

CHAPTER 11

CASE MANAGEMENT

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Introduction

- 11.01 Patents Indexing and Scanning will upload the application papers to create an electronic dossier. The paper documents are then indexed and sent to be stored at Nine Mile Point.
- 11.02 The application's allocation to an examining group and heading are recorded on Optics and on the Action Log.
- 11.03 Applications requiring special consideration or urgent movement will have special labels attached to the dossier cover. (See 11.47-55)
- 11.04 An applicant can request confidential treatment of any document with the exception of a Patent Form (but see 3.26) [r.53, MPP118.10 - 15] providing there is good reason. Such a document, and the request, **must not** remain on the open part of the dossier unless the request is rejected by the Office (see 12.39-50 for full procedure). The public status in the TOC must remain "No". A request by a third party to view an unpublished case or a particular document should normally be refused. If a third party claims they are entitled to view the case or document under s118(4) or (5) the request should be referred to Litigation Section to establish entitlement [s.118]

NO APPLICATION OR ITS CONTENTS MAY BE SHOWN TO THE PUBLIC WITHOUT AUTHORITY.

Application Timeline

- 11.05 The Examination Support Officers record each application's progress on the PAFS database.

Before the F 9A is filed

- 11.06 No action is taken on any cases prosecuted by an agent before the F9A is filed unless/until the application fee has been paid. A preliminary examination should then be carried out.
- 11.07 If the F9A (*Request for Search*) and appropriate fee is not filed within **fourteen months** of the earliest date (filing date or declared priority), the application is taken to be withdrawn. These applications should be checked to identify any outstanding diary requests, unanswered correspondence, OPTICS register errors or anything causing termination to be postponed. The applications may then be terminated on OPTICS (using **REC PRO**).

After the F 9A is filed

- 11.08 An application cannot be searched if the claims are missing, Formalities must therefore remind the applicant of the omission, giving a period to file them. (See Chapter 4) Private applicants receive a preliminary examination (see Chapter 15) and agents are advised by telephone, followed by a confirmatory telephone report. If the claims (& abstract) are not filed within the r.22(1) period [*extendable under r.108(2)*] the F9A fee is refunded and the application terminated.
- 11.09 Under the provisions of r.22(1) and (7) the claims (and abstract) may be filed within 12 months of the priority date or 2 months of the filing date of the application if that is later. (See Chapter 4)

After preliminary examination

- 11.10 Applicants are given an opportunity to meet any objections raised in the preliminary examination and if necessary, a diary is set and recorded on the application dossier.

Formal requirement	Period to comply (From earliest date)	See Chap.	If not complied with...
Formal Drawings & Retyped Pages	15 months	4 & 5	FL48 letter
Unsigned forms, applicant(s) full name(s) & address for service.	Two months from report	2 & 3	
F7	16 months [r.10(3)]	3	WR4 letter
<i>Plus</i> Formal Drawings, Retyped Pages or unsigned form(s)	15 months	4 & 5	
<i>And/or</i> Claims & Abstract	12 months or 2 months from filing date if later. [r.22(1)]	4	
Priority Document	Foreign -16 months [r.8(2)&(5)]	6	Refer case to Formalities Manager to cancel priority date

11.11 After sixteen months, if the F7 has not been filed, the WR4 letter is issued. Should a formal requirement, such as drawings or retyped pages also be outstanding, the FL48 reminder letter should not be issued. The WR4 letter should be annotated to inform the applicant of the drawings/pages deficiency. A suitable diary date should then be set.

Applications Ready for Early Publication (EP) (See Chapter 8)

- 11.12 Applications are 'picked' for publication each Thursday if :
- they are at least sixteen months and three weeks old (from the earliest declared date),
 - the processing status is "**READY FOR A-PUB**"
 - at least four weeks have passed since the s.17 search report was issued, and
 - all Formalities requirements are complied with.
- 11.13 Formalities Examiners prepare the pages required for the published document; the drawings, specification pages, abstract and bibliographical details are checked for publication. Each application dossier must have a copy of the external search report for **each** search performed and OPTICS should be checked to ensure that **all** the mandatory roles have been recorded.
- 11.14 Divisional applications, s.89 PCT applications and applications requiring accelerated publication will *jump* the queue and will be picked before older applications waiting to be published.
- 11.15 Each Thursday, the Formalities Manager accesses a list of applications picked for Publication.
- 11.16 Any case on the *Picklist* which is unable to go that day, should have its OPTICS processing status set back to "No longer ready for A Pub". The

Formalities Manager should advise the Publishing Section by e-mail that the application will not be on that week's list. The processing status may then be re-set to "Again Ready for A Pub" providing the reason it was set back has now been overcome.

