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EUROPEAN QUALIFYING EXAMINATION 2021

Pre-examination

This paper comprises:

*	Legal questions (Questions 1-10)	2021/P/EN/1-16
*	Claims analysis (Questions 11-20)	2021/P/EN/17-49

Part 1 of Pre-examination 2021

Question 1

The European patent application EP-A was filed on 07 September 2017. The mention of grant of the patent was published in the European Patent Bulletin on 10 February 2021. The applicant validly filed a divisional application from EP-A (EP-A-DIV) on 05 February 2021.

For each of the statements 1.1 – 1.4, indicate on the answer sheet whether the statement is true or false:

1.1 The renewal fee for EP-A in respect of the third year could have been validly paid on 03 May 2019.

1.2 The renewal fee for EP-A in respect of the fourth year was due on 07 September 2020.

1.3 The renewal fee for EP-A in respect of the fifth year shall be paid to the EPO.

1.4 All renewal fees due in respect of EP-A-DIV can be validly paid without an additional fee on 07 June 2021.

Question 2

Anna, a French citizen, validly filed a French patent application FR-1 on 06 February 2020. On 08 February 2021 she filed an international application PCT-1 in respect of the same subject-matter as FR-1 at the EPO. Anna intends for PCT-1 to claim priority from FR-1.

For each of the statements 2.1 – 2.4, indicate on the answer sheet whether the statement is true or false:

2.1 PCT-1 can validly claim priority from FR-1.

2.2 Anna can validly file the priority declaration in May 2021.

2.3 PCT-1 cannot validly claim priority from FR-1, if FR-1 has been abandoned before the filing of PCT-1.

2.4 The filing fee for PCT-1 shall be paid directly to the International Bureau.

Question 3

European patent application EP-P was filed as a first filing on 16 December 2018. EP-P was published on 17 June 2020. Application EP-P-DIV1 was filed with the EPO on 06 December 2019 as a divisional application from EP-P. A second divisional application from EP-P (EP-P-DIV2) was filed with the EPO on 06 November 2020. Today, EP-P is still pending. Some of the claims of EP-P-DIV2 contain subject-matter that was not originally disclosed in EP-P.

For each of the statements 3.1 – 3.4, indicate on the answer sheet whether the statement is true or false:

3.1 EP-P-DIV1 was not validly filed as a divisional application of EP-P, because EP-P-DIV1 was filed before the publication of EP-P.

3.2 If EP-P was filed in Portuguese and translated into English, EP-P-DIV1 must be filed in English.

3.3 For EP-P-DIV2 an additional fee as part of the filing fee for a divisional application of a second generation had to be paid.

3.4 EP-P will be regarded as prior art under Art. 54(2) EPC against EP-P-DIV2.

Question 4

Applicant A files today, 01 March 2021, an international application, PCT-A, with the EPO. PCT-A claims priority from the applicant's European patent application, EP-A, filed on 27 February 2020.

For each of the statements 4.1 – 4.4, indicate on the answer sheet whether the statement is true or false:

4.1 If PCT-A contains 20 claims, claims fees shall be paid for five claims within one month of the date of filing.

4.2 The period for entering the European phase will expire on 02 October 2023.

4.3 The publication date of PCT-A can be postponed, if the claim to priority is validly withdrawn before completion of the technical preparations for international publication.

4.4 For PCT-A to be considered as comprised in the state of the art under Article 54(3) EPC, it is sufficient that PCT-A is published in English.

Question 5

The mention of the grant of the European patent EP-G was published in the European Patent Bulletin. Competitor B filed a notice of opposition against EP-G on the last day of the opposition period.

One month after expiry of the opposition period and following a request from the proprietor of EP-G to competitor Z to cease alleged infringement, competitor Z instituted proceedings for a ruling that competitor Z is not infringing patent EP-G.

For each of the statements 5.1 – 5.4, indicate on the answer sheet whether the statement is true or false:

5.1 If the notice of opposition has not been signed by the opponent or by his representative before expiry of the opposition period, the opposition division shall reject the opposition as inadmissible.

