

I write briefly to alert you to some important changes coming in next year from 1 April 2010 in relation to European divisional applications.

As you know, at present the following rules apply;

- 1) a divisional can be filed any time prior to grant of the parent
- 2) a divisional of a divisional can be filed.

NEITHER will apply from 1 April 2010 next year.

Instead, in relation to a purely voluntary divisional application, the deadline will be two years from the date of the first communication from the Examining Division.

In relation to a divisional occasioned by a lack of unity objection, the deadline will be two years from date of the communication which first raises the unity objection.

It will no longer be possible to file a divisional of a divisional, so whatever the total number of divisional applications to be filed, they must all be filed within the relevant period triggered on the parent application.

Furthermore, these new deadlines will apply to any existing case pending on 1 April 2010, save that the transitional provisions provide for an additional (up to) six month grace in the event that the communication triggering the 2 year period issued more than 18 months prior to 1 April 2010.

You will appreciate that these changes will have a significant impact on how you deal with EP prosecution, which is why I am writing this specific note for you.

The key points to bear in mind are:

- 1) To take the first communication from the Examining Division as a trigger to consider in relation to the case whether any divisional is likely to be required, and if so how many.
- 2) To be prepared to file one or perhaps more divisional applications within the triggered 2 year period, and to recognise that once the 2 year period on the parent is gone, there is no possibility to file any divisional or further divisional even in the event that one or more has already been filed.
- 3) If you already have a divisional on file, and you wish to file another

divisional from it, you must do this before 1 April 2010.

I shall of course draw these matters to your attention in correspondence on individual files, but I hope this note will serve in the meantime to highlight this important procedural change.

(By the way there are a number of other changes coming in April 2010, about which I shall write to you separately, but I feel this one is so important that it deserves a dedicated note.)

Do let me know if you have any questions.

regards

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