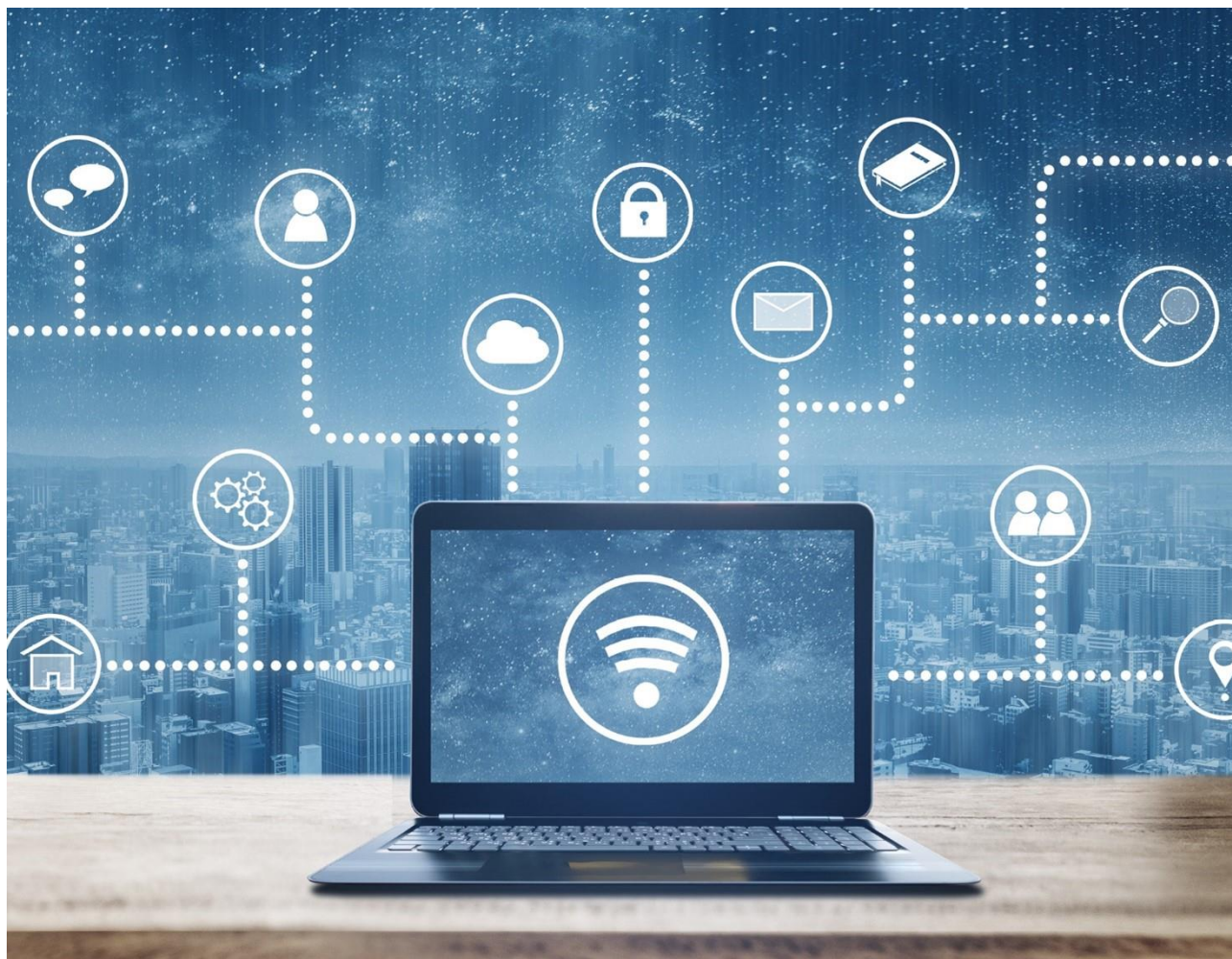


MyEPO services

Feature guide: replying to communications with deadlines



Content

1.	Introduction	2
2.	How replying to communications works in MyEPO Portfolio	3
3.	Further information about the different types of reply	6
3.1	Reply to an invitation about subject-matter for search (Rules 62a and 63 EPC)	6
3.2	Respond to an extended European search report (Rule 70a EPC)	7
3.3	Reply to a communication under rules 161(1) and 162 EPC - PILOT FEATURE	8
3.4	Reply to a communication in examination under Article 94(3) EPC	9
3.5	Reply to a communication about the intention to grant (Rule 71(3) EPC)	10

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 easy by showing you a list of replies with deadlines that are pending, and helping you 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)**

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.