5.2 Competitor B shall file a statement setting out for the first time the grounds of opposition within two months from the date of filing the notice of opposition.

5.3 Provided that the opposition proceedings are still pending, competitor Z can file an admissible notice of intervention within three months of the date on which the proceedings for a ruling that competitor Z is not infringing patent EP-G are instituted.

5.4 If W files third party observations before expiry of the nine-month opposition period, W will be summoned to any oral proceedings taking place before the opposition division.

Question 6

A European patent application, EP-X, relating to invention X was filed in January 2020. EP-X includes two alternative embodiments: X1 and X2. Embodiment X1 is not sufficiently disclosed as essential technical information is missing. Embodiment X2 is sufficiently disclosed.

For each of the statements 6.1 – 6.4, indicate on the answer sheet whether the statement is true or false:

6.1 An objection from the examining division under Article 83 EPC regarding embodiment X1 can be overcome by filing additional technical information.

6.2 If the examining division does not raise any objection under Article 83 EPC, lack of sufficiency of disclosure will not be a valid ground for opposition against the patent granted on the basis of EP-X.

6.3 If the missing essential technical information regarding embodiment X1 is present in the abstract, the essential technical information can be incorporated into EP-X as missing parts within one month from the date of filing.

6.4 An objection from the examining division under Article 83 EPC can be overcome by restricting EP-X to embodiment X2.

Question 7:

The applicant Mr Y filed a European patent application EP-Y. In the summons to oral proceedings, the examining division objected to claim 1 of EP-Y as not having an inventive step in view of document D1 in combination with the skilled person´s common general knowledge.

At the oral proceedings before the examining division, the professional representative of Mr Y is accompanied by Professor N. The professional representative requests that Professor N is allowed to make oral submissions during the oral proceedings. Professor N is a well-known expert in the technical field of the patent application and has recently been awarded a Nobel prize for her work in that technical field.

Moreover, Professor N is accompanied by five of her students who also wish to attend the oral proceedings. Neither the presence of Professor N nor that of her students had been announced prior to the oral proceedings.

For each of the statements 7.1 – 7.4, indicate on the answer sheet whether the statement is true or false:

7.1 The examining division may admit auxiliary requests filed and signed by Professor N during the oral proceedings.

7.2 The EPC does not provide for the hearing of witnesses during examination proceedings.

7.3 The students of Professor N may attend the oral proceedings asmembers of the public.

7.4 Professor N has the right to make oral submissions during the oral proceedings, since she must be considered by the examiningdivision to represent the “person skilled in the art”.

Question 8

European patent EP-C was opposed on the grounds of lack of novelty and lack of an inventive step. The opposition division rejected the opposition. The opponent filed an admissible appeal against the decision of the opposition division. Appeal proceedings concerning European patent EP-C are currently pending.

For each of the statements 8.1 – 8.4, indicate on the answer sheet whether the statement is true or false:

A fresh ground of opposition under Article 100(b) EPC can now be introduced into the appeal procedure…

8.1 … since the patent proprietor is party to the appeal proceedings as of right.

8.2 … provided that the board of appeal considers the ground of opposition as prima facie relevant, even if the patent proprietor does not agree to its introduction.

8.3 … provided that the fresh ground is raised by third party observations under Article 115 EPC, even if the patent proprietor does not agree to its introduction.

8.4 … provided that the fresh ground is raised in an admissible notice of intervention filed during the pending appeal proceedings, even if the patent proprietor does not agree to its introduction.

Question 9:

European patent application EP-F has been filed in French and oral proceedings have been scheduled before the examining division. At the beginning of the oral proceedings, the professional representative requests to speak in English without providing for interpretation into French. He also requests that the minutes be written in English and declares that he is aware that, if both his requests are permitted, no interpretation and translation into French will be provided, neither for the oral proceedings nor for the minutes.

For each of the statements 9.1 –9.4, indicate on the answer sheet whether the statement is true or false:

9.1 The examining division may reject the request to speak English in the oral proceedings, even though English is an official language of the EPO.

9.2 The examining division may agree to the request that the minutes be written in English, except for amendments to EP-F, which will be entered in the minutes in French.

