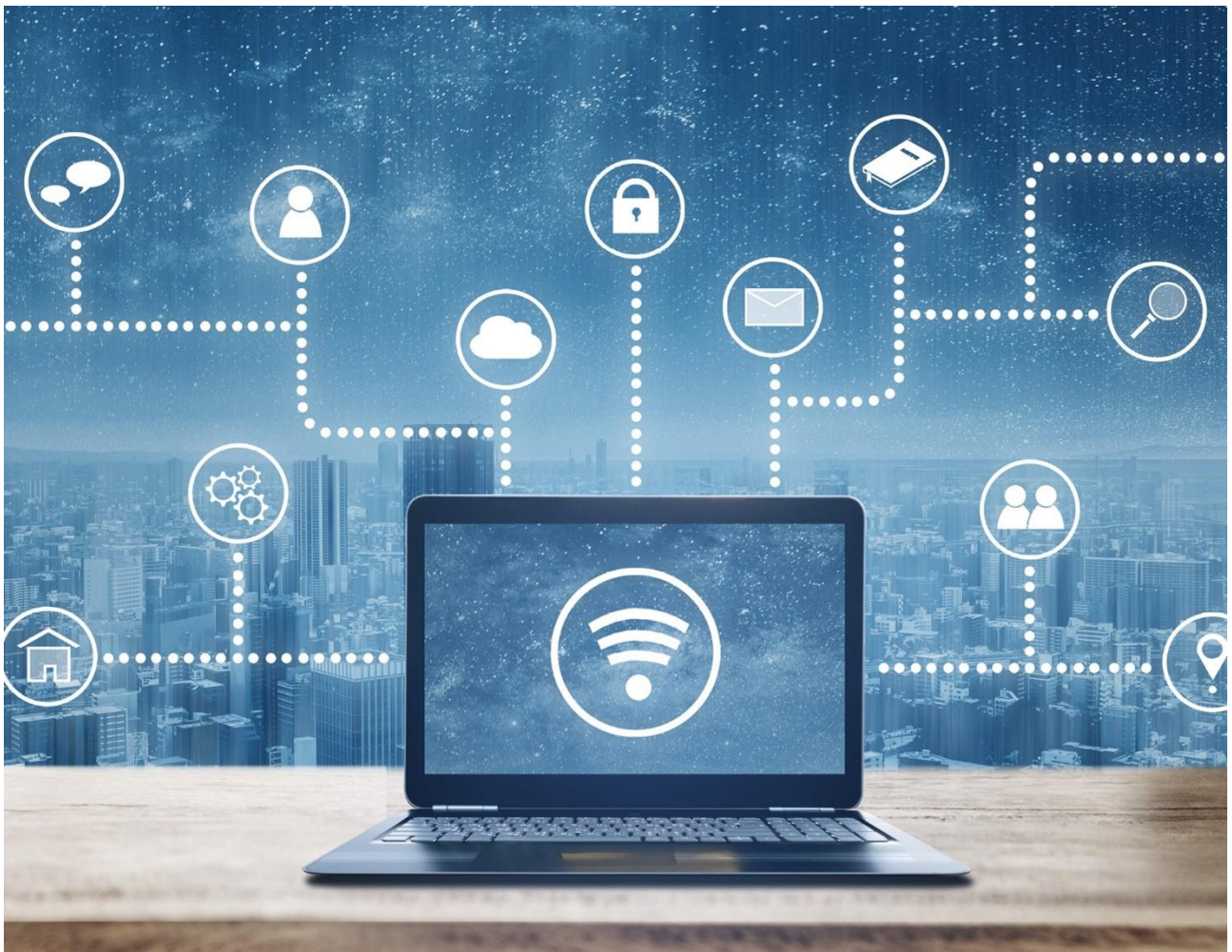


MyEPO Portfolio

Feature guide: replying to communications with deadlines



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1. Introduction

As you work with the EPO on your patent applications, you will receive procedural communications from the EPO in your Mailbox, and some of these have a deadline by which you need to reply.

