

MANAGING EP PROSECUTION

MEASURES TO SPEED UP PROCEEDINGS

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AGENDA

- INTRODUCTION
- PACE- STANDARD EXPEDITING PROCEDURE
- WAIVING RIGHT UNDER RULE 70(2) EPC
- WAIVING RIGHT TO FILE AMENDED CLAIMS UNDER RULE 161/162 EPC
- PATENT PROSECUTION HIGHWAY
- EARLY PROVIDING SEARCH RESULTS FROM OTHER OFFICES
- INFORMAL MEASURES
- SUMMARY
- DELAYING EP PROCEEDINGS

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EUROPEAN PROSECUTION PROCESS

EUROPEAN FIRST FILING



FILING / CLAIMING PRIORITY



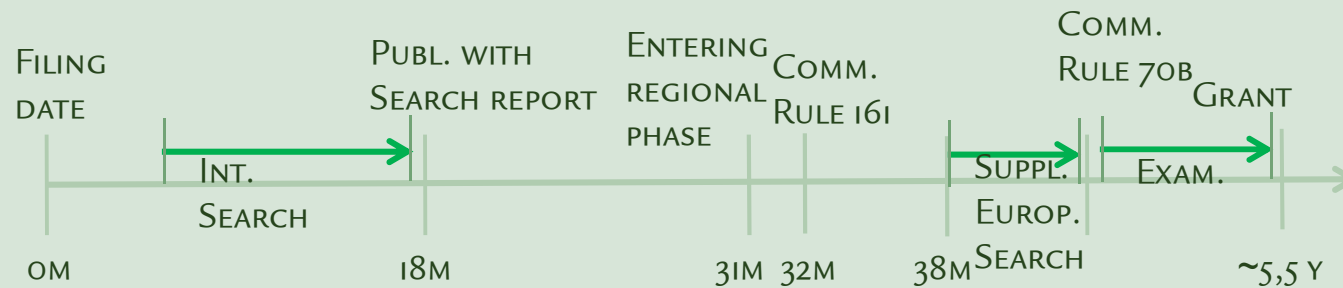
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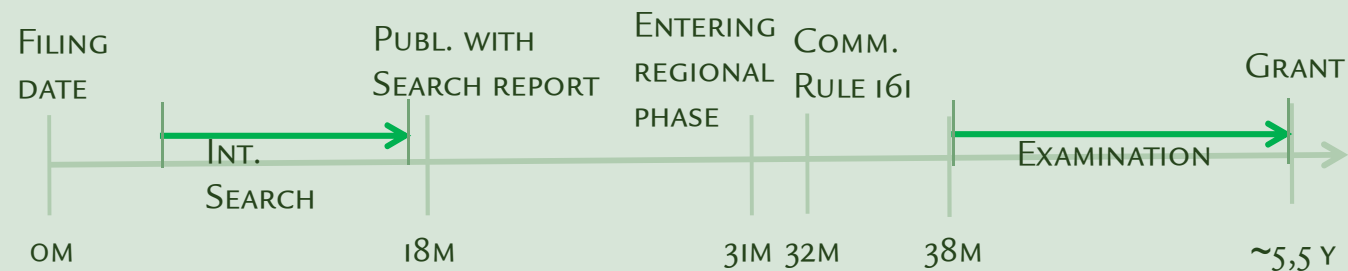
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EUROPEAN PROSECUTION PROCESS (PCT)

ENTERING EUROPEAN REGIONAL PHASE - EPO IS NOT ISA



ENTERING EUROPEAN REGIONAL PHASE - EPO IS ISA

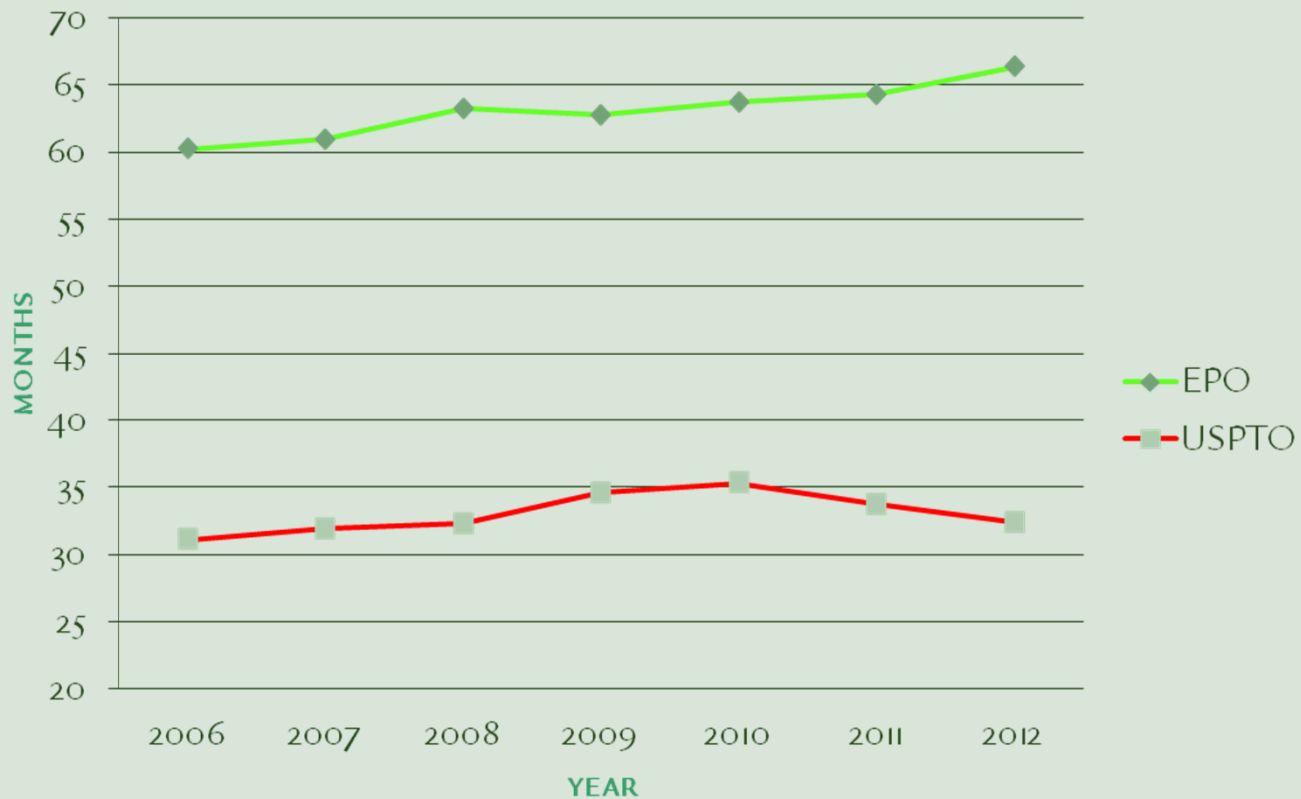


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TIME UNTIL GRANT (BY COUNTRIES)

