

INSTRUCTIONS TO CANDIDATES

In this paper, you should assume that a European patent application for all the Contracting States comprising the appended documents(*) has been filed and that the European Patent Office has issued the annexed official communication. The paper may include a client's letter containing instructions about the way your client wishes to prosecute the European patent application.

You should accept the facts given in the paper and base your answers upon such facts. Whether and to what extent these facts are used is your responsibility.

You should not use any special knowledge you may have of the subject-matter of the invention, but are to assume that the prior art given is in fact exhaustive.

Your task is now to draft a full response to the official communication. The response should be a letter to the EPO, accompanied, if appropriate, by an amended set of claims. No amendments to the description should, however, be made.

The claims should afford the broadest protection possible while meeting the requirements of the Convention. In your letter of response you should set out your arguments in support of the patentability of the independent claim(s).

If you consider that any part of the application ought to be made the subject of one or more divisional applications, you should in a note, clearly identify the subject-matter of the independent claim of such divisional application(s), for example, by referring to selected portions of your claims. However, it is not necessary to draft the wording of the independent claim for the or each divisional application.

In addition to your chosen solution, you may - but this is not mandatory - give, in a note, the reasons for your choice of solution, for example, why you selected a particular form of claim, a particular feature for an independent claim, a particular piece of prior art as starting point or why you rejected or preferred some piece of prior art. Any such note should however be brief.

It is assumed that you have studied the examination paper in the language in which you have given your answer. If this is not so, please indicate on the front page of your answer in which language you have studied the examination paper. This always applies to candidates who - after having filed such a request when enrolling for the examination - give their answer in a language other than German, English or French.

(*) These documents do not necessarily constitute the only or best solution to the task set in Paper A.