After publication – F10 filed

- 11.17 After publication, (if not already filed) a F10 (*Request for Substantive Examination*) must be filed within six months of the publication date. Applications with a F10 (& fee) are sent for substantive examination.
- 11.18 After the substantive examination [s.18], any applications that are not in order for grant will await the applicant's response to the Patent Examiner's report. Each report will have a set period for the applicant to respond; failure to do so may result in the application being refused (See 11.39-42).
- 11.19 Combined Search & Examination cases returning from publication will either be '*In order for grant*' (See 11.21) or awaiting the applicant's response to the Patent Examiner's s.18 report. The Formalities Examiner checks the application dossier and takes the appropriate action marking the relevant documents 'Open to Public Inspection'. If a translation of the foreign language priority document has been requested and is still outstanding at this stage, the Formalities Examiner should refer the case to the Patent Examiner for consideration. (See 6.52 -58)

After publication – awaiting F10

- 11.20 Cases without a F10 require no action apart from a post-pub check. If the F10 is filed within the six months after publication [r.28(2) *extendable under* r.108(2)] it can be actioned. (See Chapter 9) If the F10 is not received, the applicant receives a F10R letter reminding them to file the F10 (See 11.36-38)

or the application will be taken to have been withdrawn.

Ready for Grant

- 11.21 When an application is in order for grant the Patent Examiner may set a diary to await any 3rd Party Observations or a s.15(9) Divisional application. The Formalities Examiner should check the TOC for such instructions (See 11.43-46)
- 11.22 If none of the above applies the Patent Examiner advises Formalities in a minute that the application is in order for grant. The Examination Support Officer updates the OPTICS processing status to "**READY FOR GRANT**", and the Formalities Examiner checks that all Formalities are complied with.
- 11.23 The Formalities Examiner checks those pages required for the granted document, and checks for the following :
- For any outstanding Caveat requests [CAVWARN] the OPTICS processing status should be set to "**NO LONGER READY FOR GRANT**" using **REC PRO**. A message should immediately be sent to the Caveat Clerk. After reply, the OPTICS processing status should be set back to "**READY FOR GRANT**".
 - Where there are "Special" Certificates such as *'Third-Party Terms'* shown on the dossier cover, **an urgent message must be sent to the PLO** requesting a special certificate be prepared. OPTICS is unchanged.
 - If there is an outstanding F20 or F21 a message should be immediately sent to Register Admin Section with the following minute:
"APPLICATION IN ORDER FOR B PUBLICATION - F20 ACTION OUTSTANDING" The processing status should be set to "**NOT**

READY FOR GRANT". After a reply from Register Admin the OPTICS processing status should be set back to "**READY FOR GRANT"**.

- Any unactioned minutes and unanswered correspondence must be dealt with.
- Pages & sheets of drawings must satisfy r.14 and Schedule 2. Pages and sheets must be numbered consecutively in the dossier.
- Formalities must check the OPTICS register against the F1, using a Front Page print (**Annex 11A**). In particular, the grant title, the applicant(s) and address for service details that will appear on the grant certificate and the front page of the B Doc Preview. (*The grant title must agree with the first page of the specification.*)

Exception Reports

- 11.24 Formalities Managers must run weekly and monthly exception reports to identify applications where outstanding requirements have not been met to ensure no diary, message or other action has been missed.
- 11.25 Before terminating a case, Formalities must ensure the applicant has received sufficient time to respond to any warnings or had the opportunity to request a hearing. **All** telephone conversations with the applicant/agent must have a telephone report or minute to advise the Formalities Manager of the applicant's intention to continue.

	Cases without	Action
Monday	F9A 15 months old	Run F9 monitoring report (OPTICS) Check for outstanding action. If none, terminate.
	Formal drawings or Retyped pages	Issue FL48 and diary (see 11.34-35)
	F7, Abstract & other eg. drawings or pages	Issue WR4 letter (see 11.29 - 33)
Tuesday	F10 More than 5 months after A Pub	Print F10R letter report (POLS) Issue F10R letter (POLS) (see 11.36 -37)
	F10 More than 6 months after A Pub	Run F10R Time Limit report (POLS). Terminate (see 11.36 – 38)
Wednesday	Reply to S18 report 4 years 3 months old	Run S20 Report (POLS) Print & issue S20 letter (PROSE) WR1 (see 11.39-42)
	Reply to S18 report More than 4years 6 months old	Run s.20 Time Limit Report (POLS), Terminate. (see 11.39 - 42)

Other Exception/Monitoring Reports

11.26 The following reports should also be run weekly or monthly to assist in monitoring the progress of applications and to identify errors or omissions. They are available from the Optics Special Stationery Menu.