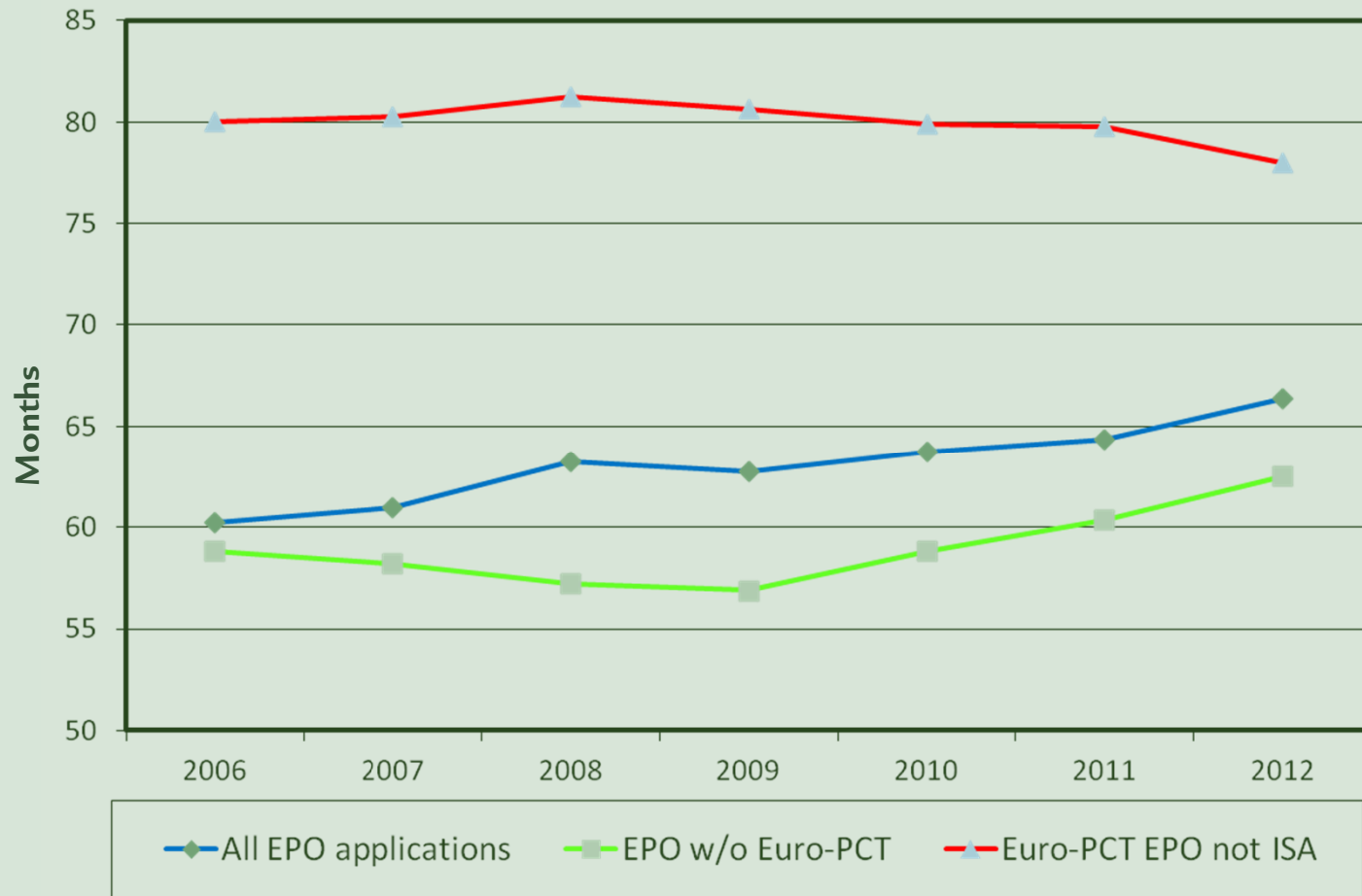


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TIME UNTIL GRANT (BY TYPE OF APPLICATIONS)



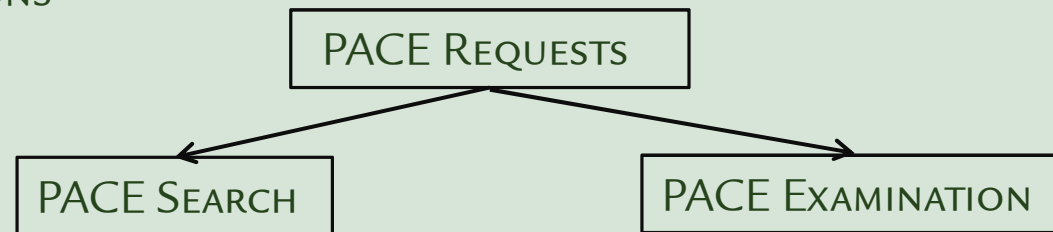
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PACE ACCELERATED PROSECUTION -FACTS

- "PACE": PROGRAM FOR ACCELERATED PROSECUTION OF EUROPEAN PATENT APPLICATIONS



- ACCELERATED APPLICATIONS TO BE EXAMINED WITHIN ~ 3 YEARS (EP APPL.) / ~ 3,5 YEARS (EURO-PCT) AS OPPOSED TO THE AVERAGE OF AROUND ~ 5.5 YEARS (2012)
- PACE REQUESTS NOT PUBLISHED AND EXCLUDED FROM FILE INSPECTION.
- RATE FOR PACE REQUESTS IS AROUND 6 TO 7% (FOR 2010 AND 2011)

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PACE ACC. SEARCH / FIRST FILING

FIRST FILING EUROPEAN PATENT APPLICATION - CLAIMING NO PRIORITY

- ACCELERATED SEARCH IS OBLIGATORY (IF CLAIMING PRIORITY IS WAIVED)
- REQUEST NOT MANDATORY
- SEARCH REPORT OPINION IS AVAILABLE WITHIN SIX MONTHS OF THE FILING DATE



