

CHAPTER 8

EARLY PUBLICATION (EP)

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Introduction

- 8.01 *"EARLY" PUBLICATION* or *"A" Publication* [under s.16(1)] of a patent application normally takes place eighteen months from its earliest date (or priority date) [r.26]. The process is known as the *"A-Publication Cycle"*; it takes five weeks and ends on the *"Publication Day"*.

Applications that have been withdrawn or refused are not published.
Applications covered by s.22(3)(a) are not published until their security restrictions are revoked.

- 8.02 The "A" Publication document or *"A Print"* consists of the following on the front page:

- Publication Number
- Bibliographical data,
- Classification information,
- List of the documents cited in the search report,
- Abstract and an accompanying drawing.

and inside the document:

- Formal drawings,
- Description,
- Claims,
- Amended Claims (if any),
- Copy of the external search report. If there was more than one search, those reports will appear here as well. (see 8.10)

On the Publication Day

- 8.03 On the Publication Day the application and the Patents Register become open to the public [s.118]. This means that anyone can physically inspect the documents forming the Open to Public Inspection (OPI) part of a paper file or the PECS dossier. The Patents Register and most documents and correspondence can also be inspected on-line using the IPSUM service on the IPO website.

- 8.04 Bulky or lengthy pages of computer programs and DNA sequences that are ancillary to the specification can be omitted from the 'A' print, providing this meets with the Patents Examiner's approval. [MPP 16.27] A suitable footnote should be added. (see 8.23)

8.05 The Patents Act [s.24(3)] provides for an application to be published a second time: "*B*" *Publication* or *GRANT* is explained in more detail elsewhere.

Setting Applications Ready for Early Publication

8.06 When an application's formal requirements are met and the Patent Examiner has issued the search report, it can enter the Early Publication (EP) queue. Cases are selected on a weekly basis for publication in chronological order by their earliest date – either the filing date or earliest declared priority date.

8.07 The Patent Examiner will have updated the OPTICS status to "**MAY BE S16 PUBLISHED**" and Formalities should identify the application as ready for Early Publication by selecting the 'FML Complied EP' or 'FML Repub' box in the appropriate Formalities checklist.

8.08 The trigger for setting an electronic case ready for Early Publication is either one of the following:-

When the search report has been issued, the Formalities Examiner receives the message "PRE A PUB CHECKLIST" and all requirements on the Formalities checklist have been met, or

The search report has been issued earlier and the final outstanding Formalities requirement is now met (e.g. F7 or replacement drawings are filed) or the abstract checklist has been returned by the examiner with the abstract re-framed and the status set to "MAY BE S16 PUBLISHED"

8.09 The Formalities Examiner should complete an 'OLFI' check of the dossier because when the application is published the documents will be available to view on-line via the IPSUM service. It is important that an applicant's personal data (signature, telephone number or e-mail address) is not published on the internet and this information should be removed in accordance with the IPSUM guidance.

8.10 The Formalities Examiner now ensures the following are complied with, before an application can enter the EP queue:

- The Formalities checklist is completed
- There are no outstanding minutes or diaries
- No unactioned correspondence is on the dossier
- Any Footnotes have been entered on OPTICS (see 8.23)
- The ESO has set 'P' markers against the external search report and abstract.

- There are no outstanding Assignment actions. If there are any F20 or F21 on OPTICS screen Display Forms History - **DIS FOR** that have not been delogged on the dossier Status tab, Formalities should minute the Manager of Register Administration Section: *"APPLICATION IS IN ORDER FOR A PUBLICATION. F 20 / 21 OUTSTANDING"*
Register Admin will deal with the outstanding action and confirm this within 24 hours. If they are unable to complete their action, they will minute Formalities accordingly.
- 8.11 If the Patent Examiner updates or corrects the search prior to publication, the change should be clearly highlighted on the publication copy of the external report. Formalities should ensure that the altered report is published and the original is cancelled.
- 8.12 If an incorrect search report is published or the search report is omitted altogether, an erratum should be raised. (see 8.93)
- 8.13 "Front Page" Print (Annex 8B) - This is obtained from **PRI FRO** and should be checked for:
- Applicant(s) Name, country and full address agrees with F1
 - Inventor(s) Name(s) agrees with F7
 - Agent/Address for service agrees with F1 and last correspondence
 - Footnotes are recorded
- 8.14 OPTICS Status -Formalities must set the application to **"READY FOR A PUBLICATION"** using **REC FOR** (see 8.18). This can only be done if the Processing status is set to **"MAY BE S16 PUBLISHED"**. If the status on DIS PRO (see 8.89) is anything other than this, for example:
- READY FOR SEARCH or SEARCHED - DO NOT S16 PUBLISH**
- this should be raised with the ESO.
- 8.15 Where an application declares a priority date, the applicant may elect to cancel the claim to priority before 'A' publication. [MPP 19.11] If the request is filed after the application has been placed in the queue for A publication, the OPTICS processing status should be set to **"NO LONGER READY FOR A PUBN."** using **REC PRO**.
- 8.16 When a message is received from the Assistant Head of Administration, confirming that its priority (or earliest priority) has been cancelled, its processing status should be set to **"AGAIN READY FOR A PUBN."** using **REC PRO**. The application may now re-enter the EP queue but

will be selected according to its new earliest date (either its filing date or earliest remaining priority date).