The **Actions** area of [MyEPO Portfolio](#) makes this easier by displaying a list of replies with deadlines that are pending for some procedural actions and guiding the user through the reply.

You can reply to the following types of communication in the Actions area:

- **Invitations about subject-matter for search (Rules 62a and 63 EPC)**
- **Extended European search reports (Rule 70a EPC)**
- **Communications in examination under Article 94(3) EPC**
- **Communications about the intention to grant the European patent (Rule 71(3) EPC)**

You can also reply to the following types of communication in the New Requests area:

- **Communications under Rules 161(1) and 162 EPC**

When you use MyEPO Portfolio to reply, you are guided through each step, with easy access to procedural support information, checks that what you are filing makes sense, and reminders to pay fees if relevant.

You can also set up email alerts to inform you of new pending actions or approaching deadlines.

MyEPO Portfolio therefore gives you a more user-friendly alternative to filing a 1038 form in [Online Filing 2.0](#), that reduces the risk of errors when filing a reply.

In this feature guide, we explain how using MyEPO Portfolio for filing replies works in general, and provide more information about the specific replies you can perform today.

To guide you further, we have also published some [Frequently Asked Questions \(FAQs\)](#), and you can always get in touch with support@epo.org or your key account manager if you still aren't sure about something.

2. How replying to communications works in MyEPO Portfolio

Who can submit replies in MyEPO Portfolio?

Procedural replies to a communication must be signed with the name of the representative assigned to the application or opposition case, or by the applicant or opponent themselves if they are self-representing and not making use of a professional representative.

In practice, many firms work with teams of paralegal or IP support staff who draft and submit requests, indicating the name and function of the authorised signatory.

As a rule, in MyEPO Portfolio any user who has been granted access by their company administrator to work on a given portfolio of applications, will have access to the “Applications and patents” and “Actions” area, where they can draft, review, and submit replies.

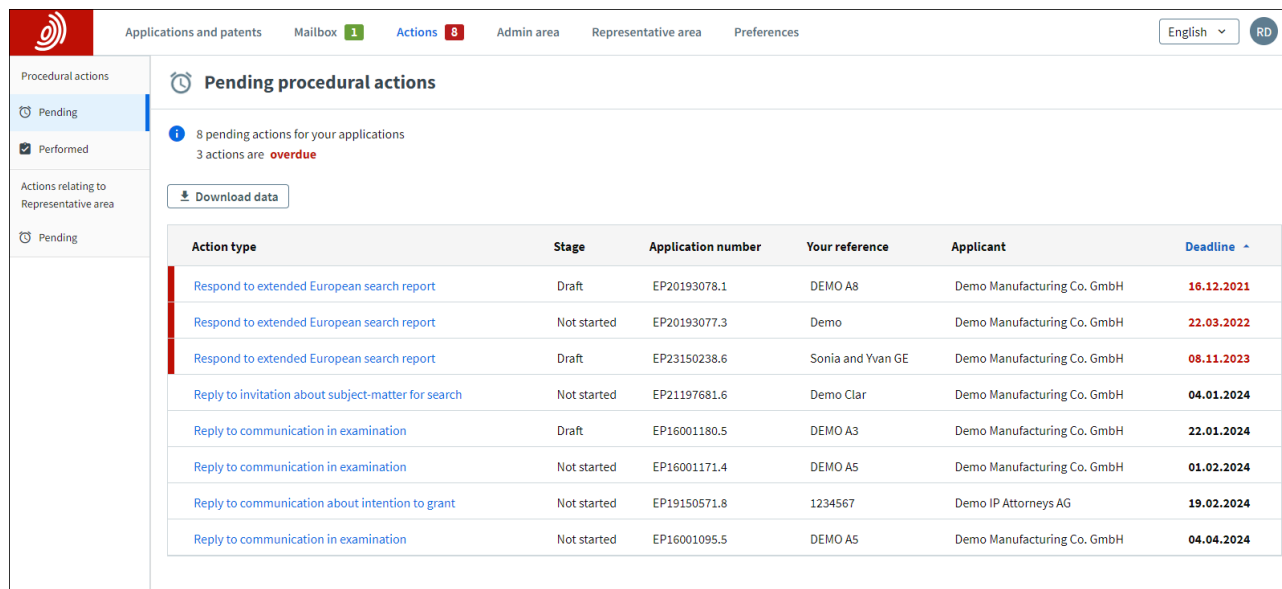
For more information about how to manage access in MyEPO Portfolio, please see the [feature guide for managing user access](#).

