

Questions about this communication ?
Contact Customer Services at www.epo.org/contact



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Date	10-03-2017
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Reference PT808EP	Application No./Patent No. 15152573.0 - 1853 / 3048769
Applicant/Proprietor Kilcullen, Joseph	

Noting of loss of rights pursuant to Rule 112(1) EPC

The European patent application cited above is deemed to be withdrawn because

- the examination fee/request (Art. 94(1) EPC)
- the designation fee(s) (Art. 79(2) EPC)
 - has (have) not been paid/filed within the time limits laid down in Rules 70(1) and 39(1) EPC (Art. 94(2) and R. 39(2)-(3) EPC).
 - was (were) paid/filed on , i.e. after the time limit specified in Rules 70(1) and 39(1) EPC had expired on 27.01.17 (Art. 94(2), R. 39(2)-(3) EPC).
- the invitation to comment on or to correct any deficiencies noted in the opinion accompanying the European search report has not been complied with within the time limit specified in the communication (EPO Form 1081) issued under Rule 70a(1) EPC (R. 70a(3) EPC).

Means of redress

Request for a decision (R. 112(2) EPC)

If the applicant considers that the finding of the European Patent Office is inaccurate, he may, within a (non-extendable) period of **two months** after notification of this communication, apply in writing for a decision on the matter. The application can only lead to the finding being reversed if this does not actually correspond to the factual or legal situation.

Further processing (Art. 121 EPC)

The legal consequence of the failure to observe the time limit shall be deemed not to have ensued if, within a (non-extendable) period of **two months** after notification of this communication, further processing is requested by payment of the fee prescribed under Article 2(1)12 of the Rules relating to Fees and the omitted act is completed (R. 135(1) EPC).

In the case of a request for further processing with respect to the time limit for payment of the designation fee, **any non-paid extension or validation fee(s)** may still be paid with a surcharge of 50% of the relevant fee(s) within a (non-extendable) period of **two months** after notification of this communication.

It should be noted that if a loss of rights occurs because the reply to the opinion accompanying the European search report has not been filed within the time limit, the flat-rate amount of the further processing fee ("other cases") is due. Apart from that, for any non-payment of fees in due time, 50% of the relevant fees become payable as further processing fees.

Moreover, it should be noted that, if a loss of rights refers to the non-payment of the (full amount of the) examination fee, where the declaration for the purpose of fee reductions (R. 6(4)-(7) EPC) applies and has not been filed within the time limit, the flat-rate amount of the further processing fee ("other cases") is due if filed within the time limit of the present communication.

Request under Article 7(3) and (4) Rules relating to Fees

The fee is considered to have been paid in due time if, within a period of **two months** from notification of this communication and in accordance with the requirements under Article 7(3) and (4) Rules relating to Fees, evidence is provided to the EPO that the payment was effected in an EPC Contracting State within the period in which the payment should have been made and, if applicable, the surcharge of 10% of the relevant fee(s) is paid.

Receiving Section