- 8.17 Publication of an ordinary application may be delayed by the late filing of a priority document whereas a S89 - PCT application can be published without the priority document.

Record Formalities Status (REC FOR)

- 8.18 This function completes the Formalities Pre-Publication OPTICS action so that an application enters the Publication cycle at the appropriate time.

The Formalities Examiner should perform the following:

- If Formalities are complied with, enter "Y"
- Enter the number of pages that are to be published by adding the number of pages of the specification (description, claims, amended claims and abstract) to the sheets of drawings and the external search report. If the pages or drawings are not numbered sequentially, i.e. 1, 2, 2a, 3... in the dossier, the pages should be amended in the dossier thus creating a new working copy but the original must remain on the active side of the dossier.
- Enter the date the search report was issued. This is taken from the examiner's letter in the TOC. *If, later, it is realised that the wrong date has been entered, the entry should be corrected using **REC PRO** (see 8.69)*
- Key "**Action**" to leave Screen 1. If OPTICS does not then offer **REC FOR** screen 2 but returns to the beginning, to insert a new application number, the OPTICS status was not set correctly by the Examiner or Examination Support Officer. (See 8.14)
(i) Verify the current status using **DIS PRO**, (ii) using **REC FOR** set the application to Not Ready for EP and (iii) refer the case back to the Examiner/ESO to correct the status.

- 8.19 The Formalities Examiner continues to:

- Check the "*approximate date of A Publication*"; it should appear as *either* eighteen months after the earliest date (filing or declared priority date) *or* four weeks after the search report (time for the applicant to respond) *or* five weeks after the search report (the length of the 'A' cycle)
If publication is to be accelerated, (See 8.29 - 8.32) today's date should be manually entered by the Formalities Examiner.
- Enter "Y" if the displayed date is correct to confirm the application is ready for publication.

- 8.20 If the wrong date has been entered on REC FOR for the issue of the external search report, OPTICS must be corrected. Otherwise, the application may be published either sooner or later than it should be.
- 8.21 If the application has already entered the A-publication cycle, the P.L.O. must be advised **immediately**. Action to remove the case from publication will then be considered.
- 8.22 Once the error has been realised, it must **only** be corrected in the following manner:
- Set OPTICS processing status to "**NO LONGER READY FOR A PUBLICATION**" using REC PRO.
 - Using REC FOR screen, enter the correct date on which the search report was issued. Key "**Action**".
 - The application should now be set to "**AGAIN READY FOR A PUBLICATION.**" using REC PRO.
 - You will now be offered the recalculated *approximate date of A Publication*. If this is correct, enter "**Y**" and Key "**Action**".

Footnotes

- 8.23 As applications are 'A' published "as filed", any changes to the specification or the F1 prior to publication are highlighted as Footnotes on the front page of the "A" print document. Enhancing of pages to renumber or remove references or the like does not require a footnote.
- 8.24 Footnotes are recorded on OPTICS using REC FOO as soon as they are required (e.g. when replacement drawings or later filed claims are filed), by referring to the proforma **NOTICES FOR FRONT PAGE OF "A" DOCUMENT (Annex 8A)** (also known as the *Printer's Instruction (P.I.)*).

Recording Footnotes for Front Page (REC FOO)

- 8.25 The Formalities Examiner should carry out the following:
- Enter the number(s) of any standard footnotes required, one per box. Uncommon standard texts are listed on the reverse of the Printer's Instruction (**Annex 8A**)
 - If a non-standard footnote is required, the approved text should be typed (in lowercase) under "*Additional Footnote*".
 - Key "**Action**" to leave Screen 1.

- 8.26 The Formalities Examiner continues by checking the number(s) entered on the first screen have generated the correct footnotes and that any non-standard entry has been typed correctly. If the footnote(s) is/are correct "Y" should be entered. If footnote(s) have been entered incorrectly they can be corrected using CHA CAS.
- 8.27 S89 - PCT applications where the applicant(s)/inventor(s) details have changed prior to republication, or when the case has entered the National Phase early should have the relevant additional footnote recorded.(see Chapter 13)
- 8.28 S89 - PCT applications where the applicant has paid the relevant fee for the verified translation of the WIPO document to be published, the Formalities Examiner should send a Madras message to the Formalities Manager to add a footnote to the front page using **REG PCT** (Chapter 13).

Accelerated "A" Publication

- 8.29 An applicant may request that the application be published before the r.26 period expires [s.16(1) MPP.16.04]. *Accelerated Publication* can be part of an overall intention to prosecute the application quickly or merely that stage. No reason is needed for this action but the Formalities Examiner must ensure that the applicant/agent clearly wants accelerated action as premature publication may prejudice future applications.
- 8.30 The five-week publication cycle itself **cannot** be accelerated or shortened in any way. An application **cannot** normally enter the publication process until the search or CS&E report has been issued (except where no search has been possible) and all the formal and other requirements have been met.
- 8.31 On receipt of a request for accelerated publication, the Formalities Examiner will:-
- add the 'ACCELERATED PUBLICATION' label to the cover of the dossier.
 - send an explanatory minute to the Patent Examiner if :-
 - Accelerated publication is requested and the Search/CS&E has not been completed
 - CS&E has been completed and the Patent Examiner has set a post publication diary.

