
Candidate's answer

STATEMENT OF FACTS AND ARGUMENTS BY THE OPPONENT

1. Grounds

The English language version of the patent (herein labelled "A1") is opposed.

2. Priority entitlement of A1 (A87-89 EPC)

- Priority entitlement for divisional application A1 depends on the extent to which its parent application was entitled to priority, A76(1) EPC.
- The parent application was filed on 29/6/06, which is within the term for filing convention applications from LU12345 ("LU1") and LU54321 ("LU2"), filed 30/6/05 and 4/4/06, respectively, A87(1) EPC.
- A right of priority thus exists for all subject-matter in A1 that is directly and unambiguously derivable from at least one of the priority documents, G2/98.
- Claims 1, 2 and 3 are entitled to the first priority date of 30/6/05 because the subject-matter of these claims was first disclosed in LU1.
- Claims 4 and 5 are partially entitled to the first priority date of 30/6/05 because the subject matter relating to the gas permeable porous material being ceramic was first disclosed in LU1 (G2/98). This subject-matter is hereinafter designated as "claim 4C" and "claim 5C" respectively.
- The remaining subject matter of claims 4 and 5, i.e. when the material is "plastics", is only entitled to the second priority date of 4/4/06 because this subject-matter was first disclosed in LU2 (G2/98). This subject-matter is hereinafter designated as "claim 4P" and "claim 5P", respectively.
- Claim 6's subject matter was first disclosed in the parent application; in particular the use of a silicone dip tube was not disclosed in either the claims or the description of LU1 or LU2. As such, claim 6 is entitled only to the filing date of the parent application, 29/6/06 (G2/98 and A76(1) EPC).

3. Documents

This submission is based on the following documents:

- A2, A3 and A5 are all fully part of the state of the art for all of the claims (A54(2) EPC) as they were published before the first effective date of any claims, ie the first priority date of A1 (that of LU1).

- A4 is fully part of the state of the art for claims 4P, 5P and 6 because it was published before the second priority date of A1 (i.e. that of LU2) (and also therefore the filing date of A1's parent application).

- A4 is also citable under A54(3) EPC for novelty only for claims 1, 2, 3, 4C and 5C as A4 was filed (2/8/04) before the first priority date of A1 (i.e. 30/6/05 from LU1), but was published after this priority date. The prior right is effective for all states designated in A1 because A1 is a divisional application received at the EPO on 14/12/07 which is 1 day after entry into force of EPC2000: thus, A54(4) EPC 1973 does not apply (Dec. Ad. Council SE1 OJ 2007 197; OJ 2007 504 and in particular Sec 10.1 of the document "Implementation of Dec Ad Council of 26/6/01" annexed to this OJ entry).

- A6 is fully part of the state of the art for claim 6 (A54(2) EPC) as it was published before the filing date of the A1's parent application.

- A6 is also citable under A54(3) EPC for novelty only against claims 1, 2, 3, 4C, 4P, 5C and 5P because A6 was filed before the first or second priority date of A1, but published after the first and second priority dates of A1. As already explained in relation to A4, A6 is citable in this regard against all states designated in A1 because A1 was received at the EPO after EPC 2000 entered into force.

4. Claim 1

4.1. Lack of novelty (A52(1) and A54(3) EPC)

- A4 discloses a dispenser ("device for dispensing" – p1, line 14) comprising a pressurized container ("pressurized receptacle" – p1, line 15; a receptacle is a container) made of plastics ("plastics receptacle" – p1, line 19), a liquid product to be dispensed ("liquid pharmaceutical product 48" – p1, lines 21 to 22), a liquefied gas as a propellant ("liquefied propellant" – p1, line 22; A1 p2 lines 5-7 confirms that "liquefied propellant" means the same thing as "liquefied gas"), a valve coupled with the container ("metering value" – p1, line 20; the value is clearly "coupled" with the container as shown in A4, Figure, for example) and a dip tube ("polyethylene extraction tube 47", which "extends from the metering value", i.e. is coupled to the valve – p1, line 21) extending into the liquid product (tube 47 also "extends... into a liquid pharmaceutical product" – p1, lines 21-22), and wherein the container wall is coated on its inner surface ("material 45", which "sticks to the inside wall of the receptacle" – p2, lines 17-21; "sticking" to the inner wall means that the inner wall is necessarily coated with said material) with a trapping material in which propellant is releasably trapped (page 2, lines 21-22 discloses that some propellant is temporarily incorporated in this material; thus, the propellant is releasably trapped therein – "trapped" because when it is "incorporated" it is not elsewhere in the container and the "temporary" period shows that it is incorporated, i.e. trapped for at least some time, and "releasably" because the incorporation is only "temporary", i.e. the propellant then leaves the material again).