9.3 During the oral proceedings, the representative can validly file a new amended set of claims in English.

9.4 If the examining division agrees, the representative may make a part of his oral statements during the oral proceedings in Swedish.

Question 10:

Applicant B validly files an international application, PCT-B, in 2019 without claiming priority and elects the European Patent Office as competent International Searching Authority (ISA). The European Patent Office is of the opinion that PCT-B does not comply with the requirements of unity of invention and relates to four inventions: B1, B2, B3 and B4. In response to the invitation from the EPO as ISA to pay additional search fees for B2, B3 and B4, applicant A pays additional search fees for B2 and B3 under protest and the protest fee is duly paid. Four months later, applicant A receives the International Search Report.

For each of the statements 10.1 –10.4, indicate on the answer sheet whether the statement is true or false:

10.1 If the review body of the ISA finds that the protest was entirely justified, the additional search fees will be refunded but not the protest fee.

10.2 If PCT-B has validly entered the European phase without any amendments to the claims, the EPO will invite the applicant to pay a search fee for invention B4 within a period of two months.

10.3 In order to receive a refund of an additional search fee paid in the European phase, the applicant must pay the additional search fee under protest.

10.4 If applicant A files a divisional application, EP-B-DIV, for invention B2 at the EPO, after PCT-B validly entered the European phase, the search fee paid for EP-B-DIV shall be refunded at 100%.

Part 3 of Pre-examination 2021

Description of a European patent application (date of filing: 31 March 2019)

Title: Glass compositions for use as a photochromic lens

[01] The present invention relates to a glass composition for use as a photochromic lens.

[02] Photochromic lenses are used in eye-glasses. Photochromic lenses change colour depending on the amount of light present. In low-light conditions, such as inside, a photochromic lens will be substantially colourless. In conditions with increased light levels, such as outside, the photochromic lens darkens. The change in colour is a result of components in the photochromic lens which react with ultraviolet (UV) light.

[03] Photochromic lenses currently in use also change colour depending on the temperature of the surroundings. For example, in the cold, the colour change is enhanced and the photochromic lenses become much darker in colour. In warmer temperatures the colour change is less apparent, thus providing sub-optimal eye protection from harmful UV light.

[04] The present invention relates to an improved glass composition for use as a photochromic lens.

[05] The glass composition of the invention comprises silicon dioxide, component A, component M and component X.

[06] Component A is used to lower the melting temperature of the glass composition. Preferably, component A is present in the composition in a content of about 10% to about 30% by weight, for example 10% to 20% by weight. Most preferably, component A is present in the composition in a content of 16% by weight.

[07] Preferably, component A is selected from the group consisting of sodium oxide, sodium carbonate and boron trioxide. Most preferably, component A is sodium oxide.

[08] Component A reduces the melting temperature of silicon dioxide and reduces costs, but the resulting glass composition, which contains silicon dioxide and component A, is water-soluble and unstable which makes it unsuitable for use as a lens.

[09] Component M reduces the water-solubility and improves the stability of the glass composition, but only if it is present in certain amounts, otherwise component M has detrimental effects. The content of component M must be about 5% to about 10% by weight of the glass composition. If the content of component M is less than 5% by weight of the glass composition, the glass composition is not stable enough for use. If the content is greater than 10% by weight of the glass composition, the glass composition solidifies at high temperatures which makes it unusable.

[10] Preferably, component M is selected from the group consisting of lime, zinc oxide and alumina.

[11] Component X provides the photochromic characteristics of the glass composition. Component X is a molecule which upon exposure to light, reacts reversibly with itself and absorbs UV light. Component X provides improved resistance to colour change as a

result of a change in temperature. Preferably, component X is selected from compound alpha, compound beta and compound gamma, which are all similarly effective at absorbing UV light.

[12] Compound alpha, surprisingly, provides a photochromic lens that is the most resistant to colour changes as a result of a change in temperature.

[13] Therefore, most preferably, component X is compound alpha.

[14] Component X may be present in a content of 10% by weight of the composition.