- The applicant/agent has requested that other stages of the process are accelerated.

8.32 Before completing the Formalities Pre-Publication OPTICS action the Formalities Examiner should again check the dossier to confirm that accelerated publication has been requested.

8.33 When accelerated publication is confirmed and the application is being prepared (see 8.07) the Formalities Examiner will manually accelerate the *picklist* date on OPTICS. Using **REC FOR** screen 2 (see 8.18); at the prompt "*approximate date of A publication*" the Formalities Examiner should insert that day's date. This will cause the case to appear on the next available picklist.

In summary:

Accelerated stage(s)	Formalities Action	OPTICS action
Only search was to be accelerated	ACCELERATED SEARCH label remains on dossier cover	REC FOR case as normal
Accelerated publication was requested	Ensure case is ready to enter cycle on next picklist	REC FOR case inserting today's date
Accelerated Examination and/or Grant were requested	Verify that the request for accelerated action did also include publication.	REC FOR the case as normal. If accelerated publication is required - the case should be setback on REC PRO and set forward again with today's date.

Re-publication of S89 - PCT Applications (See also Chap 13)

8.34 Section 89 PCT applications have already been published by WIPO. They are republished in order to give the application a Publication (*7 figure*) Number.

8.35 If the WIPO International Application was published in English, it is republished because publication by WIPO satisfies s.16 of the Patents Act.* However, if the WIPO print was in a foreign language, we republish the translation but the applicant's enforceable rights under s.16 do not begin until the date of republication.

* Section 16 confers on the applicant(s) the enforceable rights as detailed under Sections 55 and 69 of the 1977 Act.

- 8.36 The applicant may backdate their rights to the date of the WIPO publication by requesting that the translation is published with a footnote on the front page and an entry in the Patents Journal. The applicant requests this on the Form NP1 by paying an additional fee (currently £12). The Formalities Manager records this fact using

OPTICS Formalities Manager Menu REG PCT (option 11)

"REQUEST FOR PUBLICATION OF TRANSLATION UNDER SECTION 89A FILED ON..."

- 8.37 The Office will publish the same drawings as WIPO providing they do not contain any foreign textual matter. If they do, replacements should have been provided with the NP application. If they have not, refer to 13.106.
- 8.38 Any amendments to the application that were published by WIPO may be republished as long as they are in English. If they were published in a foreign language, a translation of the amendments should be requested. (See 13.69). Only the front page is republished as a GB Specification unless a full translated version is requested.
- 8.39 Abstract drawings containing foreign text may be republished with the examiner's approval. They should be annotated in the TOC by Formalities and an explanatory minute should be created for the examiner's attention.
- 8.40 If there has been a change of the applicant(s) or inventor(s) details prior to republication, Formalities should create the appropriate additional footnote (see Chapter 13).
- 8.41 The dossier should be checked to ensure that no corrected front page of the PCT publication has been filed subsequent to the original.
- 8.42 After the Patent Examiner has completed the classification action, Formalities receive the message PRE A PUB CHECKLIST. The dossier should be checked and set ready for 'A' publication using **REC FOR** (see 8.18 - 8.22).

The Early Publication Picklist – Digital Transfer

- 8.43 Each week applications are selected for publication that -
- are at least sixteen months and three weeks old,

- have a Processing status of "**READY FOR PUBLICATION**",
and
- where at least four weeks have passed since the s.17 search report was issued.

- 8.44 Each Thursday morning, every Formalities Section accesses a list of cases to be sent for publication (approximately 250 cases) using the Digital Transfer function. Cases can be filtered by examining group as necessary.
- 8.45 Clicking an application number will show the Dossier Table of Contents (TOC) which will list the documents that can be published and that are in the dossier. For Form 1 cases, documents for 'A' publication will be marked with a "P". For NP1 cases documents will be marked with an "R". Early entry PCT cases which we publish rather than re-publish will need to be marked with an "R" against all documents to be published.
- 8.46 The Formalities Manager should also check that the appropriate 'OLFI' action has been taken in respect of documents that are open to public inspection online via IPSUM.
- 8.47 If there are any problems with the documents selected or not selected for publication there will be a warning or error message. Documents added to the dossier after the 'Ready for A publication' date on Optics will be shown with a different colour background. Urgent or withdrawal letters dated after the 'Ready for A publication' date will show a warning message.
- 8.48 Other warning messages will appear to highlight:
- Page total discrepancies
 - Abstract not present or not marked 'P'
 - Description not present or not marked 'P' or 'R'
 - Drawings not present or not marked 'P' or 'R'
 - Drawings not marked as Formal
 - RTM not marked 'P'
 - Claims not present or not marked 'P' or 'R'
 - Amended claims not marked 'P'
 - External search report(s) not marked 'P'
 - WIPO spec front page not present or not marked 'R'
 - International Search Report not present or not marked 'R'
 - Documents not for publication marked as 'P' or 'R'
- 8.49 To remove a warning or error the appropriate action should be taken in the dossier and saved. The refresh button should be clicked so the latest details that are in the dossier are displayed.