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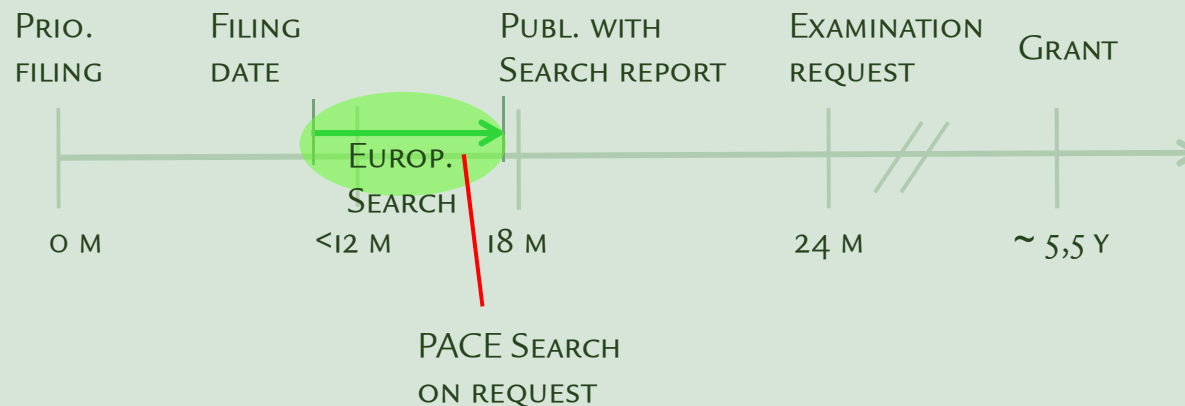
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PACE Acc. SEARCH / FILING-CLAIMING PRIORITY

FILING EUROPEAN PATENT APPLICATION - CLAIMING PRIORITY

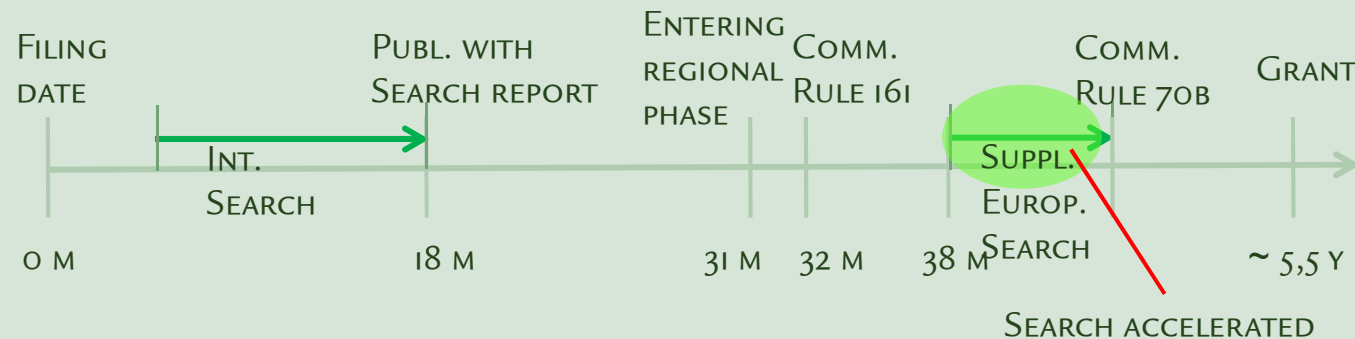
- WRITTEN REQUEST IS NEEDED
- ISSUE OF *EXTENDED EUROPEAN SEARCH REPORT* AS SOON AS POSSIBLE
(NO TIME FRAME CAN BE GIVEN)



PACE Acc. SEARCH (EURO-PCT NOT ISA)

EUROPEAN REGIONAL PHASE - EPO NOT ISA

- ACCELERATING SUPPLEMENTARY SEARCHES OF EURO-PCT APPLICATIONS
- REQUEST TO ACCELERATE EUROPEAN SUPPLEMENTARY SEARCH TO BE FILED ALONG WITH REQUEST TO ENTER EUROPEAN REGIONAL PHASE
- EPO PROVIDES THE SUPPLEMENTARY SEARCH REPORT AS SOON AS POSSIBLE (NO TIME FRAME CAN BE GIVEN)



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PACE ACCELERATED EXAMINATION

REQUEST POSSIBLE AT ANY TIME AFTER FILING EXAMINATION REQUEST

- WRITTEN REQUEST
- NO REASONS REQUIRED
- NO OFFICIAL FEES

WHEN REQUESTED, EPO MAKES EVERY EFFORT TO ISSUE THE FIRST EXAMINATION COMMUNICATION WITHIN THREE MONTHS

- FROM ANY SUBSTANTIAL RESPONSE TO THE EPO OR
- FROM THE REQUEST FOR ACCELERATED EXAMINATION

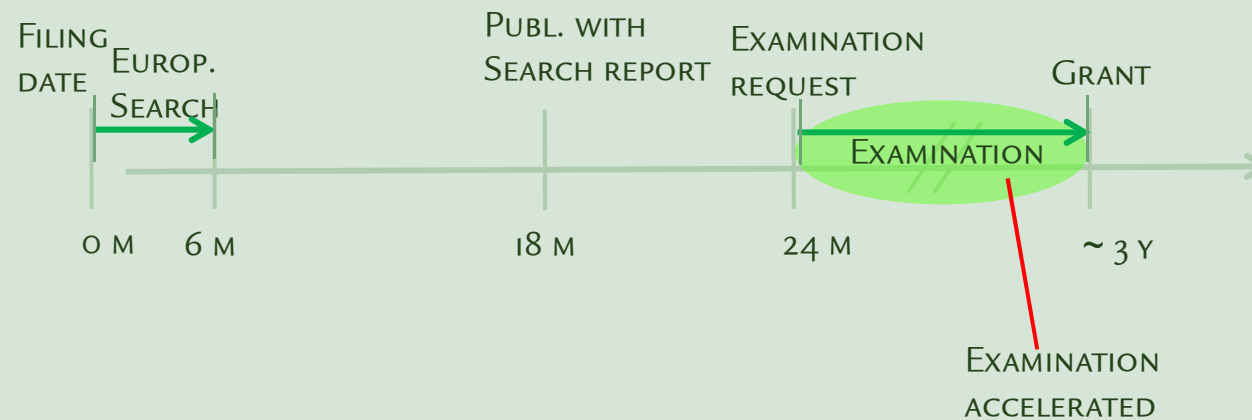
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PACE ACCELERATED EXAMINATION

