HASELTINE LAKE LLP
EUROPEAN PATENT AND TRADE MARK ATTORNEYS

Introduction to

Haseltine Lake

and the EPO Oppositions Procedure

Introduction to Haseltine Lake

- Specialist IP Practice.
- 50+ IP professionals.
- London, Munich, The Hague, Bristol, Guangzhou, Belgium and France.
- Strong links with US clients and attorneys.

Oppositions credentials

- One of the most experienced and successful oppositions teams in Europe.
- More than dozen practitioners who regularly undertake oppositions work.
- At any given time we have upwards of 50 opposition cases in track.
- Oppositions tend to occur more frequently in the chemical and life sciences field, but we also have a number of electronics cases and some engineering or mechanical cases each year.

Key Features of Opposition Procedure

- Single, central procedure.
- If successful, leads to automatic revocation or limitation of the opposed patent in all designated countries (up to 38 European countries).
- Favourable language regime.
- Straightforward transparent procedure.
- Relatively inexpensive procedure.
- Minimal costs risk.
- No estoppel on use of materials in national proceedings.

The Main Steps in the EPO Opposition Procedure

DATE OF EP PATENT GRANT

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1. 9 MONTH DEADLINE FOR FILING OPPOSITION
   - Deadline NOT extendible.
2. PATENTEE'S RESPONSE TO OPPOSITION
   - Initial 4 month response term, beginning a few weeks after the 9 month opposition deadline.
3. POSSIBLE FURTHER WRITTEN EXCHANGES
   - The EPO Opposition Division may invite written comments by the parties.
4. SUMMONS TO ORAL HEARING – FINAL WRITTEN SUBMISSIONS
   - Usually issued a few months before hearing date – also sets deadline for final written submissions.
5. ORAL HEARING/ORAL DECISION
   - The oral hearing is usually short – a few hours.
6. OFFICIAL MINUTES OF ORAL HEARING AND WRITTEN DECISION
   - Gives detailed reasoning. Follows oral decision within a few weeks.

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POSSIBLE APPEAL

EPO Opposition Procedure - Timeline

TIMELINE

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6 - 12 months

↓

0 - 12 months

↓

6 – 12 months

END OF 9-MONTH OPPOSITION TERM

PATENTEE'S RESPONSE

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POSSIBLE FURTHER WRITTEN EXCHANGES

↓

HEARING

- The timeline of opposition proceedings is difficult to predict.
- Minimum possible time from the end of the 9-month opposition to a first-instance decision at an oral hearing is one year.
- In two thirds of cases, the time from the end of the 9-month opposition to a first-instance decision at an oral hearing is around three years or less.

Grounds of Opposition - The Basis for Attacks on a Patent

Usual Grounds of Opposition

- Added Matter (New Matter/Support – 37 CFR 1.121(f))
- Insufficient Disclosure (Non-Enablement – 35 USC 112)
- Lack of Novelty (Anticipation – 35 USC 102)
- Lack of Inventive Step (Obviousness – 35 USC 103)

These are the main grounds of opposition, in the order in which they are usually considered. These are the tools with which the opponent has to work.

Lack of clarity of the claims is NOT a ground of opposition

- The granted claims are thus "protected" BUT amendments made by the patentee in the opposition procedure must first be examined for clarity before being admitted.

The position can perhaps be summarized in this way:

- Even if the claims of the patent as granted are manifestly unclear the Opposition Division cannot revoke the patent simply for this reason.
- But the Opposition Division is likely attribute an interpretation of the claims which is the most unfavourable to the patentee.
- The patentee will not find refuge in the unclarity of the claims when the grounds of opposition are considered.

Special considerations for any amended claims filed as an auxiliary request:

- As noted above, any claim amendments made by the patentee will be examined for clarity before being admitted.
- Compliance with Article 123(2) EPC (i.e., no new matter) and Article 123(3) (i.e., no post-grant claim broadening allowed) also examined before claims admitted.
- Any amendment must be responsive to a ground of opposition, otherwise not admissible.

Added Subject-Matter (Support)

- Art. 100(c) EPC: the subject-matter of the patent must not extend beyond the content of the application as filed.
- Are the amendments entered in examination directly and unambiguously derivable from the PCT application as filed or, if the PCT route was not used, from the European application as filed?
- Strict test – interpolation or extrapolation to untaught positions adds new matter.
- Can be a very effective ground of opposition, especially if the new matter is in an independent claim. Deleting it may then broaden the scope of protection (prohibited after grant in Europe – Art. 123(3) EPC). This is sometimes know as the "inescapable trap".
- Patentee can amend the patent during the opposition proceedings to address a possible finding that new matter has been added, but this could open up fresh grounds, particularly lack of clarity.

Insufficient Disclosure (Non-Enablement)

- Art. 100(b) EPC: the patent must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.
- Assessed on the patent as a whole.
- The skilled person may use *common general knowledge* and *cross-referenced publications* to supplement the information contained in the application.
- Insufficiency cannot be cured subsequently by adding further examples or features.
  - This can make an *"insufficiency attack"* an attractive proposition for the opponent.

