

Date

Reference	Application No./Patent No.
Applicant/Proprietor	

Communication under Article 113(1) EPC

On the basis of the documents presently on file, the department concerned is of the preliminary opinion that

no request(s) for further processing has (have) been filed as the fee(s) for further processing has (have) not been paid/has (have) not been paid in due time/has (have) not been paid in full in due time (R. 135(1) EPC)

the request(s) for further processing dated _____ is (are) to be rejected for the following reasons:

the omitted act(s) has (have) not been fulfilled/not been fulfilled in due time (R. 135(1) EPC)

further processing is ruled out in respect of the time limit(s) concerned (R. 135(2) EPC), namely:

Before a final decision is taken, the applicant is given the opportunity to file comments within a time limit of

two months

from notification of this communication.

Important note

The applicant's attention is drawn to the fact that the aforementioned time limit for filing comments does not affect the time limit set in Rule 136(1) EPC for filing a request for re-establishment of rights or the time limit set in Article 7(3) and (4) Rules relating to Fees.

Re-establishment of rights (Art. 122 EPC)

The applicant who, in spite of all due care required by the circumstances having been taken, was unable to comply with the requirements under Article 121 and Rule 135 EPC within the two-month time limit(s) for requesting further processing, shall have his rights re-established upon request, provided that the time limits and other requirements of Rule 136(1) and (2) EPC are met.

Re-establishment has to be requested and a fee for re-establishment has to be paid in respect of each of the unobserved time limits, for example in respect of each time limit for requesting further processing missed (see Guidelines for examination in the EPO, E-VIII, 3.1.3) .

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.