FIRST FILING EUROPEAN PATENT APPLICATIONS W/ OR W/O CLAIMING PRIORITY



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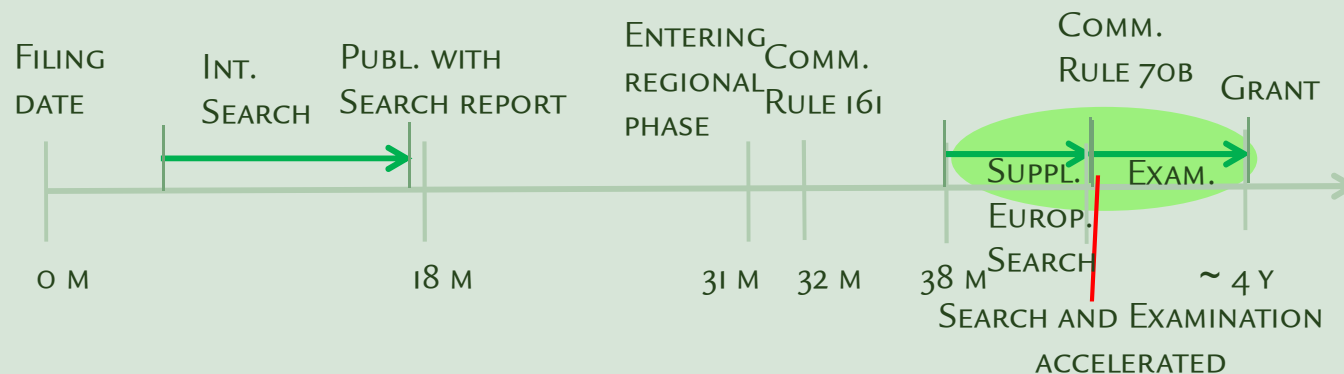
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PACE ACCELERATED EXAMINATION

EUROPEAN REGIONAL PHASE

- REQUEST PREFERRED UPON ENTRY INTO THE EUROPEAN PHASE
- PACE REQUEST AS SOON AS EXAMINATION IS **BINDINGLY** REQUESTED
- IF REQUESTED ON ENTRY INTO THE EUROPEAN PHASE, PACE COVERS FORMALITIES EXAMINATION, THE SUPPLEMENTARY EUROPEAN SEARCH AND SUBSTANTIVE EXAMINATION



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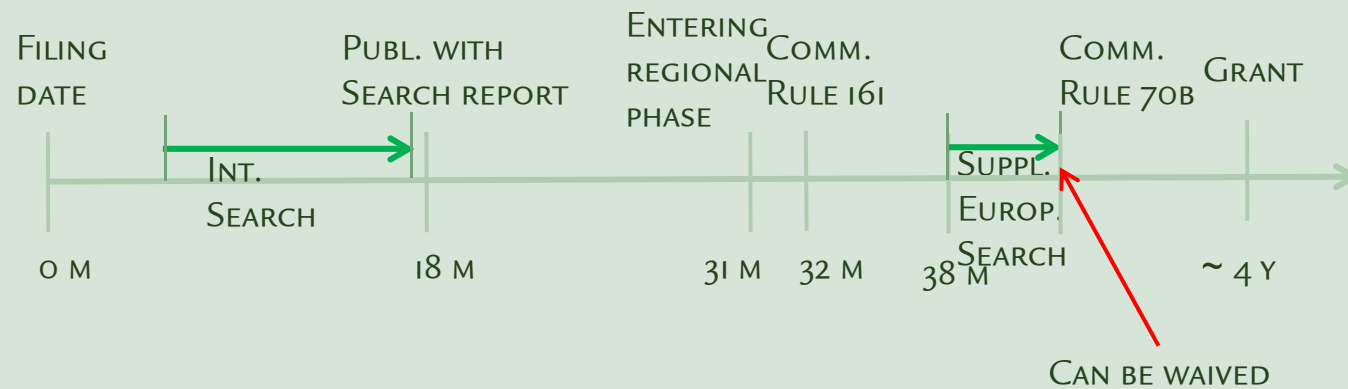
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PACE REQUIREMENTS

- RESPONSES TO OFFICE ACTIONS NEED TO BE WITHIN THE TIME LIMIT (USUALLY 4 MONTHS) AND HAVE TO COVER ALL THE OBJECTIONS RAISED.
 - REQUESTS FOR ANY EXTENSIONS OF TIME WILL RESULT IN THE IMMEDIATE REMOVAL OF THE CASE FROM THE FAST TRACK.
 - GENERALLY , NO RESTRICTION ON THE NUMBER OF PACE REQUESTS
- BUT NUMBER OF CASES WITH ACCELERATED PROSECUTION IS RESTRICTED FOR ONE APPLICANT
- SELECTION BY THE APPLICANT POSSIBLE

WAIVING INVITATION UNDER RULE 70(2) EPC

EUROPEAN REGIONAL PHASE - EPO NOT ISA



- EXAMINATION USUALLY REQUESTED BEFORE ISSUE OF SUPPLEMENTARY SEARCH REPORT
- THEN, INVITATION UNDER RULE 70(2) EPC IS ISSUED WHERE APPLICANT NEEDS TO STATE WHETHER HE WISHES TO PROCEED FURTHER WITH THE APPLICATION.

WAIVING INVITATION UNDER RULE 70(2) EPC (CONSEQUENCES)

OPTION: WAIVING INVITATION OF RULE 70(2) EPC WHEN ENTERING REGIONAL PHASE

EXAMINATION IS **BINDINGLY** REQUESTED AT ENTRY INTO EP REGIONAL PHASE

→ EUROPEAN SEARCH REPORT IS ISSUED TOGETHER WITH A FIRST “NORMAL” EXAMINATION REPORT INSTEAD OF USUAL SEARCH OPINION ONLY.

→ A PROMPT AND FULL RESPONSE FROM THE APPLICANT THEN ENSURES THAT THE PROCEEDINGS CAN CONTINUE QUICKLY.

→ ONE EXCHANGE LESS BETWEEN THE APPLICANT AND EPO

!!! TIME TO FILE DIVISIONAL APPLICATION STARTS EARLIER!!!
2 YEARS FROM ISSUE DATE OF NORMAL EXAMINATION REPORT.