[15] The invention also provides a process for manufacturing a photochromic lens from the glass composition of the invention, which comprises the following steps:

(i) mixing components A and M together in a first vessel to obtain a first mixture;

(ii) heating silicon dioxide in a second vessel to a high temperature;

(iii) adding the first mixture from step (i) to the second vessel from step (ii) to form a second mixture;

(iv) adding component X to the second mixture;

(v) forming a photochromic lens; and afterwards

(vi) allowing the photochromic lens to cool to a low temperature.

[16] Preferably, the silicon dioxide is heated to about 1500 °C, about 1600 °C, about 1700 °C or about 1800 °C. Most preferably, the silicon dioxide is heated to 1675 °C.

[17] The combination of steps in the above-mentioned process results in a photochromic lens which changes colour from colourless to red upon exposure to UV light.

[18] The invention also provides a photochromic lens obtainable by the above-mentioned process.

The following claim set was filed with the application.

CLAIM SET I

I-1. A glass composition for use as a photochromic lens comprising:

silicon dioxide;

component A;

component M; and

component X.

I-2. The composition according to claim I-1 wherein component A is present in the composition in a content of about 10% to about 30% by weight.

I-3. The composition according to claim I-1 or claim I-2 wherein component A is selected from the group consisting of sodium oxide, sodium carbonate and boron trioxide.

I-4. The composition according to claim I-1 wherein component M is present in the composition in a content of 5% to 10% by weight.

I-5. The composition according to claim I-4 wherein component M is present in the composition in a content of 15% by weight.

I-6. The composition according to any one of claims I-1 to I-5, wherein component X is selected from the group consisting of compound alpha, compound beta and compound gamma.

I-7. The process according to any one of claims I-1 to I-6, wherein component M is selected from the group consisting of: lime, zinc oxide and alumina.

I-8. A process for manufacturing a photochromic lens from the glass composition according to any one of claims I-1 to I-7, which comprises the following steps:

(i) mixing components A and M together in a first vessel to obtain a first mixture;

(ii) heating silicon dioxide in a second vessel to an high temperature;

(iii) adding the first mixture from step (i) to the second vessel from step (ii) to form a second mixture;

(iv) adding component X to the second mixture;

(v) forming a photochromic lens; and afterwards

(vi) allowing the photochromic lens to cool to a low temperature.

I-9. A photochromic lens obtainable by the process of claim I-8.

D1 – International application PCT-1

filed on 23 November 2016; published on 24 May 2018

[01] The present invention relates to a glass composition which is suitable for use as a glass bottle.

[02] Glass bottles are used to store different types of liquids, for example corrosive liquids and liquids which are sensitive to light. The type of liquids, which are to be stored in the bottle affects the materials to be used to make the glass.

[03] The main component in glass is sand, which consists primarily of silicon dioxide. Sand can be mixed with a number of other ingredients which affect the properties of glass as outlined in the table below:

Stabilisers	**Additives**	**UV light absorbers**
Component M	Component B	Component T
Component N	Component A	Component U
Component P	Component C	Component X

[04] The stability of glass is improved by using stabilisers selected from the list of stabilisers in the table above.

[05] Additives such as those listed in the table above may be used to provide or enhance certain properties.

[06] In certain circumstances, it may be beneficial to include a UV light absorber. UV-light absorbers may be selected from those listed in the table above.

[07] A preferred embodiment of the invention is a glass composition for use in a glass bottle comprising:

silicon dioxide;

component P;

component B; and

component T.

D2 – International application PCT-2

filed on 23 January 2016; published on 26 July 2017

[01] The present invention relates to a glass composition for use as a photochromic lens in eye-glasses.

[02] The glass composition of the present invention comprises:

silicon dioxide;

component A;

component M; and

component X;

wherein component X is selected from the group consisting of compound beta and compound gamma.

[03] The invention is further defined by the following examples. The percent values in the table below indicate the weight content of each component present in the composition:

Example	Silicon Dioxide	Component A	Component M	Component X
1	69	16	5	10
2	44	30	6	20
3	38	25	7	30

D3 – European patent application EP-1

filed on 12 April 2018; published on 17 October 2019

[01] The present invention relates to the use of zinc oxide for blocking UV light. It has been found that zinc oxide is particularly effective at blocking UV light. It is present in a number of sunscreens. Zinc oxide may be used in glass compositions which are used in UV-blocking sunglasses for use where there is a high amount of UV light present.

