to ascertain whether the requirements of Rule 31(1)(c) EPC have been fulfilled (see Guidelines for Examination in the European Patent Office, F-III, 6).

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- The depository institution with which biological material has been deposited is not an international depository authority under the Budapest Treaty nor a depository institution recognised on the basis of a bilateral agreement with the European Patent Office (R. 33(6) EPC). As a result, the application may have to be refused under Article 97(2) EPC in the course of the examination proceedings for insufficient disclosure (Art. 83 EPC).

**Receiving Section**