8.50 Cases can be removed from the list by clicking the 'Remove Case' checkbox. This will prevent the images being extracted for publication but will NOT update Optics.

8.51 If an application is not in a position to be published, for instance the Patent Examiner is performing a further search or there is an outstanding Assignments action, the Formalities Manager should set the OPTICS status to:

"NO LONGER READY FOR A-PUBLICATION" using **REC PRO**.

The Formalities Manager must then notify Publishing Section by e-mail that the application will not be included on that day's list.

8.52 On completing the check of the dossiers on the publication list the Formalities Manager should e-mail Publishing section to inform them that they can commence the publication procedures.

Documents Filed After a Case is Ready to be "A" Published

8.53 Preparations for Publication are completed the 2nd Friday after the Picklist. If the Monday following the Picklist is a Bank Holiday the PPC date will be the Monday following the Picklist date. The examiner will have estimated this date in the s.17 Search Report:

Publication

[I estimate...] preparations for publication will be completed soon after DD/MM/YY. You will then receive a letter informing you of completion and telling you the publication number and date of publication.

Amendment/withdrawal

*If you wish to file amended claims for inclusion with the published application, or to withdraw the application to prevent publication, you must do so before the preparations for publication are completed. **No reminder will be issued.** If you write to the Office less than 3 weeks before the above completion date, please mark your letter prominently: **"URGENT - PUBLICATION IMMINENT"**.*

Amended Claims

8.54 Any new or amended claims filed before the Preparations for Publication are completed (i.e. before the 2nd Friday after the Picklist or when the Monday is a Bank Holiday the following Monday after the Picklist) must be incorporated by Formalities in the following manner:

- New pages must satisfy r.14 & Schedule 2
Annotate the amended claims ‘Incorporate after A Pub’ in the TOC.
- Prepare a copy of the amended claims and enhance with **"AMENDMENTS TO THE CLAIMS HAVE BEEN FILED AS FOLLOWS"** on the first page. (If the new claims are not a complete set, the assembler should be used to create a full set).
- Re-number the pages and the copy of the external search report to follow from the original claims.
- Details on REC FOR will have to be altered to show the new number of pages (the case will have to be set back on REC PRO first)

If the application has already entered the cycle, the claims are referred to the PLO for inclusion.

- 8.55 If a second or further copy of amended claims is received, the new pages **should not** be incorporated. If time permits before Publishing, Formalities should refer them and any covering letter to the examiner to confirm which set is to be published along with the originals.
- 8.56 When a new or amended set of claims have not been filed as a complete set (i.e. instead of the claims being 1 - 10, only 6 - 10 have been filed) Formalities should use the page(s) containing the missing claims to create a full set. Any new pages should be renumbered.
- 8.57 After publication, the amended claims (made up to a full set as necessary) should be annotated ‘Working Copy’ in the TOC. When Form 10 has been filed and the case is ready for examination, the OPTICS processing status should be *"READY FOR EXAMINATION"* **NOT** *"AMENDMENT"*
- 8.58 When amended claims are part of a response to the Patent Examiner's CS&E report or accelerated examination, they should still be incorporated (as per 8.54). Any amendments to the description or drawings can be actioned and annotated working copy. The P marker in the ‘A Pub’ column in the TOC remains against the original document to indicate that they form part of the published document. A message should then be sent to the examiner via the ESO ‘pre pub amendment’. The OPTICS processing status must remain **"READY FOR A-PUB"** or the application will lose its place in the publication queue.
- 8.59 If amended claims are filed after the application has entered the A-Publication cycle, the Formalities Manager should decide if they were meant to be published with the originals and if so the PLO should be

informed. Otherwise, they should be annotated 'Incorporate after A-pub' in the TOC and actioned accordingly.

8.60 In summary:

	Amended claims filed	Formalities action
Search only	... before preparations for publication completed (before Friday)	1st set - Incorporate the copies with the existing claims
		2nd set - Refer to examiner to confirm the latter set is to replace the previous amendments
	... on or after PPC date (Friday)	Refer to PLO
CS&E	... before case is 'picked'	If time permits before Picklist, refer to Examiner
	...on or after PPC date	Refer to PLO

Requests for Withdrawal or Other Documents

8.61 Correspondence filed in the Office before the application is sent to Publishing section may be actioned. For any correspondence received in Formalities before digital transfer is complete and which prevents publication, the OPTICS processing status should be *set-back* to "**NO LONGER READY FOR A-PUBLICATION**" using **REC PRO**. (see 8.51) If a valid and unqualified request for withdrawal is received the application should be terminated immediately on OPTICS by the Formalities Manager to avoid publication. (see 12.95)

8.62 If a request to withdraw an application is conditional upon the application not being published, it is essential to ensure that the application is withdrawn from the publication cycle before it is terminated on OPTICS. If preparations for publication are complete and it is too late to withdraw the application from the publication cycle the applicant should be contacted and asked whether they still wish to withdraw the application after publication. If they do then they will need to confirm in writing.