For more information about how to become a user with access to our online MyEPO services, please see the [“Get access”](#) page on the EPO website.

Where do I go in MyEPO Portfolio to reply to a communication?

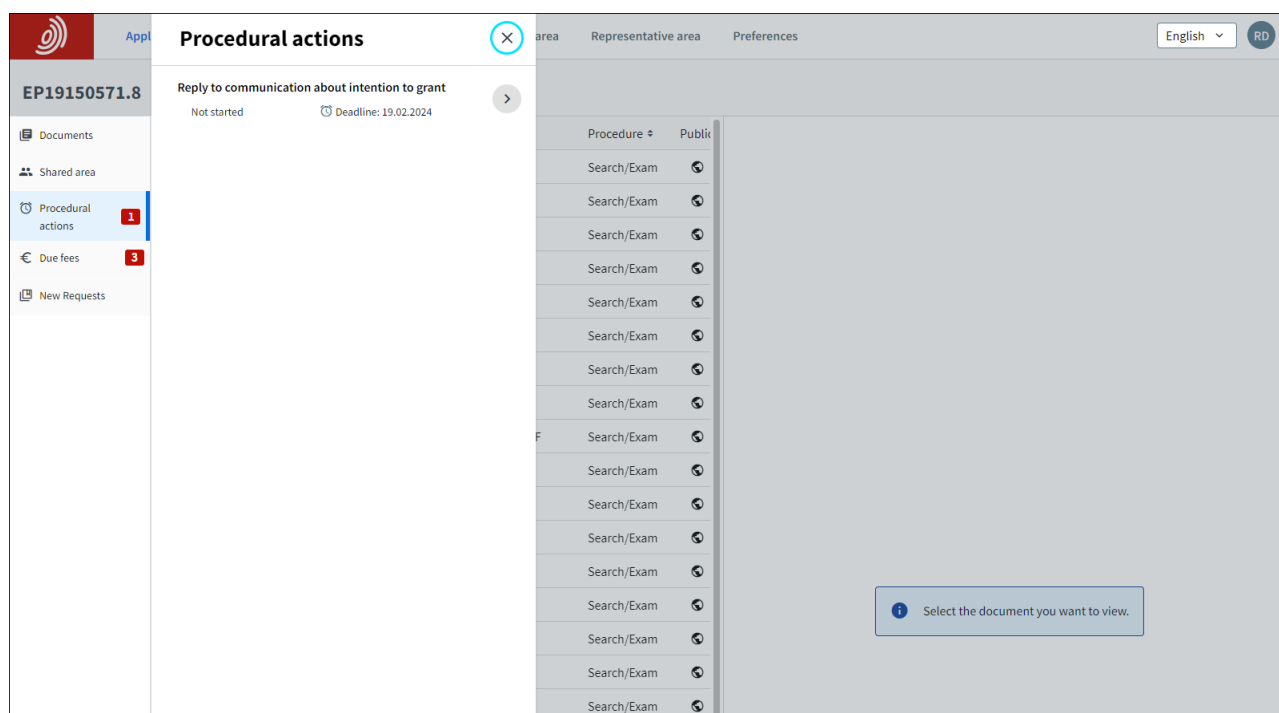
After logging into MyEPO Portfolio with your EPO account or smart card, navigate to the **Actions** area.