Print	Report	Purpose
Friday	Ready For Allotment	Identifies cases with a status 'Ready for Allotment' for more than 1 month
	Ready For Formalities	Identifies cases with a status 'Ready For Formalities' for more than 1 month
	Formalities Review	Identifies cases which are more than 18 months old but not Ready For A Publication.
Monthly (normally 1st of the month)	Selective Forms Monitoring	Identifies unactioned forms AF1, 9A, 10, 3, 14, 52.

Other ad hoc monitoring reports are obtained from IT which identify cases where a Form 9A has been filed more than one month ago but no PAFS record has been created and cases which have remained at status 20 (A Published) for more than two months. These identify cases which should normally have been sent for search or examination.

11.27 Examination Support Officers are responsible for checking the outstandingwork in their group and assisting the Deputy Director and examiners to resolve queries and any discrepancies between Optics and PAFS. A monthly exception report is therefore sent to each ESO by the IT Helpdesk.

Warning of Refusal or Withdrawal

11.28 An applicant must be forewarned if the Office intends to refuse or withdraw their application. These applications are either diarised or await a Time Limit Report.

WR4 Letters

11.29 At a maximum of **nineteen** months (from earliest date) the diary will mature for cases without a F7 or an abstract or with any outstanding formal objection. Claims may also be outstanding but this is uncommon. The WR4 letter is then issued (using the PROSE system) once three months have elapsed since the end of the relevant time period, to inform the applicant that the application has been taken to be withdrawn. (**Annex 11B**) The application is then terminated using **REC PRO**.

11.30 Formalities select the relevant items from the list offered on the screen, adding any others such as retyped pages or unsigned forms before printing the letter. The letter is issued and the case diarised if necessary to await a response.

11.31 **Important** – The WR4 letter should only be used when a Form 7, claims, abstract or other statutory requirements have not been filed. Where the only outstanding requirement is a formal requirement a FL48 letter should be issued see (11.34 – 11.35). On applications without a F7, before the letter is issued, Formalities must check on OPTICS screen Display Forms History (**DIS FOR**) to ensure the form has not been filed and lost or delayed within the Office.

- 11.32 If the F7 is received after the end of the sixteen months period (r.10(3)) it must be accompanied by a request for extension of time (r.108(2)). Drawings, replacement pages, and signed forms etc. should be accompanied by a request for an extension of time under rule 109. Claims and abstract and Form 9A received after the prescribed period (r.22(1)) should be accompanied by a request for an extension of time (r.108(2)) (See Chapter 10).
- 11.33 Any outstanding items filed when more than 2 months after the time period for filing them has elapsed should be referred to the Formalities Manager.

FL48 Letters

- 11.34 After **seventeen** months (from earliest date) the diary will mature for cases without formal drawings, retyped pages, unsigned forms and other outstanding formal (non-statutory) requirements. After confirming that the original preliminary examination report was correctly issued (see Chapters 4 & 5), Formalities should issue reminder letter FL48, using the PROSE system. After the issue of each letter the application is diarised to a date 1 month from the end of the refusal date and an action logged to show this.
- 11.35 If the diary matures without a response being made, the Formalities Examiner prepares a Decision refusing the application. (See Chapter 4)

F10R Letters

- 11.36 Each Tuesday, Formalities produce two POLS picklist reports of cases without a F10 (& fee). The first identifies the cases for which the F10 are nearly overdue, the second lists the cases that are to be terminated because the F10 has not been filed within the r.28(2) period. The F10 letters are produced separately by the Formalities Manager using **POLS**.

- 11.37 The Form 10 Picklist (**Annex 11C**) lists the cases for which a F10 has not been filed in the five and a half months since publication. A letter is produced for each case reminding the applicant that if the F10 (& fee) is not filed in the remaining two weeks, the application will be treated as withdrawn. (**Annex 11D**) A copy of the F10R letter is imported into the dossier. Any letters sent to private applicants should enclose a blank F10 and a fee sheet.
- 11.38 The Form 10 Time Limit Report (**Annex 11E**) lists the cases that have received a Form 10 reminder letter but are still without a F10 after the r.28(2) period has expired. These cases are terminated on OPTICS using **REC PRO**.