- 8.63 Correspondence filed after digital transfer is complete should be brought immediately to the attention of the PLO, or Deputy, to assess its urgency and importance.
There are three ways in which publication may be prevented, which one is used depends upon the position of the case in the publication cycle.

Setting Applications "NOT READY FOR PUBLICATION"

- 8.64 Between the day of the picklist (Thursday) and the end of the following day (Friday), an application may simply be "*set-back*" using RECORD PROCESSING STATUS (**REC PRO**) which will prevent publication.
- 8.65 The Formalities Examiner should select Option 6 "*No longer Ready for A-Pubn.*" and Key "**Action**" to access the next screen, **REC PRO 7**. This screen confirms that the application will not be appearing on the picklist, until it has been *set-forward* again.

Publishing section should be informed with written confirmation (e.g. an e-mail) that the case has been removed from the "A" cycle and will not be published on that list.
- 8.66 If the case is to return to the EP queue, the Formalities examiner uses **REC PRO** and selects Option 7 "*Again Ready for A-Pubn.*" to access the next screen, **REC PRO 5**. REC FOR **should not** be used to make the application ready again.
- 8.67 If the "*approximate date of 'A' Publication*" is correct (see 8.19), "**Y**" should be entered to set the application ready for publication again.
- 8.68 **REC PRO** should be used before attempting to correct information captured on the **REC FOR** screen - e.g. applicant's reference, number of pages to be published and the search report date. Once amended, the processing status should be "*set-forward*" again. (see 8.22)
- 8.69 Only Formalities can '*trigger*' publication using **REC FOR** but both Formalities and the Examiner may set the case back using **REC PRO**. Once set-back, only Formalities can set the application forward again using **REC PRO**.

Withdrawal of Applications prior to PPC date

- 8.70 By the 2nd Friday following the picklist preparations for publication are complete. On the Monday following the picklist (Tuesday if Monday is a

Bank Holiday) the 'A' letter will be issued informing the applicant that the PPC date will be Friday. Any requests for withdrawal received after 23.59hrs on the Thursday following the Picklist are therefore too late to withdraw the case. However, if the application is withdrawn prior to the Intended Publication Date but too late to prevent its publication, then it is **not** regarded as forming part of the state of the Art under s.2(3) following the Patents Court decision in *Woolard's application* [2002] RPC 39.

- 8.71 Friday is therefore the last opportunity for an application to be withdrawn and removed from the publication cycle. An instruction to withdraw **must therefore be filed in writing (including fax or e-mail) by 23.59 hrs on Thursday.**

E-mails should be sent to :-

withdraw@ipo.gov.uk

before 23.59hrs on the Thursday following the Picklist.

- 8.72 Where an application is to be withdrawn and/or removed from the publication cycle before the PPC date the PLO should :-

- Send the No-Case Action e-mail to all affected departments.
- Complete the No-case Action pro forma (**Annex 8D**) and attach it to the e-mail, along with the 5 week 'A' cycle procedure sheet.
- Set the OPTICS Processing and Publication statuses to what they were prior to the application entering the publication cycle
- Cancel any or all entries made in the Patents Journal.

- 8.73 Using OPTICS function CHANGE CASE DETAILS (CHA CAS),

- Select Option 1 - *Administrative Information* and Key "**ACTION**"
- Enter Processing status code **17 "NOT READY FOR A-PUBLICATION"**
- Enter today's date for status change. Key "**ACTION**"
- Using the Space key, blank out the Publication status, the intended Publication date, the date of the 'A' letter and the Preparations for Publication Completed date. Key "**ACTION**"
- Returning to the Main **CHA CAS** screen, select option 2 - *Bibliographic and Register Info.*
- From the next screen titled *CHA CASE DATA - BIBLIO/REGISTER MENU*, select option 2 - *Other Non-technical Bibliographic/Register Information.*
- Blank out the date of 'A' Publication.

- 8.74 The entry for the Patents Journal must be deleted, if possible. This may be done until three weeks before the Publication date, using OPTICS function *Correct PDJ Entry*. [COR PDJ]
- 8.75 It would be unacceptable to act upon a withdrawal request that is filed by anyone other than the registered applicant or his authorised agent. If another agent filed such a request, together with a F51 authorising him to act for someone other than the registered applicant to whom he claims the application has been assigned then no action should be taken until a F21 and any supporting documentation has been filed and the assignment has been registered by Register Admin Section. Such cases should be referred to the Formalities Manager.

“EXCEPTIONAL NO CASES”

- 8.76 An “*Exceptional No-Case*” is an application removed from the "A" Publication cycle after the PPC date has passed.
- 8.77 A request for withdrawal can only be actioned if it is in writing or faxed* or sent by e-mail, properly authorised and unqualified (see MPP 14.205) and filed at the Office by 23.59hrs on the Thursday a week following the Picklist. **From the 2nd Friday following the Picklist if the applicant/agent specifically requests, or just enquires about, withdrawal of the application they are to be advised that preparations for publication are completed.** If the applicant/agent wishes to pursue the matter further, they should be put in contact with the Formalities Manager or the Head of Administration.
- * Fax filed withdrawals must be marked "Urgent - Publication Imminent" and only sent to Document Reception fax machine number **01633 817777**. No other fax machine should be used.
- 8.78 If a request for withdrawal was received in the Office by 23.59hrs on Thursday a week after the prior Thursday's picklist but does not arrive in Formalities until Monday morning or later, the request should be passed **immediately** to the PLO (or Deputy) to initiate exceptional action.
- 8.79 When an application is removed from the 'A' Publication cycle (whether terminated or just put back into the EP queue), the PLO must ensure the dossier contents are put in their pre-publication state. The seven-digit number allocated to the case is unique and will not be given to any other case. If the case is removed from the publication cycle and not terminated, when it re-enters the cycle at a later stage it will be allocated a new seven figure number.