WAIVING RIGHT RELATED TO COMMUNICATION UNDER RULES 161/162 EPC

- SHORTLY AFTER FILING AN EP REGIONAL PHASE, THE EPO ISSUES A COMMUNICATION UNDER RULES 161/162 EPC.



EPO IS ISA

- APPLICANT IS REQUESTED TO FILE NEW SET OF CLAIMS (AND AMENDED DESCRIPTION) AND ARGUMENTATION AS A NORMAL RESPONSE TO OFFICE ACTION.

EPO IS NOT ISA

- APPLICANT IS REQUESTED TO FILE NEW SET OF CLAIMS WHICH FORM THE BASIS OF A SUPPLEMENTARY EUROPEAN SEARCH.

WAIVING RIGHT RELATED TO COMMUNICATION UNDER RULES 161/162 EPC

TIME LIMIT IS SIX MONTH. EPO WILL FURTHER PROCESS THE APPLICATION NOT BEFORE THE SIX-MONTH TIME LIMIT HAS EXPIRED.

SOLUTION: EXPLICITLY WAIVING THE RIGHT TO RECEIVE COMMUNICATION
UNDER RULES 161/ 162 EPC.

→ SUPPLEMENTARY EUROPEAN SEARCH OR EXAMINATION IS STARTED WITHOUT HAVING TO WAIT UNTIL THE TIME LIMIT UNDER RULE 161/162 EPC EXPIRES

WAIVING RIGHT RELATED TO COMMUNICATION UNDER RULES 161/162 EPC (REQUIREMENTS)

- ENTERING THE REGIONAL PHASE WITH AMENDED CLAIMS, IF WISHED
- EXPLICITLY WAIVING RIGHT TO COMMUNICATION UNDER RULES 161/162 EPC
- PAYING CLAIMS FEES DUE FOR THE NUMBER OF CLAIMS

EPO IS ISA

- FILING AMENDMENTS OR CORRECTIONS IN RESPONSE TO ANY SUBSTANTIAL COMMUNICATION IN THE INTERNATIONAL PHASE

EPO IS NOT ISA

- FILING AMENDED CLAIMS WHICH FORM THE BASIS OF SUPPLEMENTARY EUROPEAN SEARCH, IF DESIRED

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WAIVING RIGHT RELATED TO COMMUNICATION UNDER RULES 161/162 EPC (RESULT)

→ START OF SUPPLEMENTARY EUROPEAN SEARCH OR EXAMINATION WITHOUT HAVING TO WAIT UNTIL THE TIME LIMIT UNDER RULE 161 EPC EXPIRES

→ ALL ABOVE REQUIREMENT HAVE TO BE MET, OTHERWISE A RULE 161/162 COMMUNICATION WILL BE ISSUED

PATENT PROSECUTION HIGHWAY (PPH)

- EPO HAS PPH PROGRAMMES WITH USPTO AND JPO.
- FOR AN APPLICATION WHERE CLAIMS ARE DETERMINED TO BE PATENTABLE BY ONE OFFICE TO HAVE A CORRESPONDING APPLICATION FILED IN ANOTHER OFFICE EXAMINED ON FAST TRACK.

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PPH REQUIREMENTS

- SAME PRIORITY/FILING DATE FOR EP APPLICATION AND THE CORRESPONDING JP/US APPLICATION
- AT LEAST ONE CLAIM IS INDICATED BY THE JPO/USPTO TO BE PATENTABLE/ALLOWABLE
- THE CLAIMS MUST BE PROVIDED TO SUFFICIENTLY CORRESPOND TO THE PATENTABLE/ALLOWABLE CLAIMS IN THE CORRESPONDING APPLICATION
- EXAMINATION OF THE EP APPLICATION FOR WHICH PARTICIPATION IN THE PPH PILOT PROGRAM IS REQUESTED HAS NOT YET BEGUN.

PPH REQUIRED DOCUMENTS

- SUBMIT A WRITTEN REQUEST
- FILE A DECLARATION OF CLAIMS CORRESPONDENCE (CHECKMARK)
- SUBMIT COPIES OF
 - ✓ ALLOWABLE CLAIMS
 - ✓ ALL OFFICE ACTIONS FOR THE APPLICATION CONTAINING THE ALLOWABLE CLAIMS THAT ARE THE BASIS FOR THE REQUEST
 - ✓ TRANSLATIONS THEREOF INTO ONE OF THE EPO OFFICIAL LANGUAGES
 - ✓ ALL NON PATENT DOCUMENTS CITED IN THE OFFICE ACTIONS.

ONE OPPORTUNITY TO CORRECT ANY DEFICIENCIES IN THE REQUEST

ONCE REQUEST FOR PPH HAS BEEN GRANTED, EP APPLICATION WILL BE PROCESSED AS PACE ACCELERATED EXAMINATION.

DISADVANTAGES OF PPH

- TRANSLATION COSTS
- NO BETTER THAN NORMAL PACE ACCELERATED EXAMINATION
- RISKY WHEN REQUESTED PRIOR TO A SUPPLEMENTARY EUROPEAN SEARCH

EARLY PROVIDING OF SEARCH RESULTS FROM OTHER OFFICES (RULE 141 EPC)

- COPY OF THE SEARCH RESULTS ISSUED BY FOREIGN OFFICE WHEN FOREIGN PRIORITY IS CLAIMED
 - AT FILING DATE OR ENTRY INTO REGIONAL PHASE OR
 - AS SOON AS AVAILABLE
- IF NOT PROVIDED AT EP REGIONAL PHASE ENTRY, INVITATION TO PROVIDE, WITHIN A PERIOD OF TWO MONTHS, ANY INFORMATION ON PRIOR ART TAKEN INTO CONSIDERATION IN PATENT PROCEEDINGS , IF AVAILABLE
 - DELAYS EXAMINATION PROCESS

APPLICANTS WILL BE EXEMPTED FROM FILING A COPY OF THE SEARCH RESULTS IF PRIORITY OF A FIRST APPLICATION IS CLAIMED FROM EITHER

- AUSTRIA,
- JAPAN,
- SOUTH KOREA,
- UK OR
- USA.

