

## ACTIONS AFTER NOTIFICATION OF THE INTENDED PATENT GRANT IN THE EUROPEAN PATENT PROCEEDINGS

### 1. Review of the Documents

We have compared the documents intended for grant, including the bibliographic data, with the data available to us. Please review the attached documents for the grant of a patent and check the applicant's and inventor's data. Changes are still possible and we kindly ask you to inform us of any changes you wish to make.

### 2. Follow-up Search for earlier national rights

The European Patent Office provides free of charge the results of a search for prima facie relevant earlier national rights. Such rights may be found to be prejudicial to novelty in subsequent proceedings for unitary patents or after validation in the respective states. If no rights are found, this does not guarantee that no such prior art exists. If such prior art is found in the search, we will of course advise you individually.

### 3. Acceleration of the Grant

In case you wish to accelerate the proceedings please let us know. We will then conduct all necessary steps on an expedite basis.

### 4. Divisional Application

If you wish to file divisional applications for subject matter which is described in the application but not covered by the claims, we also kindly ask that you notify us accordingly. Divisional applications must be filed before the patent is granted.

### 5. Formal requirements and Costs

The fees for grant and printing must be paid within the official deadline specified in our report. The costs amount to EUR 2,085.00. In addition, a translation of the patent claims into the other two official languages must be filed; experience has shown that the cost of preparing such a translation is approximately EUR 450.00 to 800.00 per language for a set of claims of medium scope.

In order for a **European patent** to take effect or retain its effect in the contracting states you desire, certain requirements must be met there. In some states, these include the submission of translations of the complete documents of the granted patent and/or the appointment of national representatives. If the requirements are not met in due time in one or more states, the patent will not take effect there or will lapse. In order for a **Unitary patent** to take effect in all participating member states, a complete translation into any other official language of an EU member state and a request for unitary effect must be filed. However, if the official language before the EPO is German or French, the complete translation must be filed in English in any case.

The costs for meeting the national requirements range from EUR 450.00 to EUR 3000.00 for a medium-size application depending on the country, and correspondingly more for extensive texts, and should already be taken into account. The costs for obtaining a unitary patent are EUR 2300.00 for an application of medium scope. For details, please refer to the attached overview.

## **6. Further Procedure after Fulfillment of the formal Requirements**

After completion of the above formalities, the patent is granted. Thus, the further procedure for a European patent as a bundle of national patents shifts to the contracting states in which your patent is to take effect. For a unitary patent, the competence remains with the European Patent Office.

In the case of an opposition, which can be filed by third parties up to 9 months after the grant of the patent, the decision-making competence for unitary patents as well as for bundle patents lies with the European Patent Office.

The Unified Patent Court is responsible for the enforcement of Unitary patents. For European patents, there is currently parallel jurisdiction of the Unified Patent Court and the national courts in the participating member states. The jurisdiction of the Unified Patent Court can be excluded by an opt-out declaration, if not already done. If you wish to do so, please indicate this in the reply letter.

### **Eisenführ Speiser Patentanwälte Rechtsanwälte PartGmbB**

Bremen, Munich, Berlin, Hamburg

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