- 8.80 The 'A' letter is to be cancelled.
- 8.81 If a request for withdrawal is properly filed at the Office in time but does not arrive in Formalities until after Preparations for Publication are complete,
- or
- an application has entered the 'A' publication cycle in error, the PLO or Deputy, must first discuss the case with the Formalities Manager, the Head of Administration and the Divisional Director if necessary. If all are agreed that the application is to be removed from the "A" cycle even though the PPC date has passed, the PLO will perform the following actions:-

THE FOLLOWING ACTIONS MUST ONLY BE PERFORMED BY PLO, DEPUTY PLO OR FORMALITIES MANAGER

- 8.82 Using OPTICS function CHANGE CASE DETAILS (CHA CAS),
- Select Option 1 - *Administrative Information* and Key **"ACTION"**
 - Enter Processing status code **17 "NOT READY FOR A-PUBLICATION"**
 - Enter today's date for status change. Key **"ACTION"**
 - Using the Space key, blank out the Publication status, the intended Publication date, the date of the 'A' letter and the Preparations for Publication Completed date. Key **"ACTION"**
 - Returning to the Main **CHA CAS** screen, select option 2 - Bibliographic and Register Info.
 - From the next screen titled *CHA CASE DATA - BIBLIO/REGISTER MENU*, select option 2 - *Other Non-technical Bibliographic/Register Information*.
 - Blank out the date of 'A' Publication.
- 8.83 The entry for the Patents Journal must be deleted, if possible. This may be done until three weeks before the Publication date, using the OPTICS function *Correct PDJ Entry*. [COR PDJ]

Using OPTICS Functions - CORRECT PDJ ENTRY (COR PDJ)

8.84 Enter the application number and select option 1 - *Display/Delete Current Entries*. Then:

- Delete **all** references to 'A' Publication in the Journal.
- Contact the Journal Editor in Publishing section to advise him/her that the application has been removed from the 'A' cycle and to request confirmation that any references to it in the Journal have been deleted.

If it is too late to cancel the journal entry, the Journal Editor should be advised to arrange for a corrected entry to appear in the next available Patents Journal.

8.85 If the application is to be withdrawn, it may be terminated using **REC PRO**. Otherwise, if the application entered the 'A' cycle in error, e.g. accelerated publication was not required, the PLO will check to ensure all reference to publication has been removed by checking the following:

- **DIS PRO** - status shows "**May be S.16 Published**"
- **DIS FUL** - the last entry above the line does not show the publication status
- **CHA CAS** - OPTICS has been completely "*set-back*" from publication.

8.86 To prevent publication and remove the application from Publishing section, the PLO must complete the "**EXCEPTIONAL NO CASE ACTION**" pro forma (**Annex 8D**) and, if necessary, convene a meeting of the "*No Case*" Action Group. This will consist of:

- The PLO or their deputy
 - The relevant Head of Administration
 - The Head of Publishing Section
 - OPTICS System Manager
 - IT Helpdesk Representative
- The PLO should notify the IT representative regarding the application number and number of the publication list the case was on, in order that EPO & Derwent may be advised.

8.87 The PLO will provide the Head of Publishing Section with written confirmation via e-mail, that the case has been removed from the 'A' cycle and that any Journal entries are to be cancelled.

8.88 If the application has not been withdrawn and is to be published at a later date, a minute should be created for the Formalities Manager's attention,

explaining the action taken. The OPTICS status can be *set-forward* using **REC FOR**.

Display Processing Status (DIS PRO)

- 8.89 This function displays an application's *Processing Status* and the *Publication Status* when it is in the A-Publication cycle.
- 8.90 The Formalities Examiner should note the following fields:
- *Processing Status* of the application
 - *Publication Status* shows where the application is within the A-cycle
 - *Date of A letter* which is issued on the Monday after the picklist day
 - *Preparations for "A" Publication complete* (previously the *A Publication Cut-Off date*). This is the Friday a week after the picklist day by when it is too late to withdraw the case (see 8.70, 8.77)
 - *Intended Publication Date* - before the picklist, the date is calculated eighteen months from the earliest date. After appearing on the picklist this date is confirmed for Wednesday, five weeks later.

