

## EUROPEAN QUALIFYING EXAMINATION 2026

# Paper D2

This paper comprises:  
Part II: Legal Opinion

[001] Today is 3 March 2026. Our company Crystal Clear, based in Germany, is engaged in the business of glass panels. These glass panels can be used for any application but are particularly useful in solar panels.

[002] Glass was first made in the ancient world and Egyptian glass beads are the earliest glass objects known, dating from about 2500 BCE. Conventional glass and large glass panels made therefrom with flat surfaces were described in a review article published over 30 years ago.

[003] Conventional glass is suitable for making glass panels for everyday use, such as simple window glass. However, when used in solar panels, the glass panels show cracks and turn opaque after a few years.

[004] After extensive experimentation, we developed a new compound A. When glass comprises compound A, the resulting glass panels are surprisingly more resilient, making them especially suitable for solar panels. This effect was described in German patent application DE-CC that we filed on 20 January 2025. DE-CC additionally describes and claims A. A cannot be obtained by using common general knowledge. The process for obtaining A was not described in DE-CC. We withdrew DE-CC a month after filing.

[005] On 28 February 2025, we filed European patent application EP-CC, claiming priority from DE-CC. The description discloses glass comprising compound B. The description also discloses that when glass comprises B, the amount of energy generated by a solar panel comprising a glass panel made of such glass is surprisingly increased. Independently, EP-CC discloses compound A, glass comprising A, and the effect of A on the resilience of the resulting glass panels. EP-CC further describes a process for obtaining B and the process for obtaining A, as well as methods for producing glass panels comprising B and/or A. EP-CC has the following claims: Claim 1 relates to glass comprising B; Claim 2 relates to glass comprising B and A; Claim 3 relates to a glass panel made of the glass of claim 1; Claim 4 relates to a glass panel made of the glass of claim 2. The European search report only cites a scientific article disclosing B as an anti-oxidant in food and a process for obtaining B. The search opinion is positive.

[006] In May 2025, we sent a brochure to several companies producing solar panels, with a view to attracting potential customers. This brochure discloses A, the process for obtaining it, and glass comprising A.

[007] As a result, we were contacted by potential clients from all over the world, and we therefore filed a third patent application PCT-CC-A on 19 January 2026. PCT-CC-A contains the disclosure of DE-CC in its entirety. The description further discloses the process for obtaining A. PCT-CC-A claims priority from DE-CC and has two claims. Claim 1 is directed to compound A and claim 2 to glass comprising A.

[008] Another way to increase the resilience of the glass panels is by making panels with a V-shaped corrugated surface, instead of the flat surface which is commonly used. Our researchers found out that panels with a V-shaped corrugated surface are surprisingly more resilient than panels with a flat surface. On 2 July 2023, we filed a PCT application, PCT-CC-V, without claiming priority. PCT-CC-V contains the results of our research and also discloses and claims a glass panel with a V-shaped corrugated surface (V). These glass panels can be produced by conventional processes. The necessary PCT fees were paid upon filing. No further action has been taken since receipt of the search report drawn up by the EPO together with a positive written opinion that only mentioned the well-known flat surfaces.

[009] Our Japanese competitor Garasu Paneru has also done some research on the effect of the surface of glass panels on the resilience. On 13 December 2023, Garasu Paneru filed an EP patent application EP-GP with three claims. Claim 1 relates to a glass panel with a corrugated surface. Claim 2 depends on claim 1 and relates to a glass panel with a V-shaped corrugated surface (V). Claim 3 depends on claim 1 and relates to a glass panel with a U-shaped corrugated surface (U). All of these glass panels can be produced by conventional processes. EP-GP claims priority from, and is a translation into English of, JP-GP, which was filed by Garasu Paneru on 13 September 2023.

[010] In July 2025, we filed third-party observations against EP-GP, citing the glass panels with a U-shaped corrugated surface that Garasu Paneru showed at a US national exhibition (Translucent Visions) on the island of Hawaii in August 2023. Some of our employees went to this exhibition and prepared a report, which included photos of the glass panels shown. Our arguments regarding the lack of novelty of claims 1 and 3 were submitted to the EPO, but we regrettably forgot to attach the report as evidence. EP-GP was granted without amendments. The mention of the grant was published on 10 December 2025.

[011] Garasu Paneru has been manufacturing glass panels with a U-shape corrugated surface and glass panels with a V-shape corrugated surface in Japan since October 2025. These glass panels are sold in Europe, and last week we learnt that the glass of these panels comprises A.

[012] We are now ready to manufacture glass panels with a U-shape corrugated surface and glass panels with a V-shape corrugated surface in Europe. The glass of our panels comprises A and B. We will sell these panels to several clients in Europe.

1. Outline the patent situation as it currently stands for the claims of the following applications:

- (a) EP-CC
- (b) PCT-CC-A
- (c) PCT-CC-V
- (d) EP-GP

2. As the situation currently stands:

- (a) Is Crystal Clear free to produce and sell its glass panels in Europe?
- (b) Is Garasu Paneru free to produce its glass panels in Japan and sell its glass panels in Europe?

3. What can Crystal Clear do to improve their position?