- Accordingly, all of the features of claim 1 are disclosed in A4 and claim 1 lacks novelty over A4.

4.2 Lack of inventive step (A56 EPC)

Closest prior art

- A5 is considered as closest prior art on the basis that it has the combination of features that constitutes the most promising starting point for an obvious development leading to the subject-matter of claim 1 (Guidelines C-IV 11.7.1).
- In particular, the first consideration when selecting closest prior art is that it should be directed to a similar purpose or effect as the invention, or at least be in the same or a closely related technical field (Guidelines C-IV 11.7.1). In that regard, the main purpose of the subject-matter of claim 1 is to provide a plastic dispenser of the aerosol type typically operating at around 400-500 kPa for dispensing liquid products that avoid losses of liquefied propellant while avoiding obstruction of the inlets, i.e. clogging (A1, paragraphs [0001], [0002] and [0005]).
- Similarly, A5's purpose is to provide a plastic dispenser operating at around 400-500 kPa that does not waste liquid propellant or suffer from excessive clogging (A5, paragraphs [0004] and [0006]).
- A2 is not an appropriate closest prior art as it is concerned with gas dispensers, A3 is also not closest prior art because the dispensers there are intended to be used at higher pressures such as up to 1000 kPa and specifically teaches against the use of plastics dispensers (A3, paragraph [0003]). Moreover, A3 also has fewer technical features in common with claim 1 than does A5.

Objective technical problem

- A5 discloses a dispenser ("pressurized apparatus" – p1, line 15) comprising a pressurized container made of plastics ("container made of plastics" – p1, line 16); this container is clearly "pressurized" as it contains propellant under a pressure of 400 to 500 kPa – p1, lines 16-17), a liquid product to be dispensed ("liquid product 52" – p1, line 17), a liquefied gas as a propellant ("liquefied propellant" – p1, line 17; the terms "liquefied gas" and "liquefied propellant" have the same meaning – A1, p2, lines 6-7), a valve ("valve 54" – p1, line 19) coupled with the container (container is "equipped" with the valve – p1, line 19) and a dip tube ("education pipe 55" carried by valve – p1, lines 19-20) extending into the liquid product (education pipe is "reaching towards the bottom of the container" and "causing the liquid product... to enter the valve" – p1, lines 20-22; this shows that the pipe must extend into the liquid, as is confirmed by referring to the Figure).
- A5 does not disclose a dispenser wherein the container wall is coated on its inner surface with a trapping material in which the propellant is releasably trapped. Instead in A5 the trapping material in which the propellant is releasably trapped ("reservoirs 56" that "release the liquefied propellant to the gas phase upon actuation of the valve", ie that releasably trap the propellant – p2, lines 7-9) are immersed in the liquid product.
- The effect of this distinguishing features of claim 1 is to reduce clogging of the dip tube or the valve, as disclosed at A1, page 3, lines 20-22.

- The objective technical problem starting from A5 is thus to reduce clogging of dispenser.

Solution is obvious

- The skilled person would have a strong incentive to modify the closest prior art, A5, because A5 discloses already that clogging by the “reservoirs” can be a problem, which is only reduced (“less” clogging) when using reservoirs in the preferred spherical shape (A5, p2, lines 14-16).