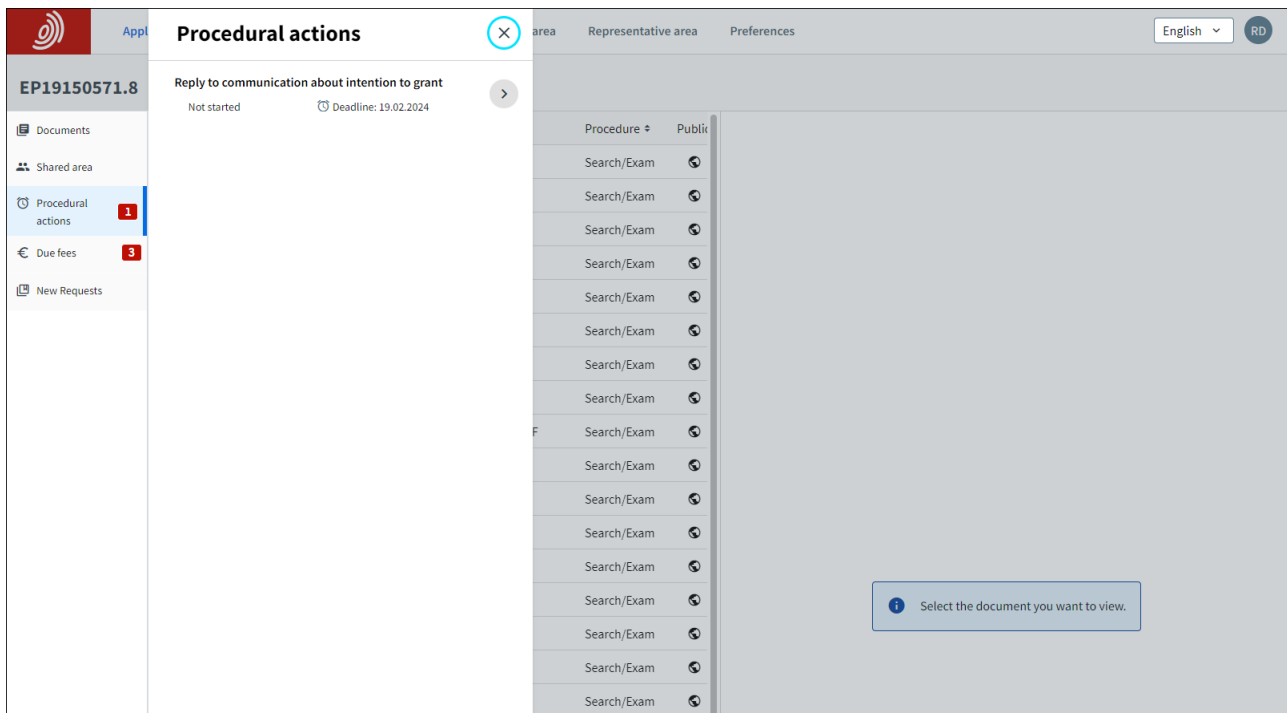
You can also set up email alerts to inform you of new pending actions or approaching deadlines.

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.

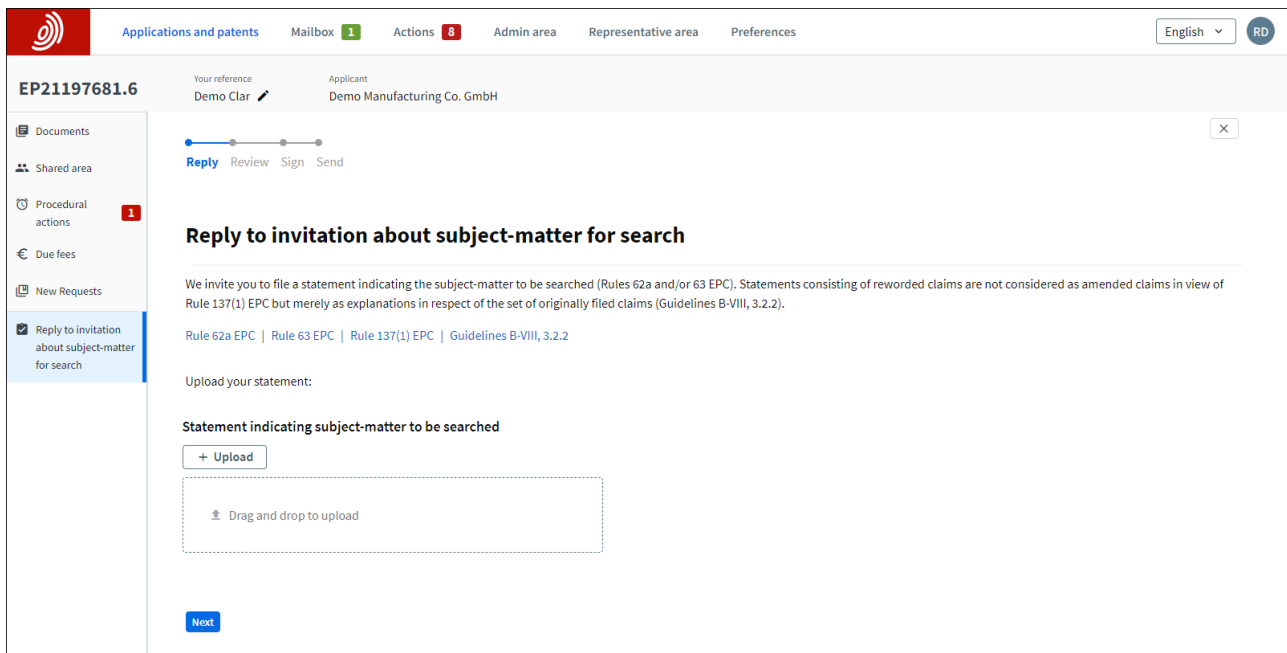
To guide you further, we have also published some [Frequently Asked Questions \(FAQs\)](#), and you can always get in touch with support@epo.org or your key account manager if you still aren't sure about something.