Considerations for an insufficiency attack:

- The invention must be reproducible without undue burden.
  - For example undue burden arises where the skilled person can only establish by trial and error whether or not a particular choice of values of numerous parameters in the claim of the opposed patent will provide a satisfactory result.
- The burden of proof lies with the opponent – substantiation is important and experiments may be required.
  - Insufficiency objections must be substantiated by verifiable facts or evidence - mere speculation and allegations are normally ineffective.
  - Experimental data is normally needed - e.g. to show that the claimed method does not lead to the claimed outcome over at least some part of the ambit of the claim.
- It is usually easy for the patentee to brush off unsubstantiated allegations of insufficiency.
- Opponent's experts must critically analyse the patent – Do the Examples omit critical information? Do the claims use parameters which cannot accurately be measured? Are the test methods used in the patent completely described? Were important cross-references, tests or equipment publicly available at the filing or priority date?

Lack of Novelty

Lack of novelty in the EPO is close to US anticipation

However, some key differences exist.

A. The prior art base:

- Everything made available to the public before the filing date (or priority date).
- Therefore, no period of grace.
- Includes prior undocumented non-confidential use worldwide, subject to proof.
- Also includes prior but unpublished EPO applications (Article 54(3) EPC). - relevant for novelty only.

B. A very strict assessment of what is disclosed:

- Direct and unambiguous disclosure in the prior art.
- Non-confidential prior availability of the invention to at least one person is important.
- "Implicit" disclosure can destroy novelty, but must be certain.
- "Inevitable result" of a disclosure can destroy novelty, but may need experimental proof.

Lack of Inventive Step

Assessed in accordance with the "Problem and Solution" approach

- Identify closest prior art.
- Assess technical results achieved by the claimed invention over the closest prior art;
- Define the objective problem to be solved by the invention; and
- Determine whether the claimed solution to that problem is obvious from the prior art.

- Typical patentee defense tactics: show no common aims between the prior art and the invention; challenge which prior art is "closest"; claim an area where no secondary prior art exists; file evidence of unexpected advantage and define the problem as finding the advantage.
- In chemical cases, success on inventive step for the opponent will often depend on the "quality of the data".
- If the patent contains data (or data is filed) which shows an improvement over the closest prior art, then:
  - the Opponent needs either:
    - to do its own experimental work to rebut the alleged improvement; or
    - identify reasons why the improvement would have been expected.

Final Stages of the Opposition

Issue of a "Summons to oral proceedings" by the EPO marks the start of the final stages of the opposition

- At some point, the EPO Opposition Division will reach a stage at which it believes it is able to reach a decision on the opposition, or at least believes it has isolated the crucial issues to be resolved.
- At this point a "Summons to oral proceedings" will be issued, scheduling the oral hearing.

The scheduling of the hearing marks the start of the final stage of the opposition proceedings.

- The summons states the date of the oral proceedings.
- The summons comes with an annex which sets out the preliminary, non-binding opinion of the Opposition Division.
- The summons sets a date for filing "final" written submissions.

"Final" written submissions

- The same deadline (normally one month before the hearing) is set for "final" submissions by both opponent and patentee.
- Usually the parties file their "final" written submissions on the last day of the deadline, or just shortly before.
- New evidence at this stage is "late filed" and so its admissibility has to be considered.
- In his "final" submissions the Patentee is likely to submit "Auxiliary Requests" if he has not previously done so, or submit additional or revised "Auxiliary Requests".

Shortly before the hearing

- In typical cases, the patent counsel, supporting technical expert and European patent attorney get together and decide the game plan for the hearing.
- Objective 1: ensure that all strategic considerations are fully understood.
- Objective 2: ensure that all technical issues are reviewed and prepared with the Expert.
- The tactical aim - a detailed game plan:
  - to focus and finalise the opponent's arguments on key issues;
  - ensure that all possible lines of defence by the patentee have been considered and understood, and answers prepared.

****In the period leading up the oral hearing considerable effort and commitment will be required of the opposition team.****

Possible Outcomes of Opposition

- **Patent revoked**
  - the revocation of the patent is automatically effective in all designated countries: no national procedures needed.

- **Patent maintained in amended form**
  - the patentee may need to carry out national procedures (i.e. file fresh translation of the amended patent) to keep the patent in force in some countries).

- **Opposition dismissed (Patent maintained as originally granted)**
  - failure of the opposition at the EPO does not preclude the possibility of national revocation proceedings, even on exactly the same grounds as the failed opposition.

What about the possibilities of appeal?