WR1 & WR2 Letters

- 11.39 Each Wednesday, Formalities produce two reports for the cases where the applicant has not responded to the Patent Examiner's last s.18 report. The first report identifies cases where reminders need to be issued and the second shows the cases that have received a reminder but have not responded within the normal 4½ year life of the application. (s.20). Any s.20 letters are produced separately using PROSE.
- 11.40 The Section 20 Time Limit Report (**Annex 11F**) lists the cases where the applicant has not responded to the Patent Examiner's report and the compliance period is near to expiring or has just expired. Formalities must review every application on the list:

Either Where the application is currently in Formalities, with the Patent Examiner for amendment or the Examiner has extended the reply period, raised a diary or issued a further report (e.g. a telephone report) a letter will not be issued. OPTICS must be updated to show a reminder letter has not been issued, using RECORD S20 LETTER NOT SENT (REC S20). Enter “N” and Key "Action". These cases

will then appear on future picklists.

Or If the applicant has not replied to the report and the Patent Examiner has **not** extended the reply period, raised a diary or issued a further report - one of the reminder letters below must be issued. These are generated using the PROSE system.

WR1 Should be issued if the application is more than four years, three months old (calculated from earliest date) **and** there is more than one month left of the s.20 period, but not within two months of the latest examination report deadline. (**Annex 11G**) Issue letter without diary. If a WR1 cannot be issued then a WR2 should be used after the compliance period has ended.

WR2 Is issued if the application is four years, eight months old (calculated from the earliest date). If an application is between four years, five months old and four years, eight months old (calculated from the earliest date) it should be diarised until the expiry of four years, eight months. (**Annex 11H**) WR2 should only issue once two months after the end of the compliance period has elapsed and if WR1 has not been issued.

11.41 The Formalities Manager must exercise judgment as generally, a WR1 letter should not be issued if the application has less than two weeks remaining of the compliance period for putting the application in order. Instead the agent should be contacted and warned of the imminent refusal of the application.

11.42 The Section 20 Limit Report lists the cases where WR1 and WR2 warnings were issued and the applicant has still not responded. These cases are terminated on OPTICS using **REC PRO**. The termination date is the day after the expiry of the compliance period.

Cases Diarised for Future Action

- 11.43 Cases are diarised to await an applicant's reply to an official request or to defer action until a later date. The application number is recorded on the electronic diary system. The Action Log is updated in the dossier to show the diary has been recorded. Before the *maturity* date, a message “Diary” is sent to the Formalities Examiner. The diary entry may then be marked as completed.

For Formalities' Action

- 11.44 A designated officer is responsible for maintaining diaries and actioning diary entries and sends a message in time to reach the Formalities Examiner/Formalities Manager by the *maturity* date.

For the Patent Examiner's Action

- 11.45 The Patent Examiner may diary a case to return to him/her, e.g. if a case is in order for grant, two months for the applicant to file a divisional application. The Formalities Officer sends a message in time to reach the Patent Examiner by the *maturity* date.
- 11.46 If a message is sent to the Patent Examiner for any reason before the *maturity* date, the diary should not be cancelled. Formalities should minute and send a message to the Patent Examiner that the diary will not be cancelled until the Patent Examiner instructs Formalities to do so.

Urgent, Priority & Accelerated Cases

- 11.47 Applications often require priority or immediate action to ensure deadlines are met or to be granted within the 4½ year compliance period. [r.30, s.20] To

identify these applications requiring prompt attention, Formalities add a label to the dossier cover.

- 11.48 When an application has less than four months of the compliance period remaining the "Compliance Date Imminent" label should be added to the dossier cover. This alerts anyone handling the application to its urgency. Any messages created for these cases should have "Urgent" appended to the message.

Applications claiming earlier filing dates

- 11.49 These applications must be reviewed at the earliest possible opportunity to ensure the Office has the maximum amount of time to identify any outstanding actions. e.g. applications without a F9A, claiming a priority date and nearing the end of the r.22(1) period. (See Chapters 6 & 15)
- 11.50 S.15(9) Divisional applications may be filed with insufficient time to prosecute the application normally (i.e. less than thirteen months of the compliance period remaining). (See Chapter 14)

Accelerated Action

- 11.51 Applicants may request that the Office process their application quicker than normal i.e. search in less than four months, publish before eighteen months, examine and grant at the earliest opportunity. Adequate reason(s) must be given for accelerating search, CS&E, examination and grant but not publication. (see also 7.44 -48, 8.29)
- 11.52 Formalities must examine all correspondence for acceleration requests and bring them to the Patent Examiner's attention promptly, for action or comments. Accelerated cases should have an appropriate annotation and a

label added to the dossier cover.