You will see a list of pending procedural reply actions with deadlines for the communications indicated in section 3 of this feature guide.



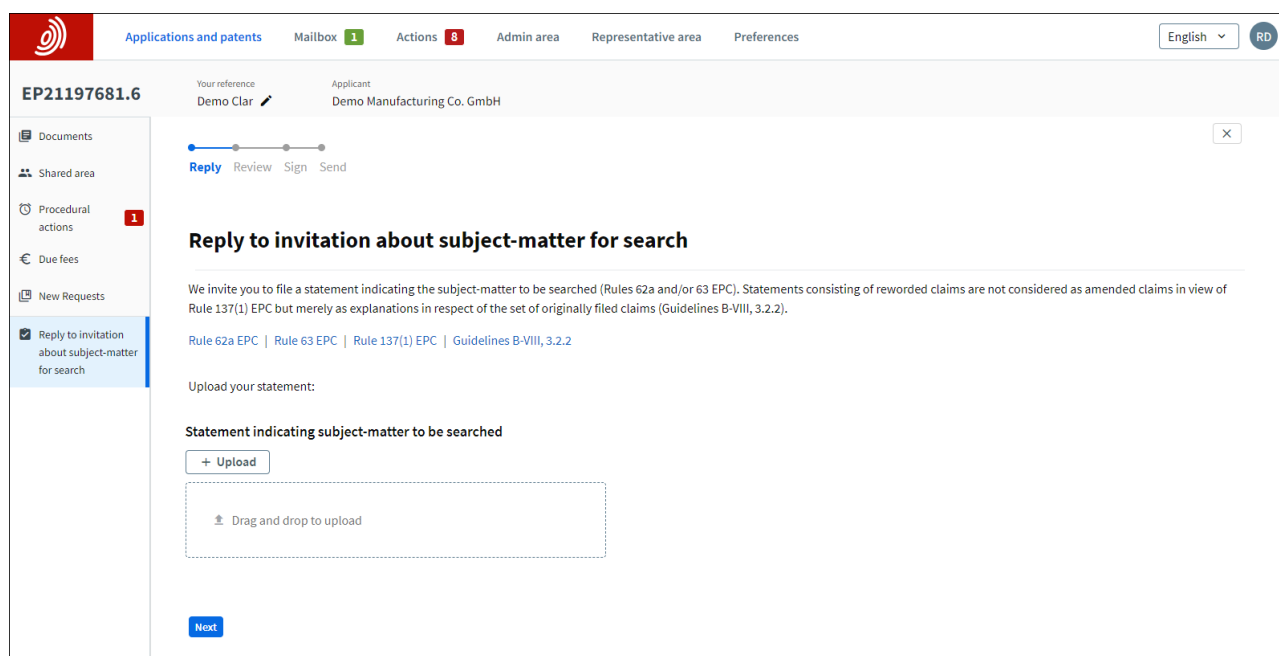
| Action type | Stage | Application number | Your reference | Applicant | Deadline |
|---|-------------|--------------------|-------------------|-----------------------------|------------|
| Respond to extended European search report | Draft | EP20193078.1 | DEMO A8 | Demo Manufacturing Co. GmbH | 16.12.2021 |
| Respond to extended European search report | Not started | EP20193077.3 | Demo | Demo Manufacturing Co. GmbH | 22.03.2022 |
| Respond to extended European search report | Draft | EP23150238.6 | Sonia and Yvan GE | Demo Manufacturing Co. GmbH | 08.11.2023 |
| Reply to invitation about subject-matter for search | Not started | EP21197681.6 | Demo Clar | Demo Manufacturing Co. GmbH | 04.01.2024 |
| Reply to communication in examination | Draft | EP16001180.5 | DEMO A3 | Demo Manufacturing Co. GmbH | 22.01.2024 |
| Reply to communication in examination | Not started | EP16001171.4 | DEMO A5 | Demo Manufacturing Co. GmbH | 01.02.2024 |
| Reply to communication about intention to grant | Not started | EP19150571.8 | 1234567 | Demo IP Attorneys AG | 19.02.2024 |
| Reply to communication in examination | Not started | EP16001095.5 | DEMO A5 | Demo Manufacturing Co. GmbH | 04.04.2024 |

You can also see pending procedural actions for a specific application when you open the application from the **Applications and patents** area.