Establishing the Position of an Application Within the 'A' Publication Cycle Using DIS PRO

8.91

Processing Status	Publication Status	Position in A-Cycle	Meaning
"MAY BE S16 PUBLISHED"	[Blank]	Not ready to be published	REC FOR outstanding
"READY FOR A-PUB"	"READY FOR A PICKLIST"	EP queue	REC FOR completed, case awaiting picklist
	"READY FOR A LETTER" or "READY FOR A DOC"	Publishing	Case has been " <i>picked</i> " Case can still be set back on REC PRO until Friday evening, after picklist.
"A PUBLISHED" or "A PUBLISHED AWAITING F10" or "DISPOSED OF - NOT IN ORDER" (CS&E cases only)	"A" PUBLICATION COMPLETE	Awaiting publication date	If withdrawal request is received on or before 23.59hrs on the Thursday following the Picklist the case can be removed from the cycle. A request received on or after the 2nd Friday after the Picklist cannot be actioned.

Cases Set "NO LONGER READY FOR A PUBLICATION"

8.92 "No longer ready for A Pubn." is an inappropriate status for many applications. Formalities must ensure that OPTICS always shows the correct processing status:

If the current Status is	Formalities are complied with?	Formalities should set the Status to...
<i>May be S16 Published</i>	Yes	<i>Ready for A Pubn. using REC FOR</i>
<i>No longer ready for A Publication</i>	Yes	<i>Again ready for A-Pubn. using REC PRO</i>
	Yes	<i>Do not change status until case returns to EP queue & set Again ready for A-Pubn. using REC PRO</i>
	Yes	<i>May be S16 Published using CHA CAS - Code 14</i>
<i>Ready for A Publication</i>	No	<i>May be S16 Published using CHA CAS - Code 14</i>

Correcting Errors in the 'A' DOCUMENT

8.93 A correction to the 'A' document or Erratum may be issued for an error that was discovered after preparations for publication were complete, in respect of any of the following:

- The Specification
- The Bibliographic or Classification data
- Omission of a footnote
- The external search report

8.94 For an erratum to be raised, the error must have originated within the office and not be a mistake by the applicant/agent. When the error is identified, either by the applicant or by the Office, the case should be minuted to the Erratum Officer in Publishing Section:

*"Please raise an erratum in respect of item (**) of 'A' print GB*****"*

The [enter name of field] should read...."

The minute should include whether the correction is being made under s.117. Optics should be updated and any footnotes added. An 'ERRATUM' message should then be sent to Publishing.

- 8.95 It is not necessary to correct all errors immediately as they can be corrected at 'B' Publication. Discretion should be exercised in determining which errors need to be corrected at this late stage.
- 8.96 To help distinguish corrected publications from original 'A' and 'B' documents the following document codes are used:
- A8 – a corrected front page of a published 'A' document
 - A9 – the complete reissue of a published 'A' document
 - B8 – a corrected front page of a granted 'B' specification
 - C – the complete reissue of a granted 'B' specification
- 8.97 For an A8 front page reprint the WIPOFP or Abstract and Formal drawings required for the erratum should be indicated with a 'C' in the A pub column.
- 8.98 For an A9 complete reprint all documents for 'A' publication should be selected, 'P' should be removed and replaced with 'C'. If the erratum relates to a foreign language PCT the 'R' in the 'A' pub column should be replaced with a 'C'.

NOTICES FOR FRONT PAGE OF A DOCUMENT

Do NOT modify standard text notices.

Common Standard Texts (*Tick box by each number required. The number identifies the text in OPTICS*)

- 1. At least one drawing originally filed was informal and the print reproduced here is taken from a later filed formal copy.
- 3. The claims were filed later than the filing date but within the period prescribed by Rule 22(1) of the Patents Rules 2007.
- 4. This print takes account of replacement documents submitted after the date of filing to enable the application to comply with the formal requirements of the Patents Rules 2007.
- 6. This print incorporates corrections made under Section 117(1) of the Patents Act 1977.
- 7. The date of filing shown above is that provisionally accorded to the application in accordance with the provisions of Section 15(9) of the Patents Act 1977 and is subject to ratification or amendment.
- 13. The print reflects an assignment of the application under the provisions of Section 30 of the Patents Act 1977.
- 15. At least one of these pages has been prepared from an original which was unsuitable for direct photo reproduction.

Uncommon Standard Texts (*see over; insert number*)

-

Non-Standard Texts (*complete text legibly and tick appropriate box(es)*)

- The reference to figure(s)..... of the drawings in the printed specification are to be treated as omitted under Section 15(5) or (6) of the Patents Act 1977. [See also Notice No. 10 overleaf.]
- Pages --- -- -- of the specification are to be treated as omitted under Section 15(5) or (6) of the Patents Act 1977.

For completion, ONLY by the Formalities Officer responsible for keying-in the notices, AFTER all the texts have been keyed-in.