[02] The present invention provides a glass composition comprising silicon dioxide, component A, zinc oxide as component M and component X. Preferably, component X is compound alpha.

[03] By using compound alpha, the colour change of the glass composition is more resistant to temperature changes compared to other glass compositions on the market currently used in sunglasses.

Question 11

For each of the statements 11.1 - 11.4, indicate on the answer sheet whether the statement is true or false:

11.1 Claim I-1 is limited to a glass composition which is only for use as a photochromic lens.

11.2 Claim I-4 covers a glass composition for use as a photochromic lens, comprising silicon dioxide, sodium oxide in a content of 10% to 30% by weight of the composition, component M in a content of 5% to 10% by weight of the composition, and component X.

11.3 The protection of claim I-8 extends to the photochromic lens directly obtained by the process.

11.4 A photochromic lens which is identical to the photochromic lens of claim I-9, but which is not obtained by a process of claim I-8, falls under the scope of claim I-9.

Question 12

For each of the statements 12.1 - 12.4, indicate on the answer sheet whether the statement is true or false:

12.1 Claim I-1 contains all essential features of the glass composition of the invention.

12.2 Claim I-5 is clear.

12.3 Claim I-7 is unclear due to its dependency on claims I-1 to I-6.

12.4 Claim I-8 is unclear due to the use of the term low.

Question 13

For each of the statements 13.1 - 13.4, indicate on the answer sheet whether the statement is true or false:

13.1 The subject-matter of claim I-1 lacks novelty over D1.

13.2 The subject-matter of claim I-2 lacks novelty over Example 2 of D2.

13.3 The subject-matter of claim I-4 is novel over Example 3 of D2.

13.4 D1 discloses a component X being selected from the group consisting of compound alpha, compound beta and compound gamma.

During examination the applicant files a new set of claims (claim set II) to replace the originally filed claim set I.

CLAIM SET II

II-1. A glass composition for use as a photochromic lens comprising:

silicon dioxide;

component A; and

component M.

II-2. The composition according to claim II-1 further comprising component X.

II-3. The composition according to claim II-2 wherein component M is not zinc oxide.

II-4. The composition according to claim II-2 wherein component A is present in the composition in a content of 10% to 30% by weight.

II-5. The composition according to claim II-2 wherein component X is selected from the group consisting of compound alpha and compound beta.

Question 14

For each of the statements 14.1 to 14.4, indicate on the answer sheet whether the statement is true or false:

14.1 Claim II-1 is allowable under Article 123(2) EPC.

14.2 Claim II-3 is allowable under Article 123(2) EPC.

14.3 Claim II-4 is allowable under Article 123(2) EPC.

14.4 Claim II-5 is allowable under Article 123(2) EPC.

A further amended set of claims is filed during examination (claim set III):

CLAIM SET III

III-1. A glass composition for use as a photochromic lens comprising:

silicon dioxide;

component A which is present in a content of 16% by weight;

component M which is present in a content of 5% to 10% by weight; and

compound alpha which is present in a content of 10% by weight.

III-2. The composition according to claim III-1 wherein component A is selected from the group consisting of sodium oxide, sodium carbonate and boron trioxide.

III-3. The composition according to claim III-1 or claim III-2 wherein component M is selected from the group consisting of lime and alumina.

Question 15

For each of the statements 15.1 to 15.4, indicate on the answer sheet whether the statement is true or false.

15.1 D2 can be considered to be the closest prior art for claim III-3 because it relates to the same technical field, i.e. the field of photochromic lenses.

15.2 The objective technical problem to be solved by the subject-matter of claim III-1 with respect to D2 is the provision of a photochromic lens, the colour change of which is resistant to temperature changes.

15.3 A valid argument for why the subject-matter of claim III-1 has an inventive step over D2 is because using compound alpha as component X results in a photochromic lens, the colour of which is surprisingly more resistant to temperature changes than when compound beta or compound gamma is used.