To perform a reply, you simply click on the action link. You will then be guided step-by-step to provide the information we require for your reply.

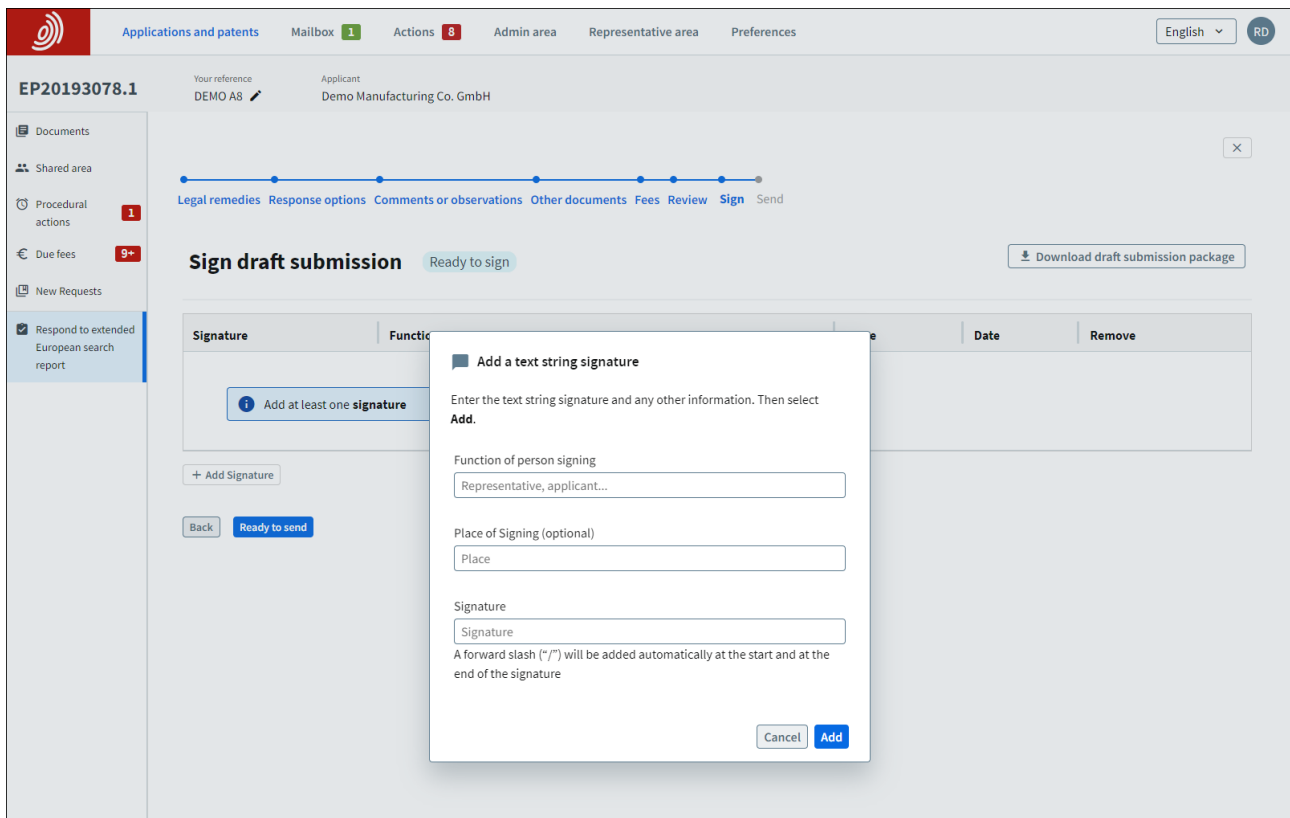
This may include asking you to upload documents, depending on the nature of the reply.