- The skilled person would consider A2 when seeking to solve the objective technical problem because it relates to the same general technical field as A5, namely aerosol-type dispensers (Guidelines C-IV 11.8ii). This is evidenced by the very similar international classification codes for the two documents.

- A2 discloses the distinguishing feature (“material 25” that “adhere[s] to the inside wall of the can (=container) (paragraph [0003]), this material storing the liquefied gas propellant [0001] until a valve is actuated and the gas vaporises and diffuses in the can [0003], ie it releasably traps liquefied gas; moreover, the gas in A2 is a “propellant” as it is a gas that can be converted into its liquid state under a pressure of 400-500 kPa [0001], i.e. it satisfies the definition in A1, paragraph [0002]).

- The skilled person would be motivated to replace the reservoirs of A5 with the trapping material coating of A2 because A2 teaches that this feature solves the objective technical problem (A2, page 2, lines 4-6).

- The necessary modification to A5 could also be made without any further substantial modification of A5, without any difficulty to the skilled person and without losing any of the advantages already associated with A5 because the coating is a direct replacement for the reservoirs. Thus, there is nothing to dissuade the skilled person from making the combination.

- Claim 1 therefore lacks an inventive step over A5 in combination with A2.

5. Claim 2

Dependent on claim 1.

Lack of inventive step

Closest prior art

The closest prior art is still A5 (see discussion above in relation to claim 1). This is because the additional feature of claim 2 (that the trapping material comprises latex) does not change the overall purpose/effect of the claimed subject-matter.

Objective technical problem

As explained in section 4.2, A5 discloses all of the features of claim 1 except to use the trapping material coating rather than reservoirs of such a material in the body of the

liquid. As explained above, it would have been obvious from A2 for the skilled person to provide this feature and thus to arrive at the product of claim 1.

The additional “distinguishing” feature specified in claim 2 is that the trapping material comprises latex. The reservoirs of A5 can be made instead of polymer materials like PVC or nylon (A5, [0006]).

- The effect of using latex is that it is able to releasably trap higher amounts of liquefied propellant and thus the service life of the dispenser can be lengthened (A1, p5, lines 7-9).

- The additional technical problem is thus to increase the amount of liquefied propellant trap that can be trapped. This additional problem is a partial problem (Guidelines C-IV 11.7.2) and can be considered separately from the problem solved by claim 1 because the two problems are not related technically; they do not influence one another and there is no synergistic effect.

Solution is obvious

- The skilled person could consult A2 when seeking to solve the objective technical problem, as already established.

- A2 discloses a material comprising latex (“latex-comprising material” – p2, lines 7-8) and even that use of this material solves the objective technical problem.

- The skilled person would again be motivated to take this feature from A2 and see no difficulty in doing so, since the material is merely a direct replacement for that used in A5.

- Claim 2 therefore lacks inventive step over A5 combined with A2.

6. Claim 3

Dependent on claim 1.

Lack of inventive step

Closest prior art

The closest prior art is still A5 because the additional feature of claim 3 does not change the overall purpose/effect of the claimed subject-matter (see detailed discussion in relation to claim 1).

Objective technical problem

As explained in section 4.2, A5 discloses all of the features of claim 1 except to use the trapping material coating rather than reservoirs of such a material. Moreover, it would have been obvious to arrive at claim 1 by combining A5 with A2.

The additional distinguishing feature specified in claim 3 is the “supple” plastics pocket serving to isolate the liquid product from the propellant.

- The technical effect of this feature is that the liquid product is prevented from contamination, for example, by additives in the propellant or the trapping material (p5, lines 11-15).

- The additional technical problem is therefore to prevent contamination of the liquid product by additives.

- This additional problem is a partial problem (Guideline C-IV 11.7.2) and can be considered separately from the technical problem solved by claim 1 because the two problems are not related technically; they do not influence one another and there is no synergistic effect.

Solution is obvious

- The skilled person is motivated by A5 itself to find a way of preventing contamination of the liquid product, since A5 acknowledges that when additives are present in the reservoirs they cannot be fully isolated from the liquid product (A5, p2, lines 18-20).

