

### Question 1 [6 points]

On 28 February 2025, Spanish applicant A filed international application PCT-A claiming priority from a Spanish national application filed on 2 March 2024. PCT-A was filed in Spanish at the Spanish Patent Office. The Spanish Patent Office, acting as International Searching Authority (ISA), issued an International Search Report (ISR) and a written opinion, which were transmitted to the applicant on 7 October 2025.

- (1) Before deciding on entry into the European phase, applicant A wants to obtain a report drafted by the EPO considering their arguments on the objections raised in the written opinion. How should they proceed and by when? Explain your reasoning. Please specify whether any fees are due and to whom they should be paid. (Fee amounts need not be specified.)
- (2) The EPO as International Preliminary Examining Authority (IPEA) considers that there are still objections outstanding. What opportunity or opportunities does the applicant have to file amendments/arguments before a negative International Preliminary Examination Report (IPER) is issued? Explain why.

### Question 2 [6 points]

On 2 April 2024, Danish applicant A filed international application PCT-A claiming priority from an EP application dated 29 March 2023. PCT-A was filed in English at the EPO, with the EPO also acting as International Searching Authority (ISA).

In addition to an abstract, the application contains 53 pages of description, 12 pages with 86 claims and 10 pages with 12 figures and was published as an A1 publication.

The applicant wishes to enter the European regional phase with the widest territorial protection available. The applicant's company policy is to file the application using Online Filing 2.0 and to have an automatic debit order in place for all EP applications and for payment of all fees.

- (1) What does the applicant need to do to validly enter the European regional phase according to the applicant's company policy and by when? Which fees will be debited? (You do not need to specify any fee amounts.)

On 18 November 2025, the applicant receives a communication pursuant to Rules 161(1) and 162 EPC (Form 1226AA) dated 14 November 2025 inviting them to correct any deficiencies noted in the written opinion of the ISA.

The applicant does not file a response to this communication, as more time is needed to reduce the number of claims.

On 28 May 2026, the applicant receives a communication dated 26 May 2026 noting the loss of rights pursuant to Rule 112(1) EPC. The noting of loss of rights concerns the omitted act only, as the claim fees have been automatically debited from the deposit account.

- (2) The applicant wishes to have an amended set of 22 claims examined. Explain what the applicant needs to do and by when. Please also indicate which fees will be debited/refunded, if any. (You do not need to specify fee amounts, if any.)

### Question 3 [5 points]

Company A is an Indian autonomous startup enterprise that employs 15 full-time employees and has an annual turnover and an annual balance sheet total of EUR 1 million.

On 21 November 2024, an employee acting in the name of Company A filed European patent application EP-X and paid both the filing fee and the search fee. EP-X is the first application filed by Company A with the EPO. It was filed in English and includes a description and 14 claims.

On 31 December 2024, a number of employees left the company. As of 1 January 2025, the company had only nine people employed.

(1) What should be done before the search can start?

The applicant receives a partial search report identifying two inventions and inviting them to pay a search fee for the second invention. The partial search report is accompanied by a positive search opinion for the first invention. The applicant wants to receive a communication under Rule 71(3) EPC for the first invention only, at the minimum cost.

(2) How should the applicant proceed and by when? (You do not need to specify any fee amounts.)

After having entered the examination phase, Company A finds an investor with more than 100 employees and sells 50% of the patent application EP-X to it. Both applicants want to have a patent granted for EP-X as soon as possible at the lowest cost.

(3) What should be done? What is the impact on the fees for the patent application? (You do not need to specify any fee amounts.)

### Question 4 [3 points]

On 7 February 2024, Japanese company J filed an international application in Japanese claiming priority from a Japanese national application filed on 9 February 2023 and with the Japan Patent Office (JPO) acting as International Searching Authority (ISA). The international application contains 30 pages of description, 5 pages with 17 claims, no drawings and an abstract. The international application was published in August 2024 with the International Search Report (ISR) and a set of amended claims under Article 19 PCT.

Company J wanted to enter the European phase as soon as possible to obtain a patent, so they filed a request for entry on 6 May 2025. On EPO Form 1200, it was indicated that early processing was requested and proceedings before the EPO were to be based on the set of claims amended under Article 19 PCT.

The request was accompanied by a request for accelerated search under the PACE programme and an English translation of the description as originally filed and of the amended claims under Article 19 PCT. The applicant paid all the required fees. The International Bureau (IB) has provided the EPO with the copy of the ISR, International Preliminary Report on Patentability (IPRP) under Chapter I and their English translations.

(1) Why will the supplementary European search not start immediately? Mention all reasons.

The applicant decided not to reply to the communication regarding early processing, so the request for early processing was not effective.

(2) What will be the next communication if the applicant does not take any further steps on expiry of the 31-month period? Which time limit applies and what are the consequences if the applicant does not reply?

### Question 5 [4 points]

You are the assistant of the patent attorney who represents the successive applicants/proprietors, each of whom have only ever had one application/patent.

The client's instructions are to perform all actions and pay the minimum fees required, if any, to obtain registration of the unitary effect for the granted European patent (no validation in states to which the unitary effect does not extend).

Your firm uses MyEPO, including Mailbox, and does not use automatic debiting.

The file history is as follows:

8 October 2023: filing date of EP application in Spanish by applicant B, who is the sole inventor, residing in Portugal.

23 May 2025: registration of the transfer of the EP application to University C, an Italian university, to which the inventor assigned all rights.

9 September 2025: communication of the decision to grant. You immediately filed a valid request for unitary effect, including a request for compensation.

27 September 2025: registration of a transfer of the EP application from C to a Romanian SME D.

8 October 2025: publication of the mention of the grant in the Bulletin.

- (1) Indicate what should be done in order to obtain a European patent with unitary effect in addition to the actions mentioned above.

If all goes as it should, the unitary effect will be registered on 22 October 2025 (date of the communication notifying the registration).

- (2) Explain whether and why the EPO will accept or refuse your request for compensation.

(3) Explain:

- which renewal fee will be due next
- when it can be paid at the earliest
- what is the last day to pay the next renewal fee without an additional fee
- what is the last day to pay the next renewal fee with the additional fee

### Question 6 [6 points]

On 10 July 2024, a European patent application, EP-ABC, was filed at the EPO on behalf of applicant, ABC, claiming priority from a US provisional patent application dated 16 August 2023. The filing and search fees were duly paid on filing and all requirements to obtain a European filing date were met. The application was filed with 12 claims and according to the applicant's filing instructions, no extension or validation states were designated.

On 1 October 2024, you received a partial search report dated 4 October 2024 indicating that the application lacks unity and relates to three separate inventions (X, Y and Z, with invention X corresponding to claims 1, 6 to 8 and 12; invention Y to claims 2 to 4 and 10; and invention Z to claims 5, 9 and 11).

- (1) How do you obtain a search on invention Y? Specify the applicable time limit and what fees, if any, need to be paid. (You do not need to specify fee amounts, if any.)

Today, 9 October 2025, you are contacted by applicant ABC, indicating that they also wish to obtain a search on invention Z.

(2) Explain how you can obtain a search on invention Z

In a separate scenario, you have received the following communication from the EPO.

[Form 1081 EPO \(EN\).pdf](#)

(3) What is the deadline for reacting to this communication?

(4) What is the consequence if the time limit is missed? How can you remedy the situation?