

Date

Reference	Application No./Patent No.
Applicant/Proprietor	

Noting of loss of rights pursuant to Rule 112(1) EPC

The European patent application cited above is deemed to be withdrawn because

- the examination fee (Art. 94(1) EPC)
- the designation fee (Art. 79(2) EPC)
 - has (have) not been paid within the time limit laid down in Rules 70(1) and 39(1) EPC, respectively (Art. 94(2) and R. 39(2) EPC).
 - was (were) paid on , after expiry of the period for payment (on) specified in Rule 70(1) EPC and Rule 39(1) EPC, respectively (Art. 94(2), R. 39(2) EPC).
- no response has been filed to the invitation to correct any deficiencies noted in the opinion accompanying the European search report within the time limit specified in the communication (EPO Form 181) issued Rule 70a(1) EPC (R. 70a(3) EPC).

Means of redress

Request for a decision (R. 112(2) EPC)

If the applicant considers that the finding of the European Patent Office is inaccurate, he may, within a (non-extendable) period of **two months** after notification of this communication, apply in writing for a decision on the matter. The application can only lead to the finding being reversed if this does not actually correspond to the factual or legal situation.

Further processing (Art. 121 EPC)

The legal consequence of the failure to observe the time limit(s) shall be deemed not to have ensued if, within a (non-extendable) period of **two months** after notification of this communication, further processing is requested by payment of the fee(s) prescribed under Article 2(1)12 of the Rules relating to Fees and the omitted act(s) is (are) completed (R. 135(1) EPC).

The time limits for requesting examination, including paying the examination fee and for paying the designation fee and for filing a response to the opinion accompanying the European search legally independent from each other. Therefore, where all of them have been missed, further processing must be requested, and the corresponding further processing fee must be paid, in respect of each of them.

In the case of a request for further processing with respect to the time limit for payment of the designation fees, **any non-paid extension or validation fee(s)** may still be paid with a surcharge of 50% of the relevant fee(s) within a (non-extendable) period of **two months** after notification of this communication.

If the applicant is entitled under Article 14(4) EPC and Rule 6(3) and (4) EPC to benefit from, and has paid, the reduced examination fee, but has failed to timely file the declaration under Rule 6(6) EPC, the flat-rate amount of the further processing fee (Art. 2(1)12, third indent, RFees) is due if the declaration is filed within the time limit for requesting further processing.

Request under Article 7(3) and (4) Rules relating to Fees

The fee is considered to have been paid in due time if, within a period of two months from notification of this communication and in accordance with the requirements under Article 7(3) and (4) Rules relating to Fees, evidence is provided to the EPO that the payment was effected in an EPC Contracting State within the period in which the payment should have been made.