INFORMAL MEASURES

AVOIDING ANY MERELY FORMAL COMMUNICATIONS FROM THE EPO

BEFORE SEARCH (FILING AMENDED SET OF CLAIMS):

- MAKE CLEAR APPLICATION IS COMPLETE
- INDICATING SUPPORT OF AMENDED FEATURES IN THE ORIGINAL FILED APPLICATION
- CLEAR AND CONCISE SET OF CLAIMS
- AVOID LACK OF UNITY
- IN ORDER TO AVOID AN INCOMPLETE SEARCH, LIMITING THE SCOPE OF THE SEARCH

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INFORMAL MEASURES

AFTER FIRST EXAMINATION REPORT:

- ADDING REFERENCE NUMERALS TO THE CLAIMS
- IDENTIFYING ALL CITED PRIOR ART IN THE DESCRIPTION
- ADAPT DESCRIPTION TO THE NEW SET OF CLAIMS

TRYING TO ACHIEVE A TELEPHONE INTERVIEW WITH THE RESPONSIBLE EXAMINER

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SUMMARY FOR ACCELERATED PROCEEDINGS

ON ENTRY EP REGIONAL PHASE

IN ADDITION TO REQUIRED INFORMATION ABOUT INTERNATIONAL PROCEEDINGS

- PROVIDE AMENDED SET OF CLAIMS FOR EP PROCEEDINGS
- PROVIDE INDICATION OF SUPPORT IN THE DESCRIPTION OF ORIGINAL FILED APPLICATION
- EXPLICITLY WAIVE RIGHT UNDER RULE 161 EPC AND/OR ART 70(2)
- REQUESTING PACE FOR ACCELERATED EXAMINATION

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DISADVANTAGES OF ACCELERATED PROSECUTION

- COSTS ARE INCURRED MORE QUICKLY, PARTICULARLY GRANT AND VALIDATION COSTS.
- AFTER GRANT, REQUIREMENT TO PAY EUROPEAN MAINTENANCE FEES IS REPLACED BY NATIONAL RENEWAL FEES
→ MORE EXPENSIVE DEPENDING ON THE NUMBER OF COUNTRIES (PROBABLY ABOUT THREE OR MORE).
- OPEN TO ATTACKS IN OPPOSITION PROCEEDINGS

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DELAYING PROSECUTION

PENDING APPLICATION ALLOW FOR AMENDMENTS OF CLAIMS (E.G. IN THE EVENT OF RELEVANT PRIOR ART OR A POTENTIAL INFRINGEMENT COMING TO LIGHT).

- NOT WAIVING RIGHTS RULES 70(2) AND 161 EPC.
- EXTENSIONS OF TIME FOR RESPONDING OFFICE ACTIONS ARE USUALLY POSSIBLE AT LEAST ONCE.
- AFTER DECISION TO GRANT (COMM. ACC. RULE 71(3) EPC) A SLIGHT AMENDMENT IN CLAIMS WILL CAUSE ANOTHER ISSUANCE OF DECISION TO GRANT OR A FALLBACK INTO EXAMINATION PROCEEDINGS.

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DELAYING AFTER DECISION TO GRANT

BRANCHING OFF A GERMAN UTILITY MODEL FROM A PENDING EP APPLICATION CAN PROVIDE REASONABLE PROTECTION AT LOW COSTS.

GERMAN UTILITY MODEL PROVIDE ENFORCEABLE IP RIGHT IN A SHORT TIMEFRAME. INFRINGEMENT PROCEEDINGS WITH SAME REMEDIES AS IN PATENT LITIGATION, I.E. INJUNCTIONS (INCLUDING INTERIM INJUNCTIONS), DAMAGES, SEIZURE AND DESTRUCTION.

DECISION TO GRANT IS REGARDED AS PROOF FOR VALIDITY OF CLAIMS WHEN USED FOR PRELIMINARY INJUNCTION OF GERMAN UTILITY MODEL.

UTILITY MODELS WITH SIMILAR POSSIBILITIES IN SPAIN, HUNGARY, POLAND, TURKEY, AUSTRIA, BELGIUM, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, PORTUGAL, SLOVAKIA

CLAIM NUMBER REDUCTION

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AGENDA

INTRODUCTION

EUROPEAN SEARCH AND EXAMINATION

GENERAL RULES FOR SETTING UP EP CLAIMS

BUILDING CLAIMS FOR INITIAL DRAFT

AMENDMENTS FOR ENTERING EP REGIONAL PHASE

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INTRODUCTION

RESTRICTING NUMBER OF CLAIMS

PURPOSE:

- AVOIDING CLAIM FEES

16. – 50. CLAIM : 225,- EURO/CLAIM

FROM 51. CLAIM: 555,- EURO /CLAIM

CLAIM FEE CALCULATED

- BY THE NUMBER OF INITIALLY FILED CLAIMS (FIRST FILING) , OR
- BY THE NUMBER OF CLAIMS AT ENTRY INTO REGIONAL PHASE
(OR AS SUBMITTED IN RESPONSE TO COMMUNICATION PURSUANT TO RULE 161 EPC)

- ACCELERATING EXAMINING PROCEEDINGS

MAINLY DUE TO AVOIDING RISK FOR LACK OF CLARITY

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EUROPEAN SEARCH AND EXAMINATION

SET OF CLAIMS FORM THE BASIS FOR SUBJECT-MATTERS TO BE SEARCHED IN

- EUROPEAN SEARCH (EP FIRST APPLICATIONS)
- INTERNATIONAL SEARCHES WHERE EPO IS ISA
- SUPPLEMENTARY EUROPEAN SEARCHES (EPO IS NOT ISA)

CLAIMS TO BE GRANTED MUST NOT RELATE TO SUBJECT-MATTER NOT SEARCHED

1. APPARATUS COMPRISING FEATURE A, FEATURE B AND FEATURE C.
2. APPARATUS ACCORDING TO CLAIM 1 FURTHER COMPRISING FEATURE D.