- The skilled person would consider A3 as it is in the same general technical field as A5 of aerosol dispensers for liquids (the very similar international classification codes for A5 and A3 evidence as much).

- A3 discloses a supple plastics pocket (“flexible and collapsible plastics pouch 33” – p1, line 29; flexible and collapsible means that the requirement to be “supple” is clearly met) communicating with the valve (“mounted on the valve” – p1, line 30), wherein the pocket contains the liquid product (“contains the medical solution 35” – p1, line 30) and isolates it from the propellant (“the medical solution is isolated from the liquefied propellant” – p2, lines 4-5), i.e. A3 discloses the additional distinguishing feature.

- Furthermore, A3 discloses that this feature solves the technical problem (A3, p2, lines 4-6).

- The skilled person would therefore be motivated to add this feature of A3 to A5. There is no barrier to making this combination either, because it could be made without any further modification of A5, without any difficulties and without losing any advantages of A5, because the products of A5 and A3 are very similar in overall structure.

- Therefore claim 3 lacks an inventive step over A5 in combination with A3 and A2.

7. Claim 4C

Lack of novelty (A52(1) and 54(3) EPC)

- A6 discloses a valve (“metering valve” – p1, line 18) comprising a valve housing (“valve chamber” – p1, line 18) provided with an inlet (“inlet” – p1, lines 19-20) and an operating member (“movable stem” – p1, line 25) having an outlet (“outlet” – p1, line 25), said operating member being movable between a closed position and an open position (stem is “moveable” and outlet of stem is closed when not in use, whereas it is opened when the stem is pushed down – p1, lines 26-29) and wherein the operating member is such that, by actuation thereof, the inlet is closed before the outlet is opened (p1, lines 26-29 - pushing down stem closes the valve inlet before opening the outlet) and wherein the

valve housing comprises a gas permeable material (p2, line 1), the pores of which are between 1 μm and 3 μm in size (p2, lines 5-11 – pore size is between 1 μm and 4 μm , preferably greater than 0.9 μm ; the selection of 1-3 μm within the known ranges 0.1-4 μm and especially 0.9-4 μm does not confer novelty as it is not narrow compared to the known ranges (over 50% of both ranges), not sufficiently far from the end-points of the known ranges (4 μm , or 0.9 μm), and not clearly associated with an effect not existing in the known ranges – T198/95, T279/89, Guidelines C-IV 9.8ii) and said material being ceramic (p2, line 1).

- A6 therefore discloses all of the features of claim 4C, which thus lacks novelty over A6.

8. Claim 4P

8.1 Lack of novelty

- A4 discloses a valve (p2, line 1) comprising a valve housing (“chamber 42” – p2, line 3) provided with an inlet (“inlet 43a” – p2, line 3; Figure) and an operating member having an outlet (valve member 44, which “controls” the outlet – p2, lines 3-4; see also Figure), said operating member being movable between a closed position and an open position (see Figure and also p2, lines 5-7 – member moves to open/close its outlet) and wherein the operating member is such that, by actuation thereof, the inlet is closed before the outlet is opened (p2, lines 4-7 and Figure make this clear) and wherein the valve housing comprises a gas-permeable porous material (p2, lines 9-10), the pores of which are between 1 μm and 3 μm in size (p2, line 12-15 – 0.1-20 μm ; the sub-range 1-3 μm is not novel because it has not been established, but merely asserted, that the range 1-3 μm produces a technical effect (A1, p4, lines 16-20); moreover it is asserted that the end-point 1 μm in claim 5C is not sufficiently removed from the known end-point 0.1 μm of A4; the sub-range therefore fails the novelty test set out in Guidelines C-IV 9.8ii) and said material being plastics (p2, line 9).

- A4 thus discloses all of the features of claim 4P. Claim 4P lacks novelty over A4.

8.2 Lack of inventive step

Closest prior art

- A4 is the closest prior art because it is directed to the same purpose as claim 4P, i.e. provision of a valve for dispensing a fixed amount of liquid product from a pressurized dispenser (A1, [0001] and [0009]; A4, [0001] and [0003]).