15.4 A combination of D2 and D3 could be used to validly attack claim III-1 for lack of inventive step.

Part 4 of Pre-examination 2021

Description of a second European patent application

Client application (with originally filed claims)

[01] The present invention relates to a protection device for a tablet computer.

[02] Tablet computers are well known. A tablet computer is a mobile device with a touch sensitive screen. The computer elements are integrated into the back of the screen. The size of the screen is usually from 7 inches to 19 inches so that the device can be easily handled.

[03] The present invention provides a protection device comprising a receiving part for receiving the tablet computer and a cover part for protecting the screen of the tablet computer. The receiving part is made of a structure comprising a flat base and four elastically deformable corners extending from the peripheral edge of the base. The elastically deformable corners secure the tablet computer within the receiving part. Preferably, the corners are made of silicone having a greater thickness than the base, while the base is made of a rigid plastic. Silicone is expensive and having silicone only in the corners is not only cost effective but also environmentally friendly due to the reduction of material used, whilst only slightly decreasing the protection of the tablet computer if it is dropped.

[04] In a first embodiment, the cover part is flat and rigid and made of an inexpensive plastic. It has been shown that when the cover part is flat and at the same time rigid, the screen of the tablet is better protected. The cover part is joined to a side of the receiving part by a hinge which is attached to both the base of the receiving part and to the cover part. The hinge, the cover part and the base of the receiving part may be made from the same material such that the hinge is formed by a fold. The cover part is large enough to cover the screen after insertion of the tablet computer into the receiving part.

[05] In an alternative second embodiment shown in Fig. 1 and Fig. 2, the cover part (10) is divided into three sections (11a, 11b, 11c) which are joined to each other by hinges (12a, 12b) parallel to the hinge (13) joining the cover part (10) and the receiving part (14). The receiving part (14) comprises a flat base (not shown) and four elastically deformable corners (16). Each section (11a, 11b, 11c) is flat and rigid. The hinges (12a, 12b) and the sections (11a, 11b, 11c) may be made from the same material such that the hinges (12a, 12b) are formed by folds of the cover part (10) as shown in Fig.1. When the hinges (12a, 12b) and the sections (11a, 11b, 11c) are made from the same material, the material at the hinges (12a, 12b) may preferably be thinner than the material at the sections (11a, 11b, 11c), allowing the material to fold more easily. Alternatively, the hinges (12a, 12b) can be separate parts made of a different material from the sections. Regardless of the material used, in this embodiment, the cover part (10) may be folded into a triangular prism shape (15) serving as an inclined support for the receiving part holding the tablet computer, as shown in Fig. 2.