11.53 The accelerated label should remain in place after the action is performed.

11.54 Accelerated publication is covered in Chapter 8 but it is important to note that the five-week publication cycle itself cannot be shortened.

Case Labels

11.55 In certain circumstances, Formalities must add labels to the dossier cover to identify that the application requires special consideration.

- A CS&E label for Combined Search and Examination cases.
- A ‘Green Channel’ label for cases requesting accelerated treatment due to an environmental benefit.
- A ‘PCT Fast Track’ label for cases requesting accelerated examination in the UK national phase if their PCT application has received a positive International Preliminary Report on Patentability (IPRP).
- A ‘Third Party Observations’ label for Third Party Observations and an explanatory minute to the Patent Examiner.
- A ‘Consent-Search’ or ‘Consent –Exam’ label where the Form 9A or Form 10 indicates the applicant’s agreement to work sharing with other offices.

Caveats

- 11.56 Third parties may obtain certain information about patent applications by filing a F49 and fee. [s.118 & r.54] A Caveat is a confidential agreement between the Office and the third party **only**. Neither the applicant nor the agent can be informed that such a request exists. No Form 49 or correspondence relating to the Caveat should be made open to public inspection in any way. A message should be sent to the Caveat Clerk.
- 11.57 The Caveat Clerk will add a CAVEAT label to the dossier cover and add a warning sheet in the dossier with details of the Caveat request. This is displayed as “CAVWARN” in the TOC. The Form 49 should not be scanned on the dossier, if it has been the case should be referred to the Index and Scanning Manager.
- 11.58 Whenever a case bears the Caveat label, Formalities must verify that the request concerns a Formalities procedure. If that has just occurred, e.g. a F10 has just been actioned, a s.18 report has just been issued; or an amendment has just been filed the Caveat clerk must be informed **immediately**. After action the Caveat label and warning will be removed and the case may then continue as normal.

B DOC PREVIEW

(11) Publication Number

(54) Grant Title

1. Check Grant Title

(51) INT CL 6

(21) Application No

(22)Date of filing

2. Check Filing date

(43)Date A Publication

(45)Date B Publication

(52) UK CL(Edition)

(56) Documents Cited

(58) Field of Search

UK CL (Edition)

INT CL 6

On-Line:

(72) Inventor(s)

(73) Proprietor(s)

3. Check applicant(s) names

(74) Agent and/or Address for Service

4. Check address for service

Annex 11B

A. N. Other
% An Agent
Any Street
Any Town
Any Place
Any Where

**Intellectual Property Office
Patents Directorate**

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

Direct line: 01633 81****
†E-mail: *****@ipo.gov.uk
Switchboard: 01633 814000
Minicom: 08459 222250
Fax: 01633 814444
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: XXX

Application number: GB ***.***

Date

Dear Sirs

**Patents Act 1977: Patent Rules 2007
Notification of Termination**

You have not filed the following document(s) within the time prescribed by the Patents Rules:-

**Patents Form 7
an abstract
formal drawings**

Consequently, your patent application has now been terminated. Any comments you wish to make about the termination of your application should be sent to this Office marked "Urgent".

Yours faithfully

Formalities Examiner

September 2011

†Use of E-mail: Please note that e-mail should be used for correspondence only.

OA59-01

OPTICS - PATENTS

DD/DD/YY TIME

PAGE: 1

EXAMINING GROUP: EX**

PICKLIST OF CASES FOR WHICH FORM 10 LIMIT F10R LETTERS
HAVE BEEN PRODUCED DATED **.**.****

GB*****.* :	1 Letter produced
GB*****.* :	1 Letter produced
GB*****.* :	1 Letter produced
GB*****.* :	1 Letter produced

**** END OF EXAMINING GROUP EX**

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

**Intellectual Property Office
Patents Directorate**

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

Direct line: 0300 300 2000
Switchboard: 01633 814000
Fax: 01633 814444
Minicom: 08459 222250
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

**Your Reference:
Application Number:**

Date

Dear Sir/Madam

**Patents Act 1977
Request for Substantive Examination not filed**

1. According to our records you have not yet requested substantive examination of your patent application. We wish to make sure that this is not an oversight on your part, and we understand that you may have decided not to continue with your application. If you do nothing your patent application will be treated as having been withdrawn and will eventually be announced as terminated in the Patents Journal. But if you do wish to continue with your application you should read the following advice.

