

## **CANDIDATE'S ANSWER**

D, EQE 2017

### **Part I**

#### **QUESTION 1**

07 Aug 2014 PCT A filed

Feb 2015  
invitation to pay additional search fee

Art 17(3)(a) PCT partial search report –

Deadline  
R159(1) EPC  
31 m  
R131(4) EPC

—————→

07 March 2017

today

a) The deadline to enter the EP regional phase is 07 Aug 2014

A153EPC  
R154(1) EPC + 31 m

—————→

R131(4) EPC

07 March 2017 i.e. today

To get first invention granted as European patent as soon as possible, the applicant must:

enter EP regional phase by completing acts according to Art 153 EPC, Rule 159(1) EPC

R159(1),(a) EPC: translation not required as EPO was rO and languages accepted by EPO as rO are R157(2) EN/FR/DE same as Art 14(1) EPC.

R159(1)(b) EPC specify documents on which European grant is to be based – application as filed since want both inventions searched and no amendments filed

R159(1)(c) EPC pay filing fee Rfees 2(1), item 1 plus additional page fees, if required.

R159(1)(d) EPC pay designation fee Rfees 2(1) item 3 since by A153(6) EPC, the ISR takes the place of the search report, which was published in Feb 2015 and thus 6m period under R39(1) EPC has expired.

R159(1)(e) EPC supplementary search will be dispensed with as EPO acted as ISA R164(2) EPC but Examining Division will inform applicant that search will be performed for any invention i.e. claim 2 for which search fee is paid (Rfees 2(1) item 2) within a period of 2 months R164(2) EPC. In this way, second invention searched.

The Examining Division will issue the results of the search and give applicant opportunity to comment R164(2)(b) EPC.

This follows procedure of OJ 2014, A70, GL C-III, 2.3.

To accelerate this, waive right to R161/162 EPC communication OJ 2011, 354, E-VIII, 3.1.

R159(1)(f) EPC file request for examination and pay examination fee Rfees 2(1) item 6 since period under Rule 70(1) has expired (of designation fee).

R159(1)(g) pay renewal fee in respect of 3<sup>rd</sup> year Rfees 2(1) item 4 —→ anniversary was 07 Aug 2016, due 31 Aug 2016, due upon entry into regional phase 31 months today.

R159(1)(h) file, if applicable, certificate of exhibition.

To accelerate further, file request for PACE online using Form 1005 GL C-VI, 2 OJ EPO 2015, A93.

b) EPO cannot act as SISA since acted as ISA R45bis.9(b) PCT.

Enter EP regional phase as outlined above.

The EPO will inform applicant as R164(2)(a) that additional search fee is to be paid – pay this Rfees 2(1) item 2 within 2 months and examining division will issue search results.  
R164(2)(b)EPC.

Applicant can then choose which invention claim 1 or claim 2 to pursue in this application  
R164(2)(c) EPC.

OJ 2014, A70. GL C-111, 2.3.

**QUESTION 2**      Opponent - company B, Mr X prof. rep.

Proprietor – company C (USA), Ms Y prof. rep.

Final date written submissions today 07 Mar 2017.

a)      By Art 101, R79(1) EPC, opposition division shall give proprietor opportunity to file observations and amendments within a period to be specified.

Oral proceedings A116EPC, R116(1) when issuing summons, final date for making written submissions fixed – today 07 Mar 2017.

Company B requires representative, appointed under A99, R76(2)(d) EPC since US not contracting state Art 133(2) EPC.

For company D to file amended claims by final date fixed in summons, must:

1.      Record transfer of patent under Art 72 EPC, R85 EPC, R22(1) EPC applies. Requires supporting evidence signed by both parties GL E-X111,4. Pay administrative fee R22(2), Rfees 3(1) code 2. Transfer of EP patent during opposition proceedings may not be questioned T553/90.

Transfer has effect on date recorded R22(3) EPC, J9/90.

2.      Appoint representative since D has principal place of business outside contracting states (USA)

A99, R76(2)(d) EPC; Art 133(2) EPC.

3.      File amended claims.

b) By G 4/38, a pending opposition may be transferred as part of the opponent's i.e. B assets. GL D-1,4.

EPO has to examine ex officio the validity of any purported transfer of opponent states to a new party at all stages of the proceedings GL D-1,4, T1178/04.

