

and the competitor's second application occur timewise in relation to the events relating to the patent application of your client.

You should realise that the Examination committee when drafting Part II also employs a timeline. All events and filing dates of applications are carefully positioned in the timeline. Choosing a certain date has an effect.

The timeline is also an important tool for analysing priority situations and to see which published applications can be used as prior art under Art. 54(2) or (3) EPC. European patent applications becoming a so-called 'prior right' occur more often in Part II than in everyday life. A beloved situation in Part II is where an international application which has been filed in a language other than one of the three official languages of the EPO, could become an Art. 54(3) EPC document, because only a duly regionalised Euro-PCT application can be used as such (Art. 153(5) and Rule 165 EPC).

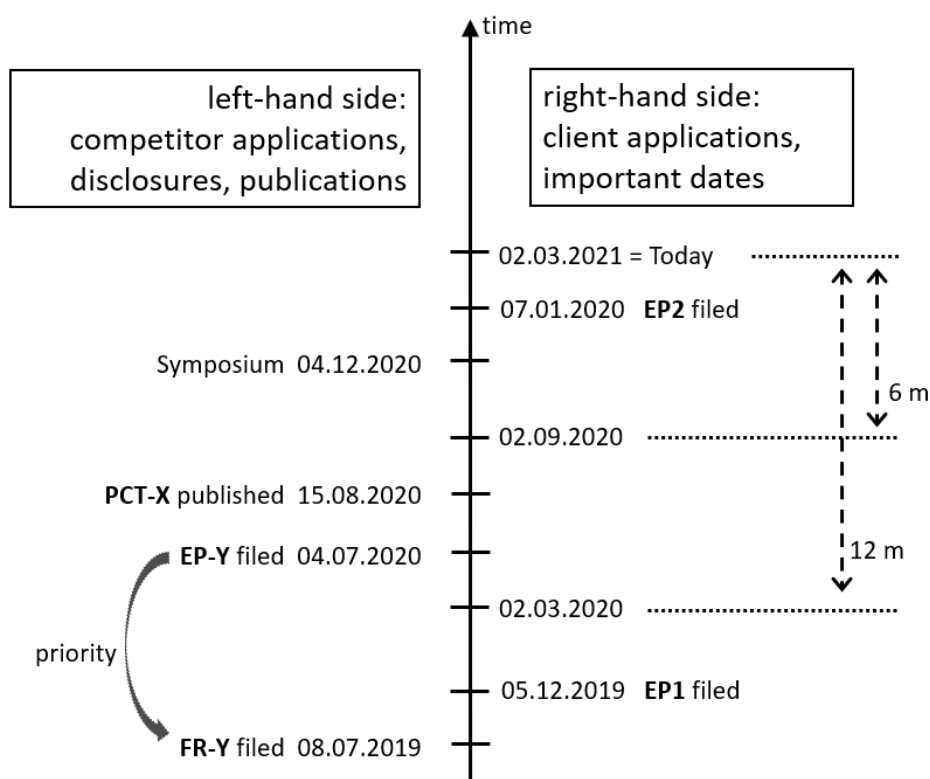


Figure 9.4: Typical example of a timeline.

Often it happens in Part II, that an invention is stolen or that a fired employee goes to the competitor. Therefore, it is convenient to also indicate the 6-month period for filing a European patent application following the disclosure of the invention (Art. 55(1)(a) EPC and G 3/98). The same would apply if an invention had been displayed at an International Exhibition (Art. 55(1)(b) and Rule 25 EPC).

It is often convenient to also briefly summarise the subject-matter disclosed in the applications. This is exemplified in Figure 9.5 (based on a situation in Part II of Paper D of 2000).

As can be seen in Figure 9.5, not only is the subject-matter listed of the various applications, but also what is *not* disclosed in these applications. The latter can be helpful for solving issues in Part II,