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Patents Directorate

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Your Reference: -
Application No: GB0318315.9

8 January 2008

Dear Sirs

Why the GB office was purposely to
arrogation applicant's respond document
does not under Section 18(3) dated filed
before 8 February 2008?

Patents Act 1977: Examination Report under Section 18(3)

Title: Surface Treatment of SARS-Infected Lungs

Latest date for reply:

8 May 2008

I have examined your application and I am of the opinion that it does not comply with the requirements of the Patents Act. My enclosed report explains why.

Opportunity to file amendments

By the above date you should deal with the points raised in the report by filing amendments. These should be in the form of retyped pages. However if you do not agree with the report, then you should explain your reasons in a letter.

No additional technical information allowed

When you reply, you should avoid giving any additional technical information about the invention (such as a modification) either by way of amendment or in an accompanying letter, as this would prevent you from subsequently obtaining a patent based on this information.

Further action

If after receiving your reply there are still points which need attention, I will contact you again. Should we still disagree, then the matter can be referred to a senior officer who will consider the issues afresh. You would have the opportunity, in this event, to come to the Office and present your opinion personally.

Your ref : -
Application No: GB0318315.9
Applicant : Zhen-Man Lin

Examiner : Dr Bill Thomson
Tel : 01633 814531
Date of report : 8 January 2008

Latest date for reply:

8 May 2008

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Patents Act 1977 Examination Report under Section 18(3)

Basis of the examination

My examination has taken account of the comments filed with your letter of 29 August 2007.

Priority date

Your disclosure to the WHO on 20th May 2003 does not constitute a definitive priority date because this organization is not a patent granting authority. With hindsight you should have made a patent application at first instance to one of the following patent offices - Singapore, China, United Kingdom or the World Intellectual Property Organization. Only after having obtained a priority date for your patent application would it have been advisable to notify the WHO of your invention. Unfortunately you appear to have done this other way around and thus by notifying the WHO first, made your invention public before you applied for a patent.

With regard to Rule 5 of the 1977 Patents Act – this only applies to the situation where an applicant has made prior disclosure of his/her invention at an international exhibition and has at the time of filing the patent application made this known to the Patent Office. There is no communication in your original filing that you notified the Patent Office of your disclosure to the WHO or that you made your disclosure to the WHO in confidence.

Novelty – Section 2(1)/2(2)

Since your invention was made public to the WHO on the 20th May 2003 – i.e., before the priority date of 12th June 2003 for the current application – the novelty objection is sustained.

In light of the current patent application being anticipated by the communication to the WHO and the documents cited in my Examination Report of 7th February 2007, I can only recommend that you do not proceed any further with the present application.

This must be frustrating for you to hear and I certainly can understand that. It would therefore strongly recommend that should you want to protect any inventions in the future that you consult someone with legal expertise in the area – i.e., a patent attorney. You have learnt the importance of the need to apply for a patent first and foremost and so obtain a priority date for the application before you make any further disclosure.

Application No : GB0318315.9

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Further information

The Office has produced two explanatory booklets (**patents: essential reading and patents: application guide**) which provide important information about the patent system. If you do not have these booklets already, please contact our Central Enquiry Unit on 08459 500505 to request copies.

Addressing correspondence

All correspondence should be addressed to the Comptroller.

While my e-mail address is provided above, you should note that the Office is unable to accept documents, such as amendments to the specification, transmitted by e-mail. Your official response to my report must therefore be delivered by post, fax or hand. However, you may use e-mail if you have any questions about the report or the processing of the application.

Consequence of failing to reply

The application may be refused unless you reply to this report by the date set.

Use of a patent agent

Your interests may be best served by employing a patent agent to act for you in pursuing your application

Yours faithfully



Dr Bill Thomson
Examiner

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Your Ref: -
Application No: GB0318315.9

11 January 2008

Dear Mr Lin

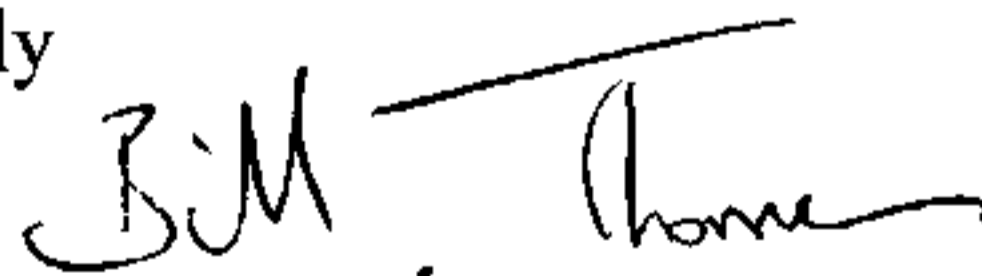
Patents Act 1977

Latest date for reply:

23 January 2008

This letter is being sent to correct the reply date for my Examination Report of 8th January 2008 which was set at 8 May 2008. The correct latest date for reply should have been 23 January 2008 and not 8th May 2008 since the Rule 30 period – i.e., that date by which the application should be in order is 7th February 2008. In light of the matters discussed in my Report of 8th January 2008 the reply date is somewhat moot I know. However, for administrative purposes this correction must be explained to you.

Yours sincerely



Dr Bill Thomson
Examiner