



DELTA PATENTS

Training for Patent Professionals

PRE-EXAM BOOK CASES/EXAMS

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Contents

Introduction and acknowledgement	1
EQE 2022 preparation courses	2
Other EQE 2022 material: model solutions, reference books	2
L-book (Basic Legal Question for Pre-Exam and Paper D).....	2
Reference books	2
Q&A Books and Model Solutions for the Main Exam	2
Section 2. Calendars.....	3
Notice from the Examination Board dd 19 November 2021	3
Section 3 – Legal cases	4
E-02	4
H8-03 (first occurrence)	4
Section 4 – Answers to the cases.....	4
B4-03	4
H8-03 (first occurrence)	4
H14-04.....	4
Section 5 – pre-exam papers	5
Pre-Exam 2014 - Question 2	5
Pre-Exam 2014 - Question 5	5
Section 6 – answers and model solutions to the pre-exam papers	6
Pre-Exam 2014 - Question 3	6
Pre-Exam 2014 - Question 5	6
Pre-Exam 2014 - Question 7	6
Pre-Exam 2014 - Question 8	6

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Introduction and acknowledgement

This document comprises an update to the “Pre-Exam Book - Cases/Exams” (“P-book”, edition July 2021, EQE 2022) in view of:

- Publications in OJ EPO after the Book was printed (OJ July 2021 – 31 Oct 2021);
- Publications in PCT Newsletter after the Book was printed (PCT NL June 2021 – 31 Oct 2021);
- Corrections to the questions and answers;
- Notices on the EQE website

We thank all who provided any comments and all candidates who participated in our legal training courses, as well as those that gave feedback on our material via email, for useful feedback. Any further comments are highly appreciated.

The latest version of this document is available on our website.

Also refer to our compilations of key parts of the EQE syllabus as in force on 31 October 2021 for EQE 2022, on <https://www.deltapatents.com/course-links.html>:

- [EQE 2022 references - EQE](#)
- [EQE 2022 references - EPC \(compilation legal texts\)](#)
- [EQE 2022 references - EPC \(GL EPO\)](#)
- [EQE 2022 references - EPO and PCT \(compilation legal texts\)](#)
- [EQE 2022 references - EPO and PCT \(GL PCT-EPO\)](#)
- [EQE 2022 references - PCT \(WIPO\)](#)

Our EQE and Pre-Exam blogs provide further information as well as a platform for comments, discussion and tips. . Please feel invited to contribute!:

- [DeltaPatents EQE Blog](#)
- [DeltaPatents Pre-Exam Blog](#)

Roel van Woudenberg,
November 2021

EQE 2022 preparation courses

DeltaPatents organizes further training sessions for candidates preparing for Pre-Exam 2022 and for the Main Exam 2022 in the period from April 2021 until February 2022..

Please check our website for course details, further announcements and enrolment:

<http://www.deltapatents.com/eqe.html>

<http://www.deltapatents.com/eqe-pre-exam.html>

<http://www.deltapatents.com/eqe-main-exam-paper-d.html>

<http://www.deltapatents.com/registration--cancellation.html>

or contact us via email at:

training@deltapatents.com

Other EQE 2022 material: model solutions, reference books

L-book (Basic Legal Question for Pre-Exam and Paper D)

An essential part of EQE preparation is to practice applying the law by answering many questions. Using our many years of experience, we have prepared about 500 questions that cover the core subjects that candidates may need to deal with at the EQE. About 100 of these are provided in a True/False format, so that Pre-Exam candidates can practice answering such questions, and test their progress in an efficient manner. The answers provide an explanation why the answer should be True or False, together with the relevant legal basis for further investigation. The majority of the questions is provided as open questions because this allows reasoning and correct application of the law to be checked when preparing and learning. The exact place where the reasoning fails can then be identified.

This book also contains a Study Guide.

Please order in our [webshop](#).

Reference books

The DeltaPatents [webshop](#) also provides:

- [“References to the European Patent Convention”](#) by Jelle Hoekstra
- [“The Cross-Referenced Patent Cooperation Treaty”](#) by Cees Mulder, and
- [“Topic-Related Index to the EPC and PCT”](#) by Cees Mulder.

Q&A Books and Model Solutions for the Main Exam

For your further legal study and practice after passing the Pre-Exam, in preparing for paper D (in particular D1), Deltapatents provides the book [“Main Exam Questions for Paper D”](#) in the webshop. An updated version will become available in summer, to reflect the legal texts as applicable for the next EQE.

DeltaPatents provides **updated exam papers and model solutions** for all main exam papers.

Please order in our [webshop](#).