DESCRIPTION DISCLOSES FEATURE COMBINATION B + C + D

→ FEATURE COMBINATION B + C + D IS UNSEARCHED SUBJECT-MATTER

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EUROPEAN SEARCH AND EXAMINATION

➤ UNSEARCHED SUBJECT-MATTER CANNOT BE THE BASIS FOR A CLAIM AMENDMENT IN A LATER STAGE OF EXAMINATION PROCEEDINGS

➤ RISKY WHEN NOT ALL RELEVANT SUBJECT-MATTERS ARE REFLECTED IN THE CLAIMS

UNSEARCHED SUBJECT-MATTER CAN ONLY BE FURTHER PROSECUTED IN A DIVISIONAL APPLICATION

HOWEVER, WATCH TIME LIMIT FOR FILING DIVISIONAL APPLICATION

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GENERAL RULES FOR SETTING UP EP CLAIMS

- MULTIPLE DEPENDENCIES ARE ALLOWED
- ALTERNATIVES CAN BE CLAIMED IN A SINGLE CLAIM
- ONLY ONE INDEPENDENT CLAIM PER CATEGORY
- MEANS PLUS FUNCTION IS ALLOWED AND PREFERRED

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BUILDING CLAIMS FOR INITIAL DRAFT

MULTI-DEPENDENCY IS ALLOWED

ALL SUBCLAIMS SHOULD BE MADE DEPENDENT ON ANY PRECEDING CLAIMS UNLESS CLAIMS CONTRADICTING EACH OTHER

➤ RESTRICTION OF DEPENDENCY IS ALWAYS POSSIBLE DURING EXAMINATION.

EXAMPLE:

1. DEVICE ACCORDING TO CLAIM 1, WHEREIN THE HOUSING IS MADE OF STEEL.
2. DEVICE ACCORDING TO CLAIM 2, WHEREIN THE HOUSING HAS A STEPPED SURFACE.

GENERALLY, NOT POSSIBLE TO LIMIT CLAIM 1 WITH THE STEPPED SURFACE OF CLAIM 3 WITHOUT ALSO LIMITING CLAIM 1 TO THE MATERIAL OF STEEL FOR THE HOUSING.

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BUILDING CLAIMS FOR INITIAL DRAFT

BRING SEVERAL SUBCLAIMS INTO ONE CLAIM

USING WORDS “PREFERABLY” AND “PARTICULARLY” TO INCLUDE OPTIONAL EMBODIMENTS IN CLAIMS

”ALLOY ACCORDING TO ANY OF THE CLAIMS 1 TO 4 CONTAINING CARBON IN AN AMOUNT OF 1 - 15%, PREFERABLY 4 - 12%, MORE PREFERABLY 7 - 10%, STILL MORE PREFERABLY 8 - 9% AND PARTICULARLY 8,6%”

”DEVICE ACCORDING TO ANY OF THE CLAIMS 1 TO 4 COMPRISING A MOUNTING ELEMENT, PARTICULARLY INCLUDING THREADED SCREW HOLES, WHEREIN THE MOUNTING ELEMENT HAS A CONNECTING SURFACE, PARTICULARLY WITH A RECTANGULAR SHAPE,...”

EUROPEAN SEARCH CONSIDERS THE OPTIONAL EMBODIMENTS.

HOWEVER, OBJECTION OF AMBIGUITY CAN BE EXPECTED TO BE HANDLED IN EXAMINATION PROCEEDINGS

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BUILDING CLAIMS FOR INITIAL DRAFT

COMBINE LIMITATION OF THE SAME LEVEL INTO ONE CLAIM

USING CONJUNCTIONS “AND/OR” AND “AT LEAST ONE OF..., AND...” TO INCLUDE COMBINED AND OPTIONAL EMBODIMENTS IN CLAIMS

EUROPEAN SEARCH CONSIDERS THE OPTIONAL EMBODIMENTS.

HOWEVER, TOO MANY “AND/OR” COMBINATIONS OF FEATURES IN ONE CLAIM MIGHT BE REGARDED AS UNCLEAR AS IT RENDERS THE SUBJECT-MATTERS TO BE PROTECTED OBSCURE.

- LIMIT TO 3 “AND/OR”
- USE DESCRIPTION TO CLARIFY

BUILDING CLAIMS FOR INITIAL DRAFT

ONE INDEPENDENT CLAIM PER CATEGORY

MORE THAN ONE INDEPENDENT CLAIM PER CATEGORY IS ADMISSIBLE ONLY IN EXCEPTIONAL CASES,

- INTERRELATED PRODUCTS (PLUG AND CONNECTOR, INTERMEDIATE AND FINAL CHEMICAL PRODUCT)
- DIFFERENT USES OF A PRODUCT OR APPARATUS (SEVERAL MEDICAL USES OF A PRODUCT)
- ALTERNATIVE SOLUTIONS TO A PARTICULAR PROBLEM

- REQUIREMENT: ONE SINGLE CLAIM IN ONE CATEGORY TO BE DRAFTED BROADLY

NO CLAIMS WITH LANGUAGE VARIATIONS NEEDED TO EXPRESS THE SAME TECHNICAL IDEA

BUT DIFFERENT WORDING SHOULD BE INCLUDED IN THE DESCRIPTION.

“IN OTHER WORDS,....” ETC.

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BUILDING CLAIMS FOR INITIAL DRAFT

CLAIMS ONLY WITH RELEVANT LIMITATIONS

SUBCLAIMS SHOULD CONTAIN ONLY ESSENTIAL LIMITATIONS PROVIDING AN (FUNCTIONAL) INTERACTION WITH PREVIOUSLY INTRODUCED LIMITATIONS AND WHICH PROVIDE A MORE SPECIFIC EMBODIMENT.

EXAMPLE:

1. DEVICE COMPRISING AN ELECTRONIC CIRCUIT, THE ELECTRONIC CIRCUIT HAVING AN AMPLIFIER STAGE, A FILTER STAGE....

2. DEVICE ACCORDING TO CLAIM 1, WHEREIN THE ELECTRONIC CIRCUIT IS ACCOMMODATED IN A HOUSING.



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BUILDING CLAIMS FOR INITIAL DRAFT

MEANS PLUS FUNCTION

MEANS PLUS FUNCTION ALLOWS HIGH ABSTRACTION LEVEL.

FOR MATTER OF SEARCH A FURTHER SPECIFICATION OF MEANS PLUS FUNCTION IN SUBCLAIMS IS USUALLY NOT NECESSARY AS LONG AS MULTIPLE EXAMPLES ARE GIVEN IN THE DESCRIPTION.

EXAMPLE:

1. DEVICE ACCORDING TO CLAIM 1, WHEREIN MOUNTING MEANS FOR MOUNTING THE CASING TO THE ROD.
2. DEVICE ACCORDING TO CLAIM 2, WHEREIN THE MOUNTING MEANS COMPRISES AT LEAST ONE OF A SCREW, A CLAMP, AND A RIVET.

