

Paper B

Wednesday, 4 March 2009

4 hours, second day, afternoon

Instructions to candidates for preparing their answers

I. General provisions

1. Candidates are expected to be sufficiently familiar with
 - the Guidelines for Examination in the EPO and
 - the content of the Official Journal of the EPOas published up to the end of the year preceding their examination.
2. It will be assumed that candidates have read the examination paper in the language in which they give their answer. Where this is not the case, candidates should indicate on the front page of their answer the language in which they read the paper. The same applies to candidates who, having filed a corresponding request when enrolling for the examination, give their answer in a language other than English, French or German.
3. Candidates are to accept the facts given in the paper and to limit themselves to these facts. Whether and to what extent these facts are used is the responsibility of the candidate. Candidates are not to use any special knowledge they may have of the field of the invention.

III. Paper B

10. In this paper, candidates should assume that a European patent application has been filed designating all the contracting states, and that the European Patent Office has issued an official communication. The paper may include a client's letter containing instructions about the way the client wishes to prosecute the European patent application.

11.* Candidates are expected to respond to all points raised in the official communication. The response should be in the form of a letter to the EPO accompanied, where appropriate, by an amended set of claims. The description should not, however, be amended.

The claims should afford the broadest possible protection while meeting the requirements of the Convention. In their letter of response candidates should identify clearly all amendments made in the claims and their basis in the application as filed and provide additional explanation, where necessary. Further they should set out their arguments in support of the patentability of the independent claim(s).

12. Candidates may set out the reasons for their choice of answer in a supplementary note. If candidates consider that any part of the application ought to be made the subject of one or more divisional applications, they should, in such a note, clearly set out the independent claim(s) of such divisional application(s). Such a note should also set out the arguments in support of the patentability of the independent claim(s) of such divisional application(s). Such a supplementary note from candidates to examiners cannot, however, replace essential parts of the candidate's response to the EPO.

13.** To assist candidates wishing to cut and paste passages from the claims into their answer, an additional copy of the claims of the European patent application will be provided in all official languages ("Working copy").

* Amended by decision of the Examination Board of 18.09.2002 which entered into force on 12.2003.

** Amended by decision of the Examination Board with effect from 01.01.2007.