



P.B.5818 - Patentlaan 2
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Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

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Date

24.09.04

Reference	Application No./Patent No. 03750011.3 - 2123 PCT/SG0300145
Applicant/Proprietor Lin, Zhem-man	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. 03750011.3.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as designated or elected Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and Rule 107(1)(a) EPC).
If the translation is not filed in time, the International application is deemed withdrawn before the EPO (Rule 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (Rule 108(3) EPC).
- b) Pay the national basic fee (EUR 125,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 690,00 ; Rule 107(1)(c) and (e) EPC).
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 75,00) for each contracting state designated (Rule 107(1)(d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee (EUR 1430,00 ; Rule 107(1)(f) EPC).
- e) Pay the third-year renewal fee (EUR 380,00) if it falls due before expiry of the 31-month time limit (Rule 107(1)(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (Rule 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (Rule 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Article 86(2) EPC).

- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (Rule 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (Rule 110(2) EPC).

6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



Date

Sheet 3

Application No. 03750011.3

7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

RECEIVING SECTION





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Office européen
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Section de
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Datum/Date

09-03-2005

Zeichen/Ref./Réf.

Anmeldung n° / Application No./Demande n° / Patent Nr. / Patent No./Brevet n°.

03750011.3

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Lin, Zhem-man

EXAMINATION AS TO FORMAL REQUIREMENTS UNDER ARTICLE 91(1)(a) EPC
Request to notify the appointment of a representative

The Receiving Section's examination as to formal requirements under Article 91(1)(a) EPC has disclosed that the requirements of Article 133(2) EPC have not been met.

Under Article 133(2) EPC natural or legal persons not having either a residence or their principal place of business within the territory of ~~one of the EPC Contracting States~~ must be represented by a professional representative (Art. 134 EPC) and act through him in all proceedings established by the EPC (other than the filing of a European patent application).

You are therefore requested to correct the said deficiency (notification of the appointment of a professional representative) within THREE MONTHS after notification of this communication. If the deficiency is not corrected in due time, the application will be refused (Art. 91(3) EPC).

For the list of professional representatives before the European Patent Office we refer to the EPO's Internet address:

<http://www.european-patent-office.org/reps/search.html>

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REGISTERED LETTER

EPO Form 1122 (01.99)

7002013 01/03/05

03750011.3 FORR

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Singapore 329949
SINGAPOUR



Datum/Date

16.04.2005 ok ✓
19.04.2005

Zeichen/Ref./Réf.

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

03750011.3-1216/SG0300145

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Lin, Zhem-man

Ref.: Your letter received by fax on 17.03.05
Our communication Form 1122 dated 09.03.05

The names you have given us in your a.m. letter are no professional European Representatives as requested in our communication of 09.03.05 according Article 134 EPC.

The time limit to appoint a representative expires on 19. June 2005.

With your early entry into European Phase you paid for one designated state only.

Please let us know, for which state you paid.

The amount of the national basic fee is EUR 160,-- from 01.01.05 onwards and no longer EUR 125,--.

As the 31 months time limit for your application expires on 12.01. 2006 there is still time to correct the deficiencies.

Please note that the filing of Form 1200 and the payment are the only actions you are allowed to fulfill in a European Application. All further proceedings must be taken by a professional representative, to whom all correspondence will be sent.

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Datum/Date

27.04.2005

Zeichen/Ref./Réf.

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°

03750011.3-1216/SG0310145

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Lin, Zhem-man

Ref.: Your telefax and e-mail dated 18.04.05
Your e-mails dated 22.04.05

Please note that Article 133 (1) EPC applies to applicants having a residence in one of the contracting states of the European Patent Convention.

As long as your place of residence is in a non contracting state (i.e. Singapore), a professional representation is obligatory (as mentioned in Form 1122 and our communication dated 19.04.05) according to Article 133(2) EPC.

Your mentioning of the persons residing in Great Britain was not an act according Article 133 (2). Your reference to the proceeding of the British Patent Office is of no relevance for the European Patent Office.

As e-mail communication is not an official means to communicate with the EPO, we ask you to use either the mail services or the telefax machine for further correspondence. Our direct fax no is: 0031 70 340 3984.

Please note that the communications Form 1122 dated 09.03.05 and Form 2901 dated 19.04.05 are still in force.

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