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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

AMENDMENTS OF CLAIMS ALLOWED FOR ENTERING EP REGIONAL PHASE AND AFTER NOTIFICATION PURSUANT TO RULE 161 EPC

PROBLEM:

NO NEW SUBJECT-MATTER CAN BE ADDED

DANGER OF UNINTENTIONALLY EXTENDING BEYOND ORIGINAL DISCLOSURE WHICH CAN LEAD TO INESCAPABLE TRAP IN OPPOSITION PROCEEDINGS OR IN NULLITY TRIAL

SEARCH IS LIMITED TO AMENDED CLAIMS

CLAIMS CAN BE RESTRICTED DURING FURTHER EXAMINATION ONLY TO SEARCHED MATTER

AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CONDENSING INTO MULTI-DEPENDENT CLAIMS WHERE POSSIBLE

- VERY DANGEROUS TO CHANGE TO MULTIPLE DEPENDENCIES
- COMBINATION OF FEATURES **MUST NOT** FORM NEW SUBJECT-MATTER
- ADDITIONAL SUBJECT-MATTER IS NOT ALLOWED IF NOT EXPLICITLY DISCLOSED

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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CONDENSING SEVERAL SUBCLAIMS INTO ONE AS ALTERNATIVES

CASE 1: SAME HIERARCHY LEVEL

1. DEVICE COMPRISING A HOUSING AND
2. DEVICE ACCORDING TO CLAIM 1, WHERE THE HOUSING IS MADE OF COPPER.
3. DEVICE ACCORDING TO CLAIM 1, WHERE THE HOUSING IS MADE OF ALUMINUM.

 ACCORDING TO CLAIM 1, WHERE THE HOUSING IS MADE OF COPPER OR ALUMINUM.

ALSO POSSIBLE FOR MANY ALTERNATIVE EMBODIMENTS!

AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CASE 2: DEPENDING FEATURES

1. DEVICE COMPRISING A HOUSING AND
2. DEVICE ACCORDING TO CLAIM 1, WHERE THE HOUSING HAS A CYLINDRICAL BODY.
3. DEVICE ACCORDING TO CLAIM 1, WHERE THE HOUSING HAS OPENINGS AT THE END FACES OF THE CYLINDRICAL BODY.

DEVICE ACCORDING TO CLAIM 1, WHERE THE HOUSING HAS A CYLINDRICAL BODY,
 THE HOUSING HAS OPENINGS AT THE END FACES OF THE CYLINDRICAL BODY.

+

DESCRIPTION : THE HOUSING MAY HAVE A CYLINDRICAL BODY. MORE SPECIFICALLY,
THE HOUSING MAY HAVE OPENINGS AT THE END FACES OF THE CYLINDRICAL BODY.

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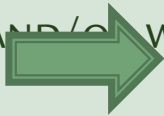
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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CASE 3: INDEPENDENT FEATURES

1. DEVICE COMPRISING A HOUSING AND A AN ELECTRICAL MACHINE INCLUDED IN THE HOUSING....
2. DEVICE ACCORDING TO CLAIM 1, WHEREIN THE HOUSING HAS A CYLINDRICAL BODY.
3. DEVICE ACCORDING TO CLAIM 1, WHEREIN THE ELECTRICAL MACHINE IS A SYNCHRONOUS MOTOR.

DEVICE ACCORDING TO CLAIM 1, WHEREIN THE HOUSING HAS A CYLINDRICAL BODY AND/OR WHEREIN THE ELECTRICAL MACHINE INCLUDE A SYNCHRONOUS MOTOR.



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DESCRIPTION: THE HOUSING MAY HAVE A CYLINDRICAL BODY. ALTERNATIVELY OR ADDITIONALLY , THE ELECTRICAL MACHINE MAY INCLUDE A SYNCHRONOUS MOTOR.

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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CASE 4: INTERRELATED FEATURES

1. DEVICE COMPRISING A HOUSING AND AN ELECTRICAL MACHINE INCLUDED IN THE HOUSING....
2. DEVICE ACCORDING TO CLAIM 1, WHEREIN THE HOUSING COMPRISES A CUP-SHAPED PORTION HOLDING A FIRST END OF A ROTOR SHAFT.
3. DEVICE ACCORDING TO CLAIM 1 OR 2, WHEREIN THE HOUSING COMPRISES A LID COVER PORTION HOLDING A SECOND END OF A ROTOR SHAFT.

DEVICE ACCORDING TO CLAIM 1, WHEREIN THE HOUSING COMPRISES A CUP-SHAPED PORTION HOLDING A FIRST END OF A ROTOR SHAFT AND/OR A LID COVER PORTION HOLDING A SECOND END OF A ROTOR SHAFT.

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DESCRIPTION : THE HOUSING MAY COMPRISE A CUP-SHAPED PORTION HOLDING A FIRST END OF A ROTOR SHAFT. ALTERNATIVELY OR ADDITIONALLY , THE HOUSING MAY COMPRISE A LID COVER PORTION HOLDING A SECOND END OF A ROTOR SHAFT.

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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

CANCELLING FURTHER INDEPENDENT CLAIM(S) IN A SAME CATEGORY, WHERE POSSIBLE

NO DIFFERENT CLAIM LANGUAGE FOR THE SAME SUBJECT-MATTER NEEDED.

ADAPTATION OF CLAIM LANGUAGE POSSIBLE IN THE EXAMINATION PROCEEDINGS AS DISCLOSED IN DESCRIPTION.

COPY ADDITIONAL INDEPENDENT CLAIMS INTO THE DESCRIPTION

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AMENDMENTS FOR ENTERING EP REGIONAL PHASE

MEANS PLUS FUNCTION

MEANS PLUS FUNCTION ALLOWS HIGH ABSTRACTION LEVEL.

FOR MATTER OF SEARCH A FURTHER SPECIFICATION OF MEANS PLUS FUNCTION IN SUBCLAIMS IS USUALLY NOT NECESSARY AS LONG AS EXAMPLES ARE GIVEN IN THE DESCRIPTION.

EXAMPLE:

1. DEVICE ACCORDING TO CLAIM 1, WHEREIN MOUNTING MEANS ARE PROVIDED FOR MOUNTING THE CASING TO THE ROD.
2. DEVICE ACCORDING TO CLAIM 2, WHEREIN THE MOUNTING MEANS COMPRISES AT LEAST ONE OF A SCREW, A CLAMP, AND A RIVET.



CLAIM 2 CAN BE COPIED INTO THE DESCRIPTION AND CANCELLED

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THANK YOU!



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