Section 2. Calendars

Notice from the Examination Board dd 19 November 2021

The Examination Board published a Notice which supersedes the notice from the Examination Board dated 18 July 2013 concerning the use of calendars (i.e., supersedes the Notice shown in the Book).

For EQE 2022, no calendars will be provided with the examination papers anymore!!!

You will need to take the EPO closure dates from the OJ (accessible via External Resource in Wiseflows, and you will need to bring a list or calendars showing on which dates Saturdays and Sundays fall in 2020, 2021 and 2022:

- For 2020: [OJ 2019, A97](#) + [OJ 2020, A56](#)
- For 2021: [OJ 2021, A4](#) (Version consolidating OJ 2020, A115 and the amendments in OJ 2020, A139)
- For 2022: [OJ 2021, A85](#)



19 November 2021

Notice from the Examination Board for the European qualifying examination (EQE)

Calendars are a necessary tool for calculating time limits, in particular where Rule 134(1) EPC, first sentence, applies. According to this provision, time limits expiring on a day on which at least one EPO filing office is not open for receipt of documents (closing day) are extended until the first day thereafter on which all the filing offices are open for receipt of documents and on which ordinary mail is delivered.

As of the 2022 examination, the practice concerning calendars will change: calendars will no longer be provided to candidates as part of the examination papers for the pre-examination and Paper D.

A notice listing the dates on which the EPO filing offices are closed is published each year in the Official Journal. For the purposes of applying Rule 134(1), first sentence, EPC and Rule 80.5 PCT, candidates should refer to the relevant notice on EPO closing days. They will be able to access the EPO website for this during the exam.

Candidates are allowed to use their own calendar to identify dates falling on a Saturday or Sunday.

This notice supersedes the notice from the Examination Board dated 18 July 2013 concerning the use of calendars.

For the Examination Board
The Chairman

Nicolas Favre

Candidates may refer to our blog post <http://eqe-deltapatents.blogspot.com/2021/11/calendars-for-eqe-2022.html>

Section 3 – Legal cases

E-02

Please correct statement 7.4 (which incorrectly mentioned “in 2021”) to read:

7.4 The renewal fees for European patent EP-X that are due in 2022 cannot be validly paid to the EPO.

H8-03 (first occurrence)

Rename the question to H8-02.

Please correct statement 4.1 (which incorrectly mentioned “4 April 2022”) to read:

4.1 The time limit for filing a reply to the communication expires on 2 April 2022.

Section 4 – Answers to the cases

B4-03

In the answer to statement 9.1, please update GL (2021) E-VIII, 2.1.2 to GL (2021) E-IX, 2.1.3

H8-03 (first occurrence)

Rename to H8-02.

H14-04

Please correct the second bullet of the answer to statement 2, by deleting the “not”, to:

- Replenishment on 5/2/21, so debit order ~~not~~ carried out on 5/2/21



Section 5 – pre-exam papers

Pre-Exam 2014 - Question 2

The date at the end of the first sentence shall be replaced by:

European patent application EP-P was filed as a first filing on 1 December 2019 and was published on 3 June ~~2020~~ 2021.

Pre-Exam 2014 - Question 5

The first statement shall be replaced by:

5.1 The renewal fee for the third year for EP-Z is due on ~~30~~ 31 March 2022.

Section 6 – answers and model solutions to the pre-exam papers

Pre-Exam 2014 - Question 3

Add to the answer to the first statement:

- o No exhaustion of priority: the fact that US-1 already claimed priority from EP-1 does not prevent a later application, i.e., EP-2, to also claim priority from EP-1

Pre-Exam 2014 - Question 5

Due to an editing error (when bringing the order of questions and statements in our answer into conformity with the version in the Compendium on the EQE website), the T/F indications for 5.1 and 5.2 were indicated wrongly.

Please correct the answer to 5.1 to F (FALSE)

Please correct the answer to 5.2 to F (FALSE)

Pre-Exam 2014 - Question 7

Due to an editing error (when bringing the order of questions and statements in our answer into conformity with the version in the Compendium on the EQE website), the T/F indications for 7.4 was indicated wrongly.

Please correct the answer to 7.4 to T (TRUE)

Pre-Exam 2014 - Question 8

Due to an editing error (when bringing the order of questions and statements in our answer into conformity with the version in the Compendium on the EQE website), the T/F indications for 8.1, 8.2 and 8.4 were indicated wrongly.

Please correct the answer to 8.1 to F (FALSE)

Please correct the answer to 8.2 to F (FALSE)

Please correct the answer to 8.4 to F (FALSE)