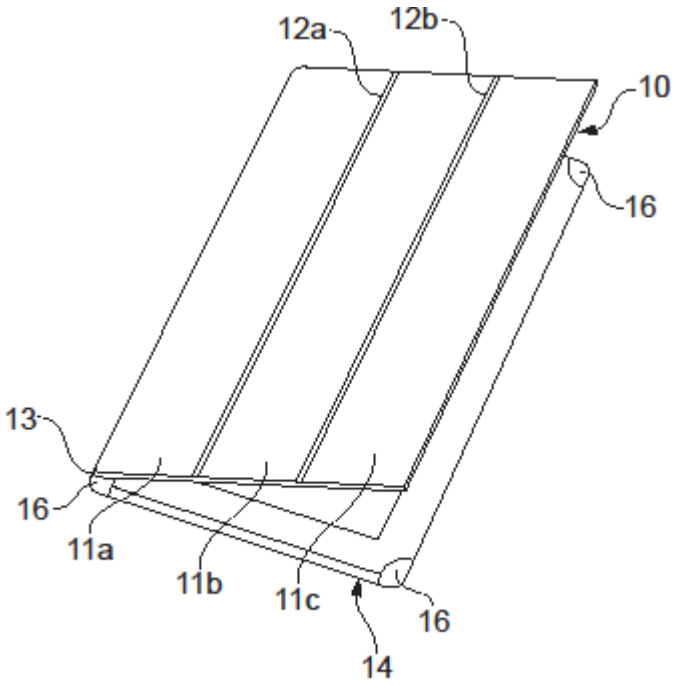

FIG. 1

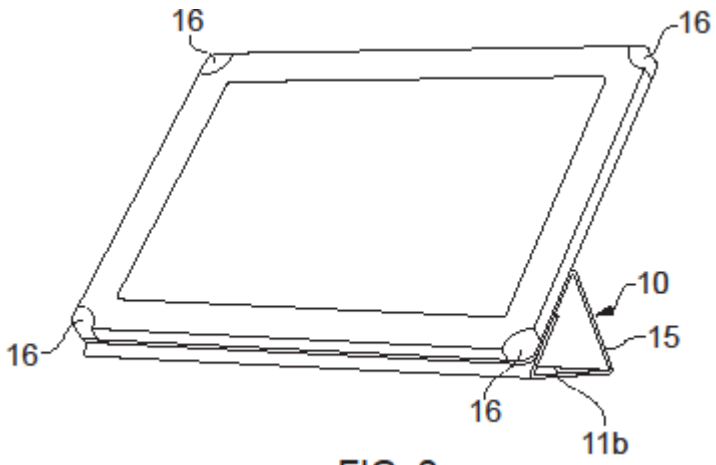

FIG. 2

For questions 16 to 19, consider that the following claims were filed together with the above second European patent application:

IV.1 Protection device comprising a receiving part for receiving a tablet computer and a cover part.

IV.2 Protection device according to claim IV.1, wherein the protection device comprises a hinge between the receiving part and the cover part.

IV.3 Protection device according to claim IV.1 or IV.2, wherein the receiving part comprises a flat base, preferably as shown in Fig.1.

IV.4 Protection device according to any preceding claim, wherein the receiving part comprises an elastically deformable means for securing the tablet computer within the receiving part.

IV.5 Protection device according to claim IV.4, wherein the elastically deformable means comprises four elastically deformable corners.

IV.6 Protection device according to any preceding claim, wherein the cover part comprises a flat and rigid section.

IV.7 Protection device according to any preceding claim, wherein the cover part is divided into three parallel sections that are

respectively joined by parallel hinges, and which are foldable into a triangular prism shape.

Document D1 (state of the art according Article 54(2) EPC)

[01] D1 discloses a shipping box for packaging and protecting a tablet computer. The shipping box comprises a flat base and four walls for receiving the tablet computer. The shipping box comprises four flaps extending respectively from each of the four walls. The flaps can be folded over and secured to each other to close the shipping box and fully cover the tablet, i.e. the shipping box forms a closed box. The shipping box can be made of rigid material such as cardboard or polymer reinforced cardboard.

[02] A frame is included inside the shipping box for holding the tablet computer in place in the shipping box. The frame is made of an elastically deformable material so that the tablet computer can be held tightly therein.

Document D2 (state of the art according Article 54(2) EPC)

[01] D2 discloses a protection device for a tablet computer. The protection device comprises a receiving part and a cover part. The cover part is joined to the receiving part by a hinge so that the cover part protects the screen of the tablet computer.

[02] The receiving part has a flat base and a peripheral wall. The peripheral wall extends along the entire periphery of the base. The receiving part is made from a single piece of silicone having a uniform thickness. Both the flat base and the peripheral wall deform elastically for receiving and securing the tablet computer in the receiving part. After insertion, the tablet computer is held tightly by the peripheral wall (110 of Fig. 3).

[03] For better protection of the screen of the tablet computer, it is possible to increase the thickness of the silicone material of the whole receiving part uniformly.

[04] As shown in Fig. 3, the cover part (100) is divided into three flat and rigid parallel sections which are joined to each other by hinges. These sections can be folded into a triangular prism shape serving as an inclined support for the receiving part holding the tablet computer (20).