Change of party from B to E only effective when successor established by EPO T870/92 r 3.1.

Hence, must provide evidence to EPO, which will record in register A127, R143 EPC.

Mr X was representative for B, now for C, so must file authorisation executed by C A-VIII, 1.5 – authorisation remains in force until terminated. Transfer of representation i.e. from B to E may be effected electronically by Mr X using my files OJ EPO 2012, 352.

**QUESTION 3**      The European application may be filed by reference to the previously filed Japanese patent application Art 80, R40(1) EPC.

- a.      File using form 1001 – indicates request for grant R40(1)(a) EPC.
- b.      Indicate self as representative (name and address this allows applicant to be contact)

GL A-II, 4.1.2 – representative required – since Japan outside contracting states Art 133(2) EPC.

- c.      Provide reference to previous application R40(2) stating filing date: 07 March 2016

Number of application: JP12345

Office/State: Japan Patent Office (JPO), Japan

- d.      Indicate that reference replaces description, claims and drawings.

GL A-II 4.1.3.1

A certified copy of the previous application must be filed within 2 months i.e. 07 March 2017 → R40(3) EPC R131(4) EPC

07 May 2017 → R134(1) EPC 08 May 2017.

Requirement for filing certified copy not dispensed with OJ 2009, 486.

Translations into A14(1) language to be provided in same period R40(3) EPC 2<sup>nd</sup> sentence.

Only necessary to file one certified copy to also meet requirements of priority. Art 88 R53(1) EPC.

Priority valid since meets A87(1) – same applicant, JP is party to PC, JP12345 is patent application, same invention (filed by reference), within 12 months of 07 March 2016 R131(4) —→ 07 March 2017.

**QUESTION 4**

2015

ANT2 better indoors cgk

June 2016 disclose launch new phone, by F

July 2016 US-P filed, disclosing TEL1

Aug 2016 TEL1 publically available

Autumn 2016 ANT1 of TEL1 not good indoors  
TEL2 = TEL1 + ANT2

→

Claim priority

Dec 2016 EP-F filed, TEL2

Jan 2017 TEL2 sales.

TEL2 is patentable if meets requirements of Arts 52-57 EPC.

Here, pertinent are novelty Art 54 and inventive step Art 56 since invention industrially applicable Art 57 EPC and is not excepted by Art 53 EPC.

Television interview of June 2016 does not appear to be enabling.

US-P discloses TEL1 and is first application for this subject matter, patentee is F. TEL1 appears novel Art 54 EPC, since no relevant prior art. Inventive step unknown since no advantage mentioned.

Availability of technical information via website from Aug 2016 made TEL1 available to the public – no agreement on secrecy GL G-IV, 7.2.2, access via internet deemed public GL G-IV, 7.5 – that password required and limited group not a bar to confidentiality GL G-



IV, 7.5.1. Since technical information available, disclosure enabling. Hence TEL1 A54(2) prior art from Aug 2016.

EP-F-filed Dec 2016, claiming priority of US-P.

However, claim of EP-F is to TEL2 while US-P discloses TEL-1. That is, different invention.

Thus, while 12 month period, same applicant, US is party to PC and priority may be claimed from US provisional application GL A-111, 6.2,

OJ EPO 1996, 81, priority not validly claimed per Art 87(1) EPC for EP-F.

Hence, website disclosure of August 2016 A54(2) prior art against EP-F. EP-F is novel A54(2) over TEL-1 since TEL-2 includes ANT2, while TEL1 includes ANT1. Since it is known since 2015 that ANT2 is better for indoor reception, it is obvious to combine replace ANT1 of TEL1 with ANT2, known from common general knowledge, so as to solve the problem over TEL1 of how to improve indoor reception. Hence, claim of EP-F of TEL2 lacks an inventive step over TEL1 and ANT2, contrary to Art 56 EPC.

Thus, TEL2 not patentable.

Sales of TEL2 in Jan 2017 do not affect novelty of EP-F since after date of filing of EP-F.