We will indicate if any fees are payable, and you will have the option to pay them first.

When everything is ready you will be asked to review the draft submission and, if you wish, can download the submission package for review by your colleagues or the representative.

Next, the signature dialogue will open.



Submissions must be signed by indicating the function and name of an authorised person (representative or authorised employee, or self-representing private person). The place of signing is optional.

When the signature has been added, indicate that you are ready to send, and in the next screen you can send the submission when you are ready.

After a reply has been sent, it will be added to the digital file for the application, and you will be able to see the reply in the application documents in the “Applications and patents” area.

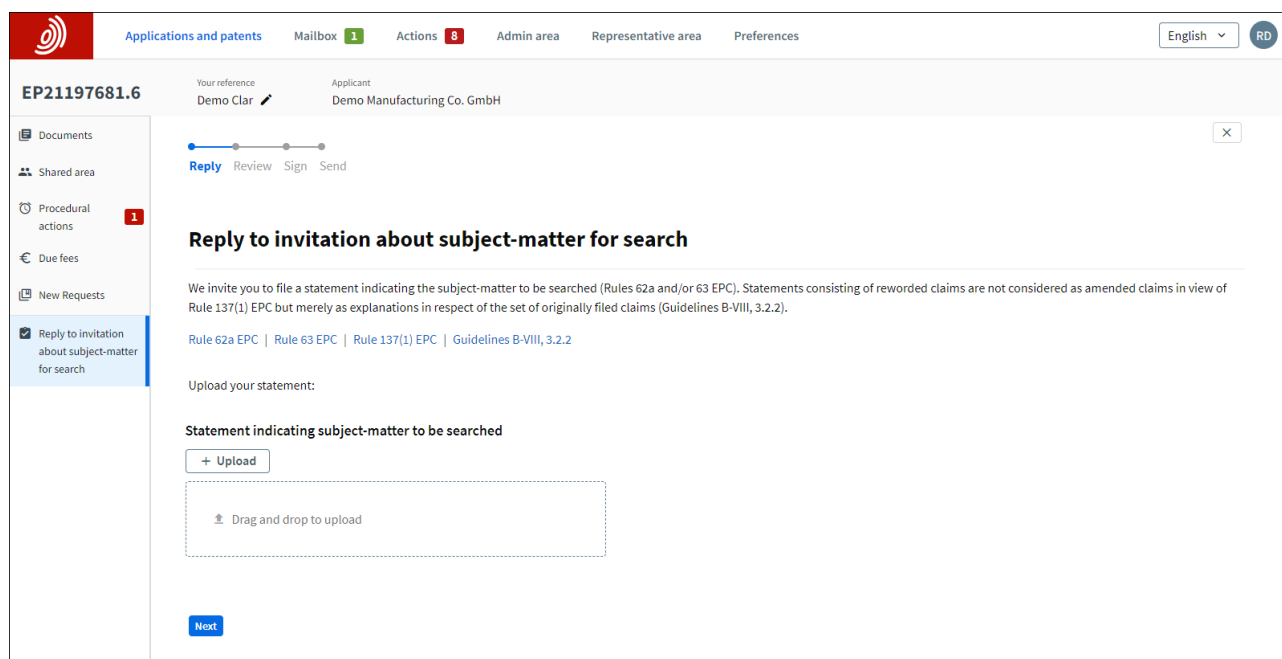
In chapter 3, we provide additional specific instructions for different types of reply.

3. Further information about the different types of reply

3.1 Reply to an invitation about subject-matter for search (Rules 62a and 63 EPC)

You may receive this communication if your application contains several independent claims in the same category (Rule 62a EPC). You can then use MyEPO Portfolio to clarify which subject-matter to search (Rule 62a(1) EPC).