- A2, A3 and A5, in contrast, all relate to valves for continuously dispensing product.

Objective technical problem

- As explained in section 8.1, it is submitted that A4 discloses all of the features of claim 4P.

- However, should the Opposition nonetheless find that the range 1-3 μm disclosed in claim 4P establishes novelty over A4, inventive step remains to be established.

- The technical effect allegedly obtained by the range 1-3 μm is production of an aerosol

that is expelled over a greater distance.

- The technical problem is thus to increase the distance over which the aerosol is expelled.

Solution is obvious

- A4 itself discloses that pore sizes of 0.1 μm – 20 μm produces aerosols that are dispensed over a long range (p2, lines 12-15). A skilled person would therefore be motivated, when seeking to improve this range further, to consider whether particularly good results might be possible in a specific sub-range.

- The skilled person would consult A3, because it is also in the field of aerosol dispensers (the similarity in technical field is evidenced by the similarity in international classification codes).

- A3 discloses that the maximum range is obtained by using pore size of above 0.5 μm but below 2.5 μm , ie by working in the range 0.5-2.5 μm (p2, lines 20-24). Thus A3 discloses both a range that is indistinguishable from the range of claim 4P and that solves the objective technical problem starting from A4.

- The skilled person would moreover see no barrier to combining A4 and A3 because the valves are very similar in structure and the porous material is plastics in both documents.

- The skilled person would therefore combine A4 with A3 to arrive at the subject matter of claim 4P.

- Claim 4P lacks inventive step over A4 with A3.

9. Claim 5C

Dependent on claim 4C.

Lack of novelty (A52(1) and A54(3) EPC)

- As explained in section 7, claim 4C lacks novelty over A6.

- The additional features of claim 5C is that the pore size is less than 1.8 μm (not 1.8 mm, which was erroneously referred to in the B-publication).

- However, the resulting pore size range, ie between 1 μm and 1.8 μm , is still not novel over A6.

- A6 discloses not only the range 0.1 μm -4 μm and preferably 0.9 μm -4 μm (p2, lines 5-6), but also that pore sizes greater than 2 μm can lead to leakage of liquid product (p2, lines 9-11).

- This directly and unambiguously discloses to the skilled person to work in the range 0.1-2 μm or, preferably, 0.9-2 μm . The skilled person would on the basis of A6 seriously contemplate carrying out the technical teaching in this range.

- Accordingly, the range 1-1.8 μm of claim 5C does not satisfy the criteria for a selected invention, being neither narrow nor far from the known end-points, nor associated with new effects, compared to the teaching of A6.

- Claim 5C therefore lacks novelty over A6.

10. Claim 5P

Dependent on claim 4P.

Lack of inventive step

Closest prior art

The closest prior art is A4, for the reasons explained in section 8.2 in relation to claim 4C. The new feature of claim 5P, further narrowing the pore size range, does not change the overall character of the invention.

Objective technical problem

- The “additional” distinguishing feature of claim 5P is that the pore size is less than 1.8 μm , i.e. it is now between 1 μm and 1.8 μm rather than merely 1 μm and 3 μm . It has already been established that the latter range gives a claim lacking inventive step over A4 with A3.

- The technical affect of novelty in the still narrower range is that accidental release of liquid through the pore is prevented (A1, p4, lines 22-25).

- The objective technical problem is thus to prevent accidental release of liquid.

Solution is obvious

- By conforming to the range 1-1.8 μm it allegedly becomes possible to prevent accidental leakage of liquid.

- However, claim 5P still lacks inventive step over A4 with A3, because having regard to the state of the art (in particular A3), the lack of alternatives to obtain an aerosol that is expelled over long distances creates a “one way street” situation, whereby the unexpected effect is merely a bonus effect not conferring inventiveness (T231/97, T192/82 and Guidelines C-IV 11.9.3).