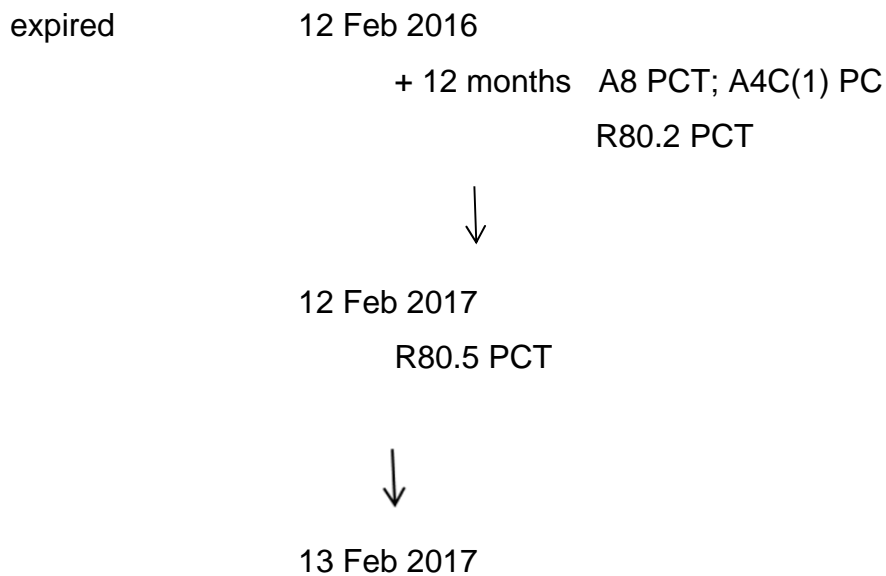
## QUESTION 5

a) EPO competent rO for French applicant

A10, R19.1(b) PCT; A151, R157(1) EPC.

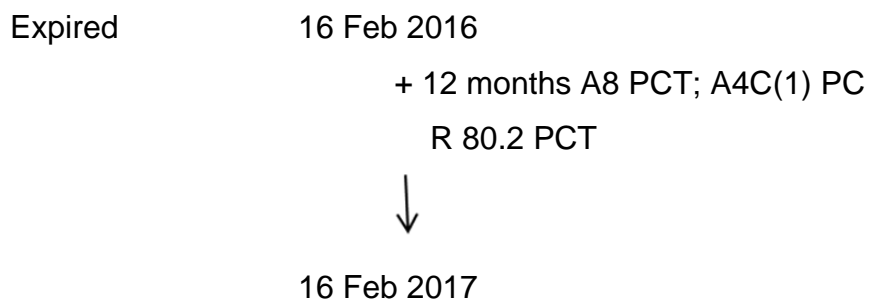
French applicant allowed to file IA A9(1) PCT.

Priority period to validly claim priority from FR-NAT2



This was missed.

Priority period to validly claim priority from FR-NAT1



Hence, PCT-G validly claims priority from FR-NAT1

(same applicant, same invention, FR party to PC, within 12m Art 8 PCT).

PCT-G did not claim priority from FR-NAT2.

To add this claim to priority, A8; R26 bis.1(a) provides that the priority claim may be added by requesting by a notice to EPO as rO or IB within latest of:

a. 4 months from filing date i.e.

R26 bis1(a) PCT

+ 4 m

14 Feb 2017 → 14 June 2017  
R80.2PCT

b. earliest of: 16m from priority date i.e. 16 Feb 2016

R26 bis1(a) PCT

16 Feb 2016 + 16m      16 June 2017  
→  
R80.2

: 16m from changed priority date

R26bis1(a) PCT

+ 16m

12 Feb 2016 → 12 June 2017  
R80.2

Hence, latest is 14 June 2017 to add priority claim of FR-NAT2 to PCT-G.

By R26bis2 PCT, rO will note that the priority claim to FR-NAT2 does not meet the requirements of R26bis2(a)(i) PCT i.e. IA has an international filing date later than the

expiration of the priority period and a request for restoration to the right of priority under R26bis.3 PCT has not been submitted, and invite the applicant to correct the priority claim.

Since the international filing date is within 2 months of the expiry of the priority period, the EPO as rO shall notify the applicant of the possibility to request restoration under R26bis.3 PCT.

The priority claim shall not be considered void during the international phase R26bis.2(c)(iii).

b) The limit for entry into the European regional phase is 31 months from the (earliest claimed) priority date A153, R159(1) EPC.