You may also receive this communication if the EPO considers a meaningful search not possible on the basis of the subject-matter claimed. In that case you can use MyEPO Portfolio to file a statement indicating the subject-matter to be searched (Rule 63(1) EPC).



The screenshot displays the MyEPO Portfolio interface for a specific application. At the top, there is a navigation bar with the EPO logo and menu items: 'Applications and patents', 'Mailbox 1', 'Actions 8', 'Admin area', 'Representative area', and 'Preferences'. The user's language is set to 'English' and their profile is 'RD'. Below the navigation bar, the application details are shown: 'Your reference: EP21197681.6' and 'Applicant: Demo Manufacturing Co. GmbH'. A progress bar indicates the current step is 'Reply', with other steps being 'Review', 'Sign', and 'Send'. The main content area is titled 'Reply to invitation about subject-matter for search'. It contains an invitation to file a statement indicating the subject-matter to be searched, referencing Rules 62a and/or 63 EPC and Guidelines B-VIII, 3.2.2. Below the invitation, there is a section for uploading the statement, with a '+ Upload' button and a dashed box for dragging and dropping files. A 'Next' button is located at the bottom of the main content area. The left sidebar contains a list of menu items: 'Documents', 'Shared area', 'Procedural actions 1', 'Due fees', 'New Requests', and 'Reply to invitation about subject-matter for search' (which is currently selected).

3.2 Respond to an extended European search report (Rule 70a EPC)

You will receive this communication if the opinion accompanying the search report is negative.

You may then use MyEPO Portfolio to:

- comment on the deficiencies noted
- request amendments to the description, claims and drawings

The screenshot shows the MyEPO Portfolio interface for application EP20193077.3. The top navigation bar includes 'Applications and patents', 'Mailbox 1', 'Actions 8', 'Admin area', 'Representative area', and 'Preferences'. The user is logged in as 'RD' in English. The left sidebar contains 'Documents', 'Due fees 9+', and 'New Requests', with 'Respond to extended European search report' selected. The main content area features a progress bar with steps: 'Legal remedies', 'Response options', 'Amendments', 'Other documents', 'Fees', 'Review', 'Sign', and 'Send'. The current step is 'Response options', titled 'Respond to the extended European Search Report'. The instructions state: 'Select the first option if you want to comment on the extended European search report and correct any deficiencies noted in the opinion accompanying it.' and 'Select the second option if you want to amend the description, claims and drawings plus have the opportunity to comment offered by the first option.' Two radio button options are presented: 'I want to submit comments on the deficiencies noted' (unselected) and 'I request amendments to the application' (selected). A note below the second option states: 'If you select this option, you can also submit comments on the deficiencies noted.' At the bottom, there are 'Back' and 'Next' buttons.

3.3 Reply to a communication in examination under Article 94(3) EPC

You will receive this communication if the examining division finds deficiencies in your application.

You may then use MyEPO Portfolio to:

- Submit observations on the objections raised
- Request amendments to the application
- Request a decision according to the state of the file

If you need more time, you may also request a time limit extension.

The screenshot displays the MyEPO Portfolio interface for application EP16001171.4. The top navigation bar includes 'Applications and patents', 'Mailbox 1', 'Actions 8', 'Admin area', 'Representative area', and 'Preferences'. The user's language is set to 'English' and their profile is 'RD'. The application details show 'Your reference: DEMO A5' and 'Applicant: Demo Manufacturing Co. GmbH'. The left sidebar contains navigation options: 'Documents', 'Shared area', 'Procedural actions 1', 'Due fees 2', 'New Requests', and 'Reply to communication in examination' (which is selected). The main content area is titled 'Reply to communication in examination under Article 94(3) EPC'. It contains the following text: 'The examining division has raised objections to your application. Respond to these objections by selecting one of the following options: [Article 94\(3\) EPC](#)'. There are three radio button options: 1. 'I want to submit observations on the objections raised'. 2. 'I request amendments to the application. If you select this option, you can also submit observations on the objections raised.' 3. 'I request a decision according to the state of the file. Note that the examining division could refuse the application under Article 97(2) EPC. [Article 97\(2\) EPC](#) | [Guidelines C-V, 15](#)'. Below this, it states: 'If you need more time, you can request an extension of the period for this reply:'. There is one radio button option: 'I request an extension of the period for replying to the communication in examination under Article 94(3) EPC. The current period ends on 01.02.2024'. A 'Next' button is located at the bottom of the options.