Above item(s) entered on OPTICS

Name-stamp

Signed

Date

Uncommon Standard Texts

5. This print reflects amendment of the request for grant in accordance with Rule 31(6) of the Patents Rules 2007.
 8. Missing or illegible matter in the text of the specification as filed is indicated by the blank space(s) between brackets in the printed copy.
 9. The matter shown between square brackets was submitted after the filing date of the application to replace defective text.
 10. The references to the drawings in the printed specification are to be treated as omitted under Section 15(5) or (6) of the Patents Act 1977. *
 11. The information required by Schedule 1 to the Patents Rules 2007 paragraph 3(2)(a) or 3(2)(b) was not contained in the application as filed, but was supplied later in accordance with paragraph 3(3) of that Schedule.
 12. The specification as filed includes a computer program which is not reproduced here; it may be inspected in accordance with Section 118 of the Patents Act 1977.
 14. The original applicant is deceased; the application is proceeding in the name of the personal representative.
 16. The priority details shown above contain a late declaration of priority made under Section 5(2B) of the Patents Act 1977 and Rule 7.
 17. At least some of the priority details shown above were added after the date of filing of the application.
- * If it is necessary to refer to a specific drawing figure or figures, DO NOT enter number 10 as an 'Uncommon Standard Text' overleaf. Instead, tick the first 'Non-Standard Text' box and complete the adjacent text by entering the required figure number(s).

Non-Standard Text (Form 8A) - To Be Authorised By B3)

The provisions of paragraph 6 and 7 of Schedule 1 to the Patents Rules 2007 have effect in respect of this application, restricting availability of samples of specified biological material to experts in accordance with those provisions.

A DOC PREVIEW

EXAMINING GROUP EX**

- (11) (43) Date of A Publication DD.MM.YYYY
- (21)Application No *****.* (22)Date of Filing DD.MM.YYYY
- (71) Applicant(s)
- (72)Inventor(s)
- (74)Agent and/or Address for Service
- (51)INT CL 6
- (52)UK CL(Edition *)
- (56) Documents cited
- (58) Field of Search
UK CL(Edition *)
- INT CL 6
- (54) Abstract Title

Footnotes

At least one drawing originally filed was informal and the print reproduced here is taken from a later filed formal copy.

Patents Directorate

A. N. Other
c/o An Agent
Any Street
Any Town
Any Place
Any Where

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
United Kingdom

Direct line: 0300. 300 2000
Switchboard: 01633 814000
Fax: 01633 814827
Minicom: 08459 222250
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your Reference:

Our Reference:

Date

Dear Sir/Madam

PATENTS ACT 1977: PATENTS RULES 2007

NOTICE OF PUBLICATION: APPLICATION NUMBER GB***.***

1. Your patent application will be published on DD/MM/YYYY with the publication number GB*****. Preparations for publication will be complete on DD/MM/YYYY (the "PPC date"). **WARNING** - once preparations for publication are complete it will NOT be possible to prevent publication of your application. If you wish to prevent publication of your application you must withdraw the application BEFORE the PPC date, by e-mail to withdraw@ipo.gov.uk, by fax to 01633 81****, or in writing to the address above. The withdrawal should be prominently marked '**URGENT – PUBLICATION IMMINENT**'. Further information on withdrawing applications is available from www.ipo.gov.uk/p-withdraw or can be obtained from the Publication Liaison Officer by telephone on 01633 81****.

2. On the publication date, details of your application will be entered in the Register of Patents. From then onwards those details, and the contents of the application file, will be open to public inspection at our Newport and London offices. Some documents and correspondence will also be available on our website at www.ipo.gov.uk/p-ipsum

3. **IMPORTANT:** If you want your application considered for grant of a patent, you must, if you have not already done so, ensure that a request for substantive examination on Patents Form 10, together with the required fee (currently £100.00), is received by the Office within 6 months of the publication date, that is by DD/MM/YYYY. That period can be extended by two months by sending us Patents Form 52, together with the required additional fee (currently £135.00). Please note that a reduced fee will apply to any electronically filed Patents Form 10.

[PLEASE TURN OVER]

4. **IMPORTANT:** If the request and fee for substantive examination are not received by the Office in time, your application will be treated as withdrawn.

5. The information in paragraph 3 does not apply to substantive examination of either a "divisional" application made under Section 15(9) of the Act, or a patent application made following entitlement proceedings. If you would like further information, or if you would like us to send you a blank Patents Form 10 (or Patents Form 52), please telephone our enquiry number, 0300 300 2000.

6. If you would like to view or download a copy of your published application, this will be freely available at www.ipo.gov.uk/p-find-publication from 13.00 on the publication date. Printed copies of the published application may be bought from Sales, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ. Prices of publications are available at www.ipo.gov.uk/publications-list or from Sales by telephone on 01633 81****. If you order printed copies of your published application, please quote the publication number shown in paragraph 1 above, followed by the suffix "A".

Yours faithfully

XXXXXXXXXXXXXXXXXX
Publishing Section

EXCEPTIONAL NO CASE ACTION

Publication List/Publication Date	
Application Number	
Publication Number	
PPC Date	
Date withdrawal e-mail received in the Office.	

<u>Other Comments</u>

The Divisional Publication Liaison Officer (PLO) or deputy should convene a meeting of the No Case Action Group. The membership of that group is as follows:

Divisional PLO
Divisional B3
Publishing section Manager
OPTICS System Manager
IT Helpdesk Representative

Point reached within A cycle Timescale.		
4 weeks 2 days before. (Monday- day 6)	4 weeks 1 day before. (Tuesday-day 7)	3 weeks 5 days before. (Friday-day 10)

All actions completed on

Signature _____ [Publication Liaison Officer - Formalities]

September 2011