Without the addition of FR-NAT2, the date of entry into the European regional phase is:

R159(1) EPC  
+ 31m  
  
16 Feb 2016     $\longrightarrow$     16 Sep 2018  
R131(4)EPC

(calendar not provided for 2018)

With addition of FR-NAT1, according to R26bis.1(c) PCT, the time limits which have not expired are to be recomputed using changed priority date i.e.

R159(1) EPC  
+ 31m  
  
12 Feb 2016     $\longrightarrow$     12 Sep 2018  
R131(4)EPC

Hence, the date of entry into European phase brought forward.

c) To avoid priority right to FR-NAT2 being deemed invalid before EPO as rO the applicant must request restoration of right of priority according to R26bis.3 PCT, to EPO as rO

The request must

R26bis.3(b)(1) be filed with EPO as rO within 2 months of expiry of priority period  
R26bis3(e)

		R26bis3(e)PCT
		+ 2m
i.e. by 13 Feb 2017	→	13 Apr 2017
		R80.2 PCT

R26bis3(b)(ii) state reasons for failure → occurred in spite of all due care  
R26bis3(a)(i)

R26bis3(b)(iii) be accompanied by declaration

R26bis3(d)	pay fee for restoration	AG-IP 5.065
	Rfees 2(1) item13	
	OJ 2007, 692	

EPO applies as rO all due care criteria R26bis.3(a)(i)

The EPO as rO will notify the IB, make a decision and notify the applicant, IB of decision and criteria (all due care).

If the EPO as rO grants the request for restoration, the procedure will not be reviewed by the EPO as dO (R49ter.1(a) PCT) → decision effective in each designated state (Euro-PCT Guide 133-140). Applicant could request restoration of priority before EPO as dO but that would no be effective in other states Euro PCT Guide 133.

**QUESTION 6**      Priority to PT-H may be validly claimed for EP-H Art 87(1) EPC

same applicant.

Portugal party to Paris Convention

Portuguese patent application PT-H

A87(1) EPC

+ 12m

within 12 months 07 Mar 16



07 Mar 2017

R131(4) EPC

same invention

a)      Fees that shall be paid within one of filing

A78(2), R38(1) EPC

i.e. by 07 Mar 2017 → 07 Apr 2017

R131(4) EPC

Filing fee Art 78(2); R38(1) EPC, Rfees 2(1) item 1

Search fee Art 78(2); R38(1) EPC, Rfees 2(1) item 2

Additional page fee Art 78(2); R38(2), R38(3) EPC

Rfees 2(1) item 1a per page

The additional page fee is determined for pages greater than 35, including the description, drawings, abstract (1 page) and claims in the language of filing (GL A-111, 3.2) – see 6(b) below.

If fees not paid in due time, application deemed withdrawn A90(5) but further processing A121(1) not excluded under R135(R) EPC.

b) The minimise fees:

Filing fee reduced by 30% Rfees 14(1) under R6(3) EPC since applicant meets language requirements of A14(4), R6(3) EPC since Portuguese University comes under R6(4)(c). Must file in Portuguese, which is official language of contracting state. Application may be in any language A14(1) EPC. Declare as person within meaning of R6(4) EPC according to R6(6)EPC.

Page fee determined fromn application in language as filed GL A-III, 13.2.

Portuguese application PT-H has 32	pages description + drawings
4	pages claims
1	<u>page</u> abstract
37	pages

i.e. 2 pages fees due, also benefits from filing fee reduction of 30%, since part of the filing fee R38(2) EPC.

Translation to be filed no earlier than concurrently, to benefit from filing fee reduction, but to be filed within 2 months of filing application R6(1) EPC. To further reduce filing fee, file online (120 uros versus 210 euros).

c) No. Filing fee (including additional fee) and search fee covered by ADA 3.2(a)(b) By ADA 6.4, if insufficient funds, account holder is informed (email) and the payment is considered to be made on date account is duly replenished, (AAD8 also).

The decisive payment date is last day for making payment AAD 6.1(a) i.e. 07 April 2017. Since paid on date account replenished, and since these fees not excluded from further processing under A121 R135(2) EPC, further processing fee Rfees 2(1) item 12 of 50% of search and filing fees also debited ADA 3.2(j). Assuming sufficient funds.

## **Part II**

**1a.** Beams having projections formed by a rolling process where projections are of any shape.

ST-GB1 is the first application for this subject matter, having an effective date of 23 Sep 2013 since no earlier application and no priority claimed proprietor is STEELCO (SC).