3.4 Reply to a communication about the intention to grant (Rule 71(3) EPC)

This communication informs you that the examining division intends to grant a European patent and gives you the following options:

- To approve the proposed text of the patent
- To request amendments to the text
- To disapprove the text without requesting amendments

The screenshot displays the MyEPO user interface for application EP19150571.8. The top navigation bar includes 'Applications and patents', 'Mailbox 1', 'Actions 8', 'Admin area', 'Representative area', and 'Preferences'. The user's language is set to English. The main content area is titled 'Reply to communication about intention to grant a European patent'. It informs the user that the examining division intends to grant a European patent in respect of their application (Rule 71(3) EPC) and asks them to select one of the following options:

- I approve the text intended for grant
By selecting this option, you're indicating your intention
 - to pay the fees for grant and publication
 - to verify the bibliographic data presented in the communication about intention to grant a European patent, and
 - to submit translations of the claims in the two official languages of the EPO other than the language of the proceedings.[Guidelines C-V, 2](#)
- I request amendments to the text intended for grant
[Guidelines C-V, 4](#)
- I disapprove the text intended for grant and am not requesting any (new) amendments
[Guidelines C-V, 4.9](#)

A 'Next' button is located at the bottom of the options list.

3.5 Reply to a communication under Rules 161(1) and 162 EPC

You will receive this communication after your international PCT application has validly entered the European phase unless you have waived the communication. The communication will invite you to file comments and/or amendments and pay fees where relevant.

You may use MyEPO Portfolio to file comments and/or amendments in reply according to one of the following scenarios.

If the EPO was the International Search Authority (ISA) or Supplementary International Search Authority (SISA):

- your reply is mandatory if the international search opinion was negative, and no amendments or comments were filed during the international phase or upon entry into the European phase.
- your reply is voluntary if the international search opinion was positive, or if the international search opinion was negative but amendments or comments were filed during the international phase or upon entry into the European phase.

If the EPO was the International Preliminary Examination Authority (IPEA):

- your reply is mandatory if the international preliminary examination report was negative, and no amendments or comments were filed during the international phase or upon entry into the European phase.
- your reply is voluntary if the international preliminary examination report was positive, or if the international preliminary examination report was negative but amendments or comments were filed during the international phase or upon entry into the European phase.

Please note: to reply to this communication you should go to the **New Requests** tab on the application record. You cannot file this type of reply within the **Actions** area or the **Procedural actions** tab for the application.

The option of filing this type of reply is always available in the **New Requests** tab whether a reply is due or not.

Any claims fees due should be paid separately using Central Fee Payment or by other means of payment.

Applications and patents Mailbox **2** Actions **7** Admin area Representative area Preferences English RD

EP19150571.8 Your reference: 1234567 Applicant: Demo IP Attorneys AG

Documents
Shared area
Procedural actions **1**
Due fees **3**
New Requests

Comments and request for amendments Sign Send

Reply to communication under Rules 161(1) and 162 EPC

For more information, see [Rule 161\(1\) EPC](#) | [Rule 162 EPC](#)

i You can pay any due fee or review your payments in the payment portal. [Open Central Fee Payment](#)

Comments or observations

For more information, see [Rule 137\(4\) EPC](#) | [Guidelines H-III, 2.1 and 2.2](#)

+ Select files Upload

Drag and drop files here to upload (max. 50 MB per file)

Request for amendments

Claims

+ Select files Upload

Next