- In particular, the skilled person would already have combined A4 and A3 as explained in section 8.2 to arrive at a pore size in the range 0.5-2.5 μm . The skilled person would moreover seriously contemplate working in the range of overlap between this prior art range and the claimed range 1-1.8 μm . Therefore, claim 5P lacks inventive step over A4 combined with A3.

11. Claim 6

Dependent on claim 4.

Lack of inventive step

Closest prior art

The closest prior art is A6 as this discloses the combination of similar purpose (metering, not continuous, valve for liquid products) and technical features in common that make it the best starting point for an obvious development leading to the invention.

A2, A3 and A5 are all directed to continuous product release; A4 is a metering valve, but contains plastics material and so has fewer technical features in common (both claim 6 and A6 relate to ceramic porous material).

Objective technical problem

- As was explained in section 7, A6 discloses all of the features of claim 4.
- The only additional feature of claim 6 that is not disclosed in A6 is the silicone dip tube connected to the valve housing. A6 does have a dip tube connected to the valve housing (p1, lines 21-23 – “HDPE tube” mounted on the inlet of valve, the inlet of the valve being part of the housing – see p1, lines 19-20), but it is made of HDPE, not silicone.
- The technical effect of using silicone is that the tube bends more easily when the valve is attached to the container and the container is tilted (A1, p5, lines 3-5).
- The objective technical problem is thus to make the tube more readily bendable.

Solution is obvious

- The skilled person is already aware from A6 that it is important the tube is capable of bending (A6, p1, lines 21-23).
- When seeking to solve the objective technical problem, the skilled person would consult A5 since it also relates to metered valves for use in conjunction with aerosol dispensers (once again, evidence of the similarities in technical field is seen in the similar international classification codes).
- A5 discloses a tube having the same purpose as the tube of A6 (“education tube” – A5, p1, lines 26-28) and which can be made of silicone or a polyethylene. It can be noted that the HDPE of A6 is a polyethylene (see A1, p5, lines 4-5).
- A5 discloses that the silicone tube is preferable to a polyethylene tube because it is more flexible. A5 thus discloses that replacing the HDPE of A6 with silicone would solve the objective technical problem.
- There is also clearly no barrier to making the necessary combination, because A5

teaches that polyethylene and silicon are direct alternatives, i.e. they can be interchanged without any other modification being necessary to the valve.

- The skilled person would, therefore, replace the HDPE material used in A6 with silicon as taught in A5, thus solving the objective technical problem.

- Claim 6 therefore lacks inventive step over A6 in combination with A5.

LEGAL POINTS

1. Content of priority applications and parent applications

- Yes, differences (i) and (ii) affect the priority dates for the claims on file – see the enclosed Statement of Facts and Arguments.

2. 1.8 μm vs 1.8 mm

- Claim 4 must be attacked on the basis of a pore size of less than 1.8 μm .

- The published patent specification (A98 EPC) is given no legal effect under the EPC.

- Only the (correct) decision to grant (A97(1) and R71(11) EPC) is relevant, provided it reflects the applicant's intention – this is evidently the case here as the Applicant approved the text proposed for grant under R71(3) EPC.

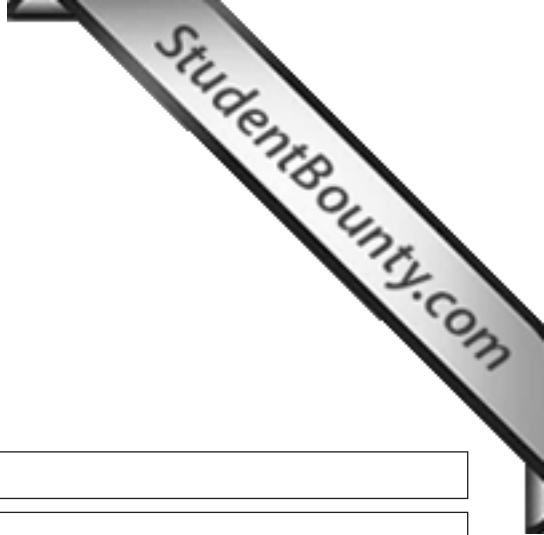
- As such, the authentic text of the patent still has the correct value 1.8 μm and the mistake made in preparing the patent specification has no legal effect (Legal Advice 17/90).