Appeal

- Appeal is in principle a full reconsideration, not merely a formal or legal review.
- EPO Opposition Divisions and the EPO Boards of Appeal are separate and independent bodies.
- EPO Boards of Appeal very jealously protect and preserve their independence.
- Filing of an EPO appeal is subject to strict, non-extendable time limits.
- In EPO practice, appeal is only possible by a party "adversely affected" by the decision to be appealed.
- There is a bar on consideration of grounds of opposition not raised in the original opposition (at least so far as the patentee does not consent to consideration of the new grounds).
- The appeal procedure is essentially written, and normally concludes with oral proceedings before the Board of Appeal.

EPO Oppositions Procedure

Jonathan McCartney – Partner

Job title UK and European Patent Attorney
Degree MEng Engineering, University of Durham

Jonathan joined Haseltine Lake after obtaining a First Class Honours degree in engineering from the University of Durham and is a UK and European patent attorney. During qualification he was awarded the Gill Prize for general excellence in a candidate qualifying for entry on the Register of UK Patent Attorneys and the Michael Jones Prize for the highest mark in the patent application amendment paper.

Jonathan has experience of working for both UK and overseas clients in a wide range of technical areas including automotive, aerospace, medical devices, packaging, product security, safety equipment, and steam and processing systems. He is involved in the drafting and prosecution of patent applications, and also frequently advises on infringement and validity issues. Jonathan also regularly conducts freedom-to-operate opinions for original equipment manufacturers, as well as for companies operating in the after sales market. He has worked on a number of complex patent litigation cases, some multi-jurisdictional, in the UK, Germany, Denmark, the Netherlands and the USA.

Jonathan is a member of the Institute of Mechanical Engineers (IMechE).

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EPO Oppositions Procedure

James Ward – Partner

Job title UK and European Patent Attorney
Degree MPhys Physics, University of Oxford

After graduating from the University of Oxford with a Master of Physics degree, James joined Haseltine Lake in 2002. He subsequently qualified as a UK and European patent attorney in 2007.

James acts for clients in patent prosecution, opposition and advisory matters across a diverse range of technologies. These include optoelectronic and semiconductor devices, mobile telecommunications, audio and video processing, in-car electronics, printing technologies, industrial robots and CNC machines, and medical devices such as stents. Based at our Munich office, he regularly attends oral proceedings at the EPO before the first-instance Examining and Opposition Divisions and before the Boards of Appeal. Opposition proceedings form a significant part of his practice, acting both for opponents and patentees.

Technologies in which James has acted in opposition proceedings include 3D printers, sensors for deep-sea fishing gear, firefighter safety equipment, television program guides, television audience measurement systems, injection moulding machines, DVD technologies, fax and e-mail devices, telephone routing and recording systems, and intravascular stents.

James also has experience of conducting freedom to operate studies, assessing competitor patents with regard to infringement risks and validity, and reviewing patents ahead of purchase.

His clients include multinational electronics corporations and IP attorney firms from various jurisdictions. James is a regular visitor to Japan and the USA, and has presented seminars in both of those countries on European patent prosecution and opposition practice. During his training, James completed a secondment at a major US patent law firm where he gained valuable experience of US patent prosecution practice.

James has a working knowledge of German and is a member of the Patentanwaltskammer (Mitglied der Patentanwaltskammer).

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EPO Oppositions Procedure

Magnus Johnston – Associate

Job title UK and European Patent Attorney
Degree BSc Chemistry with New Materials Technology, PhD Chemistry, University of Aberdeen

Magnus joined Haseltine Lake in 2003 and qualified as a European patent attorney in 2008.

Magnus specialises in pharmaceutical, petrochemical, and materials chemistry and is experienced in patent drafting and prosecution of applications related to lubricants, fuels, polymers, functional fluids, mineral processing and pharmaceutical technologies for a diverse range of UK and overseas clients.

Chemical specialisms include petrochemical applications, both downstream (lubricants, fuels and additives) and upstream (hydrocarbon recovery, well bore fluids, by-product sequestration); catalysts (e.g., hydrocracking, hydrogenation, alkylation); carbon nanotube synthesis and applications; minerals processing (e.g., kaolin, carbonates) and products (e.g., paper, coatings, ceramics and films).

Pharmaceutical specialisms include small molecule drugs (e.g., tetracycline derivatives, saponins) for use as antibiotics, in treatment of cognitive (dementia, Alzheimer's disease) and non-cognitive (ALS, MS, Huntington's disease) diseases, and other neurological disorders and inflammatory process associated disease states; extraction and purification of plant-derived natural products, and nutritional products prepared therefrom (e.g., dietary supplements).

Life science specialisms include screening assays for identification of compounds (cellular and non-cellular) which modulate expression or activity of a target molecule (e.g., osteoblast regulators), recombinant technologies related to long chain unsaturated fatty acid production; and DNA probes.

Magnus has studied areas including: solid state chemistry, organic chemistry, hydrothermal and solid state synthesis, x-ray diffraction (single-crystal and powder) and spectroscopy. His PhD involved the synthesis of novel acentric open-framework crystalline materials containing transition metals, for potential applications in Optical