If you wish to continue

2. If you decide to continue with your application you should send to this Office a request for substantive examination on Patents Form 10 with the prescribed fee of £100.00 so that both reach this Office by DD/MM/YYYY. Please note that a reduced fee will apply to any electronically filed Patents Form 10 request for substantive examination.

3. You have the right to send us the Patents Form 10 and fee up to two months after that date but you will then have to pay an additional fee of £135. Further extensions of time beyond two months will be allowed only at the discretion of the Comptroller, provided you satisfy him that there are good reasons for the extension and provided you pay extra fees.

Yours faithfully

Formalities Manager

OA59-02 OPTICS - PATENTS DD/MM/YY TIME

PAGE: 1

EXAMINING GROUP: EX**

**CASES WHICH HAVE EXCEEDED THEIR FORM 10 TIME LIMIT ON
DD/MM/YY**

CASE NUMBER	FORM 10 LIMIT DATE	EXTENDED LIMIT DATE	PREVIOUS REPORTS	UNACTIONED FORM 52 FILING DATE
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GB*****.* DD/MM/YY			00	
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GB*****.* DD/MM/YY			00	
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****** END OF EXAMINING GROUP EX****

OA56-01

OPTICS - PATENTS

DD/MM/YY TIME

PAGE: 1

CASES WHICH HAVE EXCEEDED THEIR SECTION 20 TIME LIMIT ON DD.MM.YY

EXAMINING GROUP: EX**

CASE NUMBER	SECT 20 LIMIT DATE	EXTENDED LIMIT DATE	PREVIOUS REPORTS	WR1 SENT	UNACTIONED FORM 52 FILING DATE
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GB*****.* DD/MM/YY			00		N
GB*****.* DD/MM/YY			00		N
GB*****.* DD/MM/YY			00		N
GB*****.* DD/MM/YY			00		N
GB*****.* DD/MM/YY			00		N

**** END OF EXAMINING GROUP EX**

Annex 11G

A. N. Other
% An Agent
Any Street
Any Town
Any Place
Any Where

**Intellectual Property Office
Patents Directorate**

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

Direct line: 01633 81****
†E-mail: *****@ipo.gov.uk
Switchboard: 01633 814000
Minicom: 08459 222250
Fax: 01633 814444
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: xxx

Application number: GB *** ***

Date

Dear Sirs

**Patents Act 1977: Patent Rules 2007
Warning of refusal under Section 20(1)**

You have not filed a reply to the examiner's report dated DD/MM/YYYY. The latest date for reply to that report was DD/MM/YYYY. Accordingly we intend to treat your application as refused.

If you wish to reply to the report even though the date set for doing so has passed, you should contact me **urgently** with your reply, explaining why it is late. For the Office to accept your reply at this late stage, you will need to have a good reason for not replying to the examination report by the date set.

If we do not hear from you, we will treat your application as refused shortly after **DD/MM/YYYY** which is the current deadline by which your application would have to be in order. Even if you do make a response to the examination report at this stage and your reason for making a late response is accepted, there would only be a limited period of time in which to decide whether your application is in order, and there may still be objections to your application. It is possible to extend the **DD/MM/YYYY** deadline by two months by filing a Patents Form 52 and paying a fee of £135, and further extensions to this deadline may subsequently be possible.

Please mark any correspondence about this case 'Urgent'.

Yours faithfully

Formalities Manager

September 2011

†Use of E-mail: Please note that e-mail should be used for correspondence only.

Annex 11H

A. N. Other
% An Agent
Any Street
Any Town
Any Place
Any Where

**Intellectual Property Office
Patents Directorate**

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

Direct line: 01633 81****
†E-mail: *****@ipo.gov.uk
Switchboard: 01633 814000
Minicom: 08459 222250
Fax: 01633 814444
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: XXX
Application number: GB *** ***

Date

Dear Sirs

**Patents Act 1977: Patent Rules 2007
Refusal under Section 20(1)**

You have not filed a reply to the report under Section 18(3) dated DD/MM/YYYY.

As your patent application was not in order for grant on DD/MM/YYYY it has now been treated as having been refused.

Any comments you wish to make about the termination of your application should be sent to this Office marked "Urgent".

Yours faithfully

Formalities Manager

September 2011

†Use of E-mail: Please note that e-mail should be used for correspondence only.