3. Request for limitation

- The limitation proceedings under A105a EPC will be terminated when the opposition is filed (R93(2) EPC). The patentee will thus simply have his limitation fee reimbursed, R93(2) EPC.

- Thus, the filing of the limitation request has no effect on the opposition and there is no need to wait for completion of the limitation before filing the opposition. Indeed, this will in fact not be possible since the deadline for filing an opposition is 10/3/10 (= 10/6/10, date of publication and mention of grant + 9 months, A99(1) EPC). Clearly, no outcome would have been reached by this opposition deadline.

- It would be advisable to study the content of the limitation request, as it may help to understand amendments that the patentee may wish to make during the opposition.



Notice of opposition to a European patent

I. Patent opposed

Patent No.

Application No.

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

Title of the invention

II. Proprietor of the patent

first named in the patent specification

Opponent's or representative's reference (max. 15 keystrokes)

III. Opponent

Name

Address

State of residence or of principal place of business

Nationality

Telephone/Fax

Multiple opponents (see additional sheet)

IV. Authorisation

1. Representative (name only one representative or name of association of representatives to whom notification is to be made)

Address of place of business

Telephone/Fax

Additional representative(s) on additional sheet/see authorisation

2. Name(s) of employee(s) of the opponent authorised to act in these opposition proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2. not considered necessary

has/have been registered under No.

is/are enclosed

V. Opposition is filed against

• the patent as a whole

• claim(s) No(s).

VI. Grounds for opposition:

Opposition is based on the following grounds:

(a) the subject-matter of the European patent opposed is not patentable (Art. 100(a) EPC) because:

• it is not new (Art. 52(1); Art. 54 EPC)

• it does not involve an inventive step (Art. 52(1); Art. 56 EPC)

• patentability is excluded on other grounds, i.e. Article

Art.

(b) the patent opposed does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Art. 100(b) EPC; see Art. 83 EPC).

(c) the subject-matter of the patent opposed extends beyond the content of the application/of the earlier application as filed (Art. 100(c) EPC, see Art. 123(2) EPC).

VII. Facts (Rule 76(2)(c) EPC)

presented in support of the opposition are submitted herewith on a separate sheet (annex 1)

VIII. Other requests:

IX. Evidence presented

Evidence is enclosed
will be filed at a later date

A. Publications:

1
Particular relevance (page, column, line, fig.):

2
Particular relevance (page, column, line, fig.):

3
Particular relevance (page, column, line, fig.):

4
Particular relevance (page, column, line, fig.):

5
Particular relevance (page, column, line, fig.):

6
Particular relevance (page, column, line, fig.):

Continued on additional sheet

B. Other evidence

Continued on additional sheet

X. Payment of the opposition fee is made

- as indicated in the enclosed voucher for payment of fees and costs (EPO Form 1010)
- via EPO Online Services

XI. List of documents

Enclosure No.

- 0 Form for notice of opposition
- 1 Facts (see VII.)
- 2 Copies of documents presented as evidence (see IX.)
 - a Publications
 - b Other documents
- 3 Signed authorisation(s) (see IV.)
- 4 Voucher for payment of fees and costs (see X.)
- 5 Additional sheet(s)
- 6 Other

Number of sheets

Please specify here:

XII. Signature of opponent or representative

Place

Date

Signature

Name (block capitals)

In case of legal persons, signatory's position within company

EXAMINATION COMMITTEE II

Candidate No.

Paper C 2010 - Marking Sheet

Category	Maximum possible	Marks awarded	
		Marker	Marker
Use of information	42	40	38,5
Argumentation	53	49	46
Legal aspects	5	5	5
Total	100	94	89,5

Examination Committee II agrees on 92 marks and recommends the following grade to the Examination Board:

PASS
(50-100)

COMPENSABLE FAIL
(45-49)

FAIL
(0-44)

01 July 2010

Chairman of Examination Committee II