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.

Finally, you will be prompted to add a signature to the submission.

The screenshot displays the MyEPO web interface for application EP20193078.1. The top navigation bar includes 'Applications and patents', 'Mailbox' (1), 'Actions' (8), 'Admin area', 'Representative area', and 'Preferences'. The left sidebar shows 'Documents', 'Shared area', 'Procedural actions' (1), 'Due fees' (9+), 'New Requests', and 'Respond to extended European search report'. The main area shows a progress bar with steps: Legal remedies, Response options, Comments or observations, Other documents, Fees, Review, Sign, and Send. The 'Sign' step is active, and the 'Sign draft submission' dialog box is open. The dialog box has a title 'Add a text string signature' and instructions: 'Enter the text string signature and any other information. Then select Add.' It contains three input fields: 'Function of person signing' (with 'Representative, applicant...' entered), 'Place of Signing (optional)' (with 'Place' entered), and 'Signature' (with 'Signature' entered). A note states: 'A forward slash ("/") will be added automatically at the start and at the end of the signature.' The dialog box has 'Cancel' and 'Add' buttons. The background interface shows a 'Sign draft submission' section with a 'Ready to sign' status and a 'Download draft submission package' button. Below the dialog box, there is a table with columns: Signature, Function, Date, and Remove.

Fill in the function of the person whose signature should appear on the submission. For example, they could be a representative, an applicant, or an opponent. Then add the place of signing (optional) and type the name of the person in the signature box.

When you have added the signature, 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 web interface. At the top, there is a navigation bar with links for 'Applications and patents', 'Mailbox' (with a green badge '1'), 'Actions' (with a red badge '8'), 'Admin area', 'Representative area', and 'Preferences'. A language dropdown is set to 'English' and a user profile icon 'RD' is visible.

Below the navigation bar, the header area shows the application number 'EP21197681.6', the user's reference 'Demo Clar' with an edit icon, and the applicant 'Demo Manufacturing Co. GmbH'.

A left-hand sidebar contains a list of menu items: 'Documents', 'Shared area', 'Procedural actions' (with a red badge '1'), 'Due fees', 'New Requests', and 'Reply to invitation about subject-matter for search' (which is currently selected and highlighted in blue).

The main content area features a progress bar with four steps: 'Reply' (active), 'Review', 'Sign', and 'Send'. Below this, the title 'Reply to invitation about subject-matter for search' is displayed. The text explains the invitation to file a statement indicating the subject-matter to be searched, referencing Rules 62a and/or 63 EPC, and states that statements consisting of reworded claims are not considered as amended claims in view of Rule 137(1) EPC. It also provides links for 'Rule 62a EPC', 'Rule 63 EPC', 'Rule 137(1) EPC', and 'Guidelines B-VIII, 3.2.2'.

Under the heading 'Upload your statement:', there is a section titled 'Statement indicating subject-matter to be searched'. This section includes an '+ Upload' button and a dashed rectangular box with the text 'Drag and drop to upload'.

At the bottom of the main content area, there is a blue 'Next' button.

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'. A language dropdown is set to 'English' and a user profile icon 'RD' is visible.

The left sidebar contains a menu with 'Documents', 'Due fees' (9+), 'New Requests', and 'Respond to extended European search report' (selected).

The main content area features a progress bar with steps: 'Legal remedies', 'Response options' (active), 'Amendments', 'Other documents', 'Fees', 'Review', 'Sign', and 'Send'. Below the progress bar, the title 'Respond to the extended European Search Report' is displayed.

