



EN

EUROPEAN QUALIFYING EXAMINATION 2024

Paper D1-2

This Paper comprises:

Part I: Legal Questions

Question 3: 9 marks

Question 4: 11 marks

Question 5: 9 marks

QUESTION 3

(9 MARKS)

The opposition period for European patent EP-1 expired yesterday

On 16 January 2024, A and B, two nationals of Spain, A residing in Mexico and B residing in Spain, jointly filed a notice of opposition against EP-1. The opposition fee was paid on that date. The notice was filed in Spanish by A and B, named in that order, and signed by both of them. It includes the opponents' particulars, correctly identifies the opposed patent EP-1 and contains a statement of the extent to which EP-1 is opposed and properly substantiated grounds for this.

On 29 January 2024, the opposition division issued an invitation to remedy deficiencies, setting a time limit of two months.

Yesterday B filed a translation of the notice of opposition in English.

What procedural steps need to be taken to remedy the deficiencies and for substantive examination of the joint opposition to start?

QUESTION 4

(11 MARKS)

Your client company E is the proprietor of granted patent EP-4. EP-4 has been granted with an independent claim 1 directed to subject-matter A, a dependent claim 2 directed to subject-matter A+B, a dependent claim 3 directed to subject-matter A+C and an independent claim 4 directed to subject-matter D.

Company F has filed an admissible opposition against only claim 1 of EP-4, based on the ground that the subject-matter of granted claim 1 is not new in view of prior-art document EP-D1. EP-D1 does not disclose or suggest any of the subject-matter claimed in EP-4.

In response to summons to attend oral proceedings sent by the opposition division, company F filed documents EP-D2 and EP-D3, both constituting prior art under Article 54(3) EPC. It is immediately clear that, as argued by company F, EP-D2 discloses subject-matter A and EP-D3 discloses subject-matter D.

Advise company E on how to obtain a valid patent conferring the maximum possible scope of protection.

QUESTION 5

(9 MARKS)

Your client, applicant H, a national and resident of Morocco, filed European patent application EP-7 in French in March 2020. The mention of the grant was published on 21 February 2024.

What steps have to be taken and by when to:

- (a) obtain patent protection in the United Kingdom and Poland; and
- (b) obtain unitary patent protection?