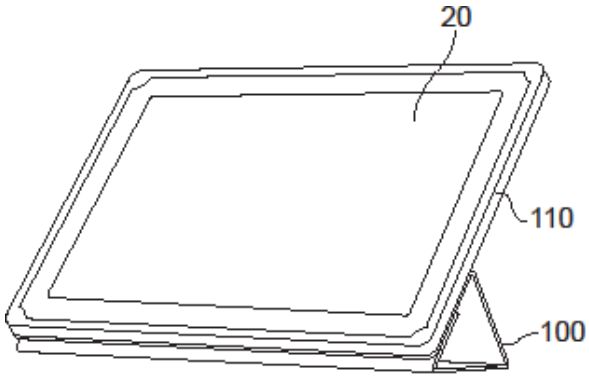

FIG. 3

Question 16

For each of the statements 16.1 – 16.4, indicate on the answer sheet whether the statement is true or false:

16.1 Claim IV.4 lacks clarity because of an incorrect dependency.

16.2 Claim IV.3 meets the requirements of Art. 84 EPC.

16.3 Claim IV.7 defines that the cover part is divided along its longer dimension into three parallel sections that are respectively joined by parallel hinges, and which are foldable into a triangular prism shape.

16.4 A protection device comprising a receiving part for receiving a tablet computer and a cover part having two hinges between the cover part and receiving part falls within the scope of claim IV.2.

Question 17

For each of the statements 17.1 – 17.4, indicate on the answer sheet whether the statement is true or false:

17.1 D1 destroys the novelty of the subject-matter of claim IV.2.

17.2 D1 destroys the novelty of the subject-matter of claim IV.4.

17.3 D1 destroys the novelty of the subject-matter of claim IV.6.

17.4 D1 destroys the novelty of the subject-matter of claim IV.7.

Question 18

For each of the statements 18.1 – 18.4, indicate on the answer sheet whether the statement is true or false:

18.1 The subject-matter of claim IV.7 is novel over D2.

18.2 The subject-matter of claim IV.6 is novel over D2.

18.3 The subject-matter of claim IV.4 is novel over D2.

18.4 The subject-matter of claim IV.5 is novel over D2.

Question 19

For each of the statements 19.1 – 19.4, indicate on the answer sheet whether the statement is true or false: Under Article 123(2) EPC, there is basis for amending claim IV.1 of the originally filed application as follows:

19.1 Protection device comprising a receiving part for receiving a tablet computer and a cover part, and further comprising a hinge between the receiving part and the cover part, the receiving part comprising a base, the base being flat.

19.2 Protection device comprising a receiving part for receiving a tablet computer and a cover part, wherein the receiving part comprises a flat base and four elastically deformable corners for securing the tablet computer within the receiving part, and wherein the cover part comprises a flat and rigid section.

19.3 Protection device comprising a receiving part for receiving a tablet computer and a cover part, wherein the receiving part comprises a flat base and four elastically deformable corners for securing the tablet computer within the receiving part, and wherein the cover part is flat.

19.4 Protection device comprising a receiving part for receiving a tablet computer and a cover part, wherein the cover part is divided into three parallel sections that are respectively joined by parallel hinges, and is foldable into a triangular prism shape, each section

being flat and rigid, and wherein the hinges and the sections are made from the same material such that the hinges are formed by folds of the cover part.

Question 20

For this question, assume that the following Claim V.1 was the original claim filed in the client patent application.

V.1 Protection device comprising a receiving part for receiving a tablet computer and a cover part, wherein the receiving part comprises a flat and rigid plastic base and four corners for securing the tablet computer within the receiving part, characterised in that the four corners are elastically deformable and the four corners extend from the peripheral edge of the base and the four corners are made of silicone having a greater thickness than the base.

For each of the statements 20.1 – 20.4, indicate on the answer sheet whether the statement is true or false:

20.1 Claim V.1 is in the correct two-part form with respect to the disclosure of D2.

20.2 A valid argument as to why D2 may be considered the closest prior art is that it discloses a base made from the same material as the corners.

20.3 A possible technical effect of the invention defined in claim V.1 with respect to D2 is that it allows better protection of the screen of the tablet computer.

20.4 For the purpose of assessing inventive step of claim V.1, a valid argument is that D1 does not relate to the technical field of protection devices .