ST-GB1 describes and claims a metal beam having projections formed by rolling a metal strip between two rollers having teeth.

Novelty – no relevant prior art – OLD1 relates to stamping rather than rolling. Hence, claim novel.

Inventive step – projections significantly improve strength and allow longer beams with thinner, cheaper metal strips.

Suprising because widely accepted at time that beams without surface imperfections and projections would be stronger – hence, inventive.

Sufficiency – appears sufficient.

Thus, claim of ST-GB1 patentable since novel and inventive.

However, ST-GB1 has lapsed so no rights available from ST-GB1 directly.

ST-EP1 validly claims priority from ST-GB1 (same applicant, within 12m, includes description and claims of ST-GB1) and also discloses and claims this subject matter, as detailed above for ST-GB1.

Proprietor: Steelco



Novelty: CB-EP is not A54(3) prior art and does not disclose projections of any type, since effective date of claim of ST-EP1 earlier than date of filing of CB-EP.

Trade show also not A54(2) prior art for this subject matter since priority validly claimed.

OLD1 is A54(2) but beam formed by stamping, not rolling.

Inventive step – as above for ST-GB1.

Hence, claim to metal beam having projections formed by rolling a metal strip between two rollers having teeth novel and inventive.

Grant allowed – R71(3) comm received.

STEELCO will be able to stop others from working this invention of claim in countries where validated upon/after grant. See 2 below.

CB-EP describes and claims a rolling process for forming metal beams by rolling a metal strip between a pair of rollers. There is no mention of rollers having teeth or beams having projections.

Proprietor: Chinabeam

Effective date: 15 Oct 2013

Novelty: ST-EP1 is A54(3) prior art, having earlier effective date of 23 Sep 2013. Since ST-EP1 discloses beams having projections formed by rolling, ST-EP1 anticipates beams having no projections formed by rolling (species anticipates genus). Hence, claim of CB-EP lacks novelty over ST-EP1, contrary to Art 54 EPC. Hence, not valid.

Inventive step – none described.

Sufficiency – appears sufficient.

Mention of grant was published on 08 June 2016 so Chinabeam can stop others from working this invention, despite invalidity, in countries where CB-EP validated – check national registries.

**1b. Projections of shape A**

ST-EP1 is the first application for this subject matter.

Proprietor: Steelco

While ST-EP1 claims priority from ST-GB1, ST-GB1 did not disclose this subject matter and hence effective date of claim to projections of shape A is date of filing of ST-EP1 i.e. 15 Sept 2014.

Novelty

OLD1 is prior art but does not disclose this subject matter.

CB-EP is A54(3) prior art but does not disclose beams having any projections.

The trade fair in UAE of Nov 2013 was before the effective date and did make this invention available to the public – trade fair hence attended by persons skilled in the art, beams having Shape-A projections demonstrated, results presented and video of rolling process shown.

Hence, novelty of this claim destroyed by trade fair disclosure and hence the claim of ST-EP1 invalid.

This is contrary to finding of EPO, which has allowed grant 71(3) issued. Thus, if granted, while Steelco could attempt to stop others working this invention in countries where EP-ST1 validated after grant, claim is invalid and patent at risk of revocation/opposition.

CBEP was published ~ 15 Apr 2015 but does not disclose beams formed by rolling having any projections.

ST-EP1 was published ~ 23 Mar 2015, content previously disclosed at trade fair in UAE, again does not disclose projections shape B.

Article of 11 Apr 2016 after date of filing so not prior art.

Hence, thus subject matter appears novel.

Inventive step: shape B projections exhibit surprisingly considerably improved strength over beams with shape-A projections – hence inventive.

Sufficiency – appears sufficient.

Hence, claim to this subject matter patentable since novel and inventive.

Steelco would be able to obtain grant to patent for this subject matter and stop others working it after grant + validation. However, no fees paid to EPO for ST-EP2 and loss of rights notification received July 2016.

Not possible for Steelco to obtain enforceable patent rights directly from ST-EP2.

ST-EP3 validly claims priority from ST-EP2 (within 12m, successor in title, same subject matter,) so has an effective date for this subject matter (shape B) of 11 Mar 2016.

Proprietor: Steelco

However, ST-EP3 describes but does not claim shape-B projections so no patent to this subject matter may be granted to Steelco as it stands.