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
- ☒ I request amendments to the application
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 under rules 161(1) and 162 EPC - PILOT FEATURE

PLEASE NOTE: This feature is currently only available to users from pilot companies. Once pilot phase 4 successfully completes in 2024, it will be made available to all users.

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 amendments and pay fees where relevant.

You may use MyEPO Portfolio to file amendments in reply according to one of the following scenarios:

- Your reply is mandatory if the EPO was the ISA/SISA and 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 EPO was the ISA/SISA and either the international search opinion was positive, or the international search opinion was negative, but amendments or comments were filed during the international phase or upon entry into the European phase.
- Your reply is voluntary if the EPO was not the ISA or SISA.

Please note: to reply to this communication you should go to the **New Requests** tab on the application record. It isn't available under the **Actions** area or the **Procedural actions** tab for the application. Any claims fees due should be paid separately using Central Fee Payment or by other means of payment.

The screenshot displays the MyEPO Portfolio user interface. At the top, there is a navigation bar with tabs: Applications and patents, Mailbox (2), Actions (7), 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: EP19150571.8, Your reference 1234567, and Applicant Demo IP Attorneys AG. The left sidebar contains a menu with options: Documents, Shared area, Procedural actions (1), Due fees (3), and New Requests (selected). The main content area is titled 'Reply to communication under Rules 161(1) and 162 EPC'. It includes a progress bar for 'Comments and request for amendments' with 'Sign' and 'Send' buttons. Below the title, there is a link to 'Rule 161(1) EPC' and 'Rule 162 EPC'. A notification states: 'You can pay any due fee or review your payments in the payment portal. Open Central Fee Payment'. The 'Comments or observations' section has a link to 'Rule 137(4) EPC' and 'Guidelines H-III, 2.1 and 2.2'. There is a file upload area with a '+ Select files' button, an 'Upload' button, and a dashed box for dragging and dropping files (max. 50 MB per file). The 'Request for amendments' section has a 'Claims' subsection with another '+ Select files' button and an 'Upload' button. At the bottom left, there is a 'Back' button.

3.4 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. At the top, there is a navigation bar with the EPO logo and links to 'Applications and patents', 'Mailbox' (with a green badge '1'), 'Actions' (with a red badge '8'), 'Admin area', 'Representative area', and 'Preferences'. On the right of the navigation bar, there is a language dropdown set to 'English' and a user profile icon labeled 'RD'.

Below the navigation bar, the main header area shows the application number 'EP16001171.4', the reference 'Your reference DEMO A5' with an edit icon, and the applicant 'Applicant Demo Manufacturing Co. GmbH'.

A left-hand sidebar contains a list of menu items: 'Documents', 'Shared area', 'Procedural actions' (with a red badge '1'), 'Due fees' (with a red badge '2'), 'New Requests', and 'Reply to communication in examination' (which is currently selected and highlighted in blue).

The main content area is titled 'Reply to communication in examination under Article 94(3) EPC'. It begins with a progress bar and a 'Reply options' link. The text states: 'The examining division has raised objections to your application.' It then instructs the user to 'Respond to these objections by selecting one of the following options: [Article 94\(3\) EPC](#)'. Three radio button options are provided:

- ☐ I want to submit observations on the objections raised
- ☐ I request amendments to the application
If you select this option, you can also submit observations on the objections raised.
- ☐ 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 these options, a section titled 'If you need more time, you can request an extension of the period for this reply:' contains a 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

At the bottom of the main content area, there is a blue 'Next' button.

3.5 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 web interface. At the top, there is a navigation bar with links: Applications and patents, Mailbox (1), Actions (8), Admin area, Representative area, and Preferences. A language dropdown is set to English, and a user profile icon (RD) is visible. Below the navigation bar, the application number EP19150571.8 is shown, along with the user reference 1234567 and the applicant Demo IP Attorneys AG. A left-hand sidebar contains a menu with options: Documents, Shared area, Procedural actions (1), Due fees (3), New Requests, and a selected option 'Reply to communication about intention to grant'. The main content area is titled 'Reply to communication about intention to grant a European patent'. It contains the text: 'The examining division intends to grant a European patent in respect of your application(Rule 71(3) EPC). Select one of the following options:'. Three radio button options are listed: 1. 'I approve the text intended for grant' (selected), with a sub-note 'By selecting this option, you're indicating your intention' and a bulleted list: '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.' A link 'Guidelines C-V, 2' is provided. 2. 'I request amendments to the text intended for grant' with a link 'Guidelines C-V, 4'. 3. 'I disapprove the text intended for grant and am not requesting any (new) amendments' with a link 'Guidelines C-V, 4.9'. A blue 'Next' button is at the bottom left of the main content area.