Novelty and inventive step for this subject matter as for ST-EP2 above.

CB-PCT also claims priority to ST-EP2.

However, this priority is not validly claimed because Mr G had transferred right to claim priority from ST-EP2 to Steelco prior to the filing of CB-PCT i.e. not successor in title.

As it stands:

CB-PCT has an invalid priority date of 11 Mar 2016, and an effective date for this subject matter of 10 Jun 2016 (date of filing of CB-PCT).

Proprietor: filed initially by Mr G and Chinabeam, hence Mr G's share assigned by Chinabeam. Thus applicant is Chinabeam.

Novelty: if CB-PCT enter EP regional phase, ST EP3 will be A54(3) prior art against CB-PCT, having earlier effective date (date of priority of ST-EP2), thereby destroying novelty of claim to beam having projections formed by rolling of shape B of CB-PCT.

As it stands, CB-PCT will enter EP regional phase 31m from claimed (invalid) priority date i.e. 11 Mar 2016 → 11 Oct 2018 (2018 calendar not supplied).

If priority claim withdrawn, will enter EP regional phase 10 June 2016 + 31m → 10 Jan 2019.

Inventive step – as per ST-EP2.

If Chinabeam enters EP regional phase with CB-PCT having claim to this subject matter, grant likely as indicated above, if priority claimed allowed to remain invalid. Otherwise, of priority claimed withdrawn, no grant as lacks novelty over ST-EP3/ST-EP2 A54(3) EPC.

#### **1c. Projections of shape B**

ST-EP2 is the first application for this subject matter, having an effective date of 11 Mar 2016, since no priority claimed.

While filed by Mr G, ST-EP2 and right to claim priority to ST-EP2 transferred to Steelco on 04 Apr 2016 and registration recorded at EPO – instrument of transfer includes signatures of both parties, as required by R22(1).

Hence, applicant: Steelco

Novelty: OLD1 is prior art but does not disclose this subject matter.

Trade fair in UAE is public disclosure under A54(2) but disclosed projections of shape A, not B.

**1d.** Projections of shape B-1

CB-PCT is the first application for this subject matter, having an effective date of 10 Jun 2016.

While priority of ST-EP2 invalidly claimed, ST-EP2 does not disclose this subject matter. Hence, no priority claim.

Proprietor: Chinabeam

Novelty: OLD1, UAE trade show, CBEP do are in the state of the art but do not disclose shape B-1.

Article of 11 Apr 2016 disclosing ST-EP2/shape B is prior art but does not disclose shape B-1.

Hence, claim is novel.

Inventive step: beams with shape B1 projections have surprisingly much greater strength than beams with any other shape-B projections.

Hence, inventive.

Sufficient

Thus, claim novel + inventive – Chinabeam can expect grant of patent to this subject matter in countries where CB-PCT enters national/regional phase and where granted/validated after grant.

ST-EP3 also discloses and claims projections of shape B.

Effective date is 13 Jun 2016 since while priority to ST-EP2 claimed, ST-EP2 did not disclose this subject matter.

Proprietor: Steelco

Novelty: If CB-PCT validly enters EP regional phase as discussed above includes paying filing and translation, if required, CB-PCT will be A54(3) prior art and destroy novelty of ST-EP3 claim to shape-B projections. Hence, no grant possible. However, if EP-PCT does not enter EP regional phase, grant expected as novel + inventive, as detailed above with reference to CB-PCT.

2. a.) CB-EP

Date of mention of publication of grant: 08 Jun 2016

File opposition by + 9m A99(1) EPC —→ 08 Mar 2016

(tomorrow)

Ground: lack of novelty over ST-EP1/ST-GB1 contrary to A54(3) EPC.

ST-GB1/ST-EP1 discloses method of passing metal strips between two rollers each roller having teeth.

This anticipates claim of CB-EP to rolling process for forming metal beams.

Extent: whole patent.

Revocation of patent CB-EP expected.

Hence, Chinabeam will not be able to stop Steelco working this.

b.) CB-PCT

CB-PCT does not validly claim priority to ST-EP2 since Mr G had assigned rights, including right to claim priority, to Steelco prior to filing of CB-PCT by Mr G and Chinabeam. Hence, claim of CB-PCT to beams having projections of shape-B lacks novelty over disclosure of article of 11Apr 2016.

In international phase, can file third party observations.

If enter EP regional phase, third party observations may also be filed and EPO will consider priority issues.

Then, Chinabeam cannot stop Steelco working this invention.

Claim 2 of ST-EP1 to beam having shape-A projections invalid over UAE trade show disclosure as discussed above.

R126(2) + 4m  
21 Oct 2016 + 10 d  $\longrightarrow$  31 Oct 2016  $\longrightarrow$  28 Feb 2017

Further processing available – not excluded under R135(2) EPC —→ do following by 28 Apr 2017.

File amended claim set, cancelling claim to beam having shape A projections but maintaining claim to beam having projections (claim 1). Pay further processing fee. EPO will re examine and issue another 71(3) —→ can waive this to expedite need to file translations into other two languages – further processing fee also applicable.

In this way, will obtain valid patent to a metal beam having projections formed by rolling a metal strip between two rollers having teeth, which Chinabeam will not be able to oppose on basis of UAE tradeshow, since priority valid. Steelco will be able to stop anyone from working such invention – projections of any shape – in countries where validated after grant – include Spain.

File translations in Spanish for provisional protection before grant – Nat Law Table IIIB.



d.) ST- EP3

ST-EP3 describes but does not claim beam having projections of shape B-priority validly claimed.

Amend claims to include this claim to shape B – keep claim to B1 in case CB-PCT does not enter EP regional phase.

Steelco will be able to stop others from working this invention i.e. shape B and shape B1 also – as dominant patent for shape B.

File PCT application at EPO as rO by 11 Mar 2017 claiming projections shape B, claiming priority validly of ST-EP2 —→ ST-PCT. Will be able to stop Chinabeam across world.

3. Assuming advice followed

CB-EP will be revoked in opposition. Hence, dominant claim of CB-EP to rolling process for forming metal beams by rolling a metal strip between a pair of rollers will be revoked and Chinabeam cannot enforce this – hence Steelco free to form metal beams by this process.

a) ST-EP1 should grant with valid claim for a metal beam having projections formed by rolling a metal strip between two rollers having teeth. This is thus the dominant patent for such beams having projections of any shape and Steelco will be able to step Chainbeam in EPC countries where validated after grant, from working this invention. Validated in Spain, supply translation into Spanish within 3 months of grant Nat Law Table IV. Thus, will be able to stop Chinabeam selling to Casitas in Spain, who will not be able to obtain from Chinabeam without infringement.

Thus, order from Casitas not at risk.

Further, Steelco can stop Chinabeam selling beams having shape B1 in Europe, since ST-EP1 covers any shape.

b) When ST-EP3 grants, Steelco will be able to stop Chinabeam + others producing, selling and using beams having projections type B in Europe, and B1 since broad enough to cover B (genus/species).

c) Steelco will not be able to stop any one from producing, sell or using beams having projections of shape-A, since ST-EP1 anticipated by UAE trade fair disclosure.

d) If CB-PCT validly enters EP regional phase and patent granted for beams having shape B1 projections, Chinabeam will be able to stop Steelco producing selling and using these. However, Chinabeam will also require licence from Steelco for ST-EP3, which claims beams having shape B projections (dominant) .

e) Not possible via STEP 3 to stop sale in UAE.

However, using ST-PCT, will be able to stop Chinabeam in UAE + other countries where enter national/regional phases.

**Examination Committee III: Paper D - Marking Details - Candidate No**

Category		Max. possible	Marks Marker 1	Marker 2
Part I	Part I - Question 1	6	4.0	3.0
Part I	Part I - Question 2	6	6.0	5.0
Part I	Part I - Question 3	4	4.0	3.0
Part I	Part I - Question 4	6	6.0	6.0
Part I	Part I - Question 5	10	9.5	8.5
Part I	Part I - Question 6	8	7.0	7.5
Part II	Part II - Question 1 a	10	7.0	7.0
Part II	Part II - Question 1 b	5	4.0	4.0
Part II	Part II - Question 1 c	11	10.0	9.5
Part II	Part II - Question 1 d	9	5.5	6.5
Part II	Part II - Question 2	18	17.0	16.0
Part II	Part II - Question 3	7	1.0	2.5
<b>Total</b>			<b>81.0</b>	<b>78.5</b>

Examination Committee III agrees on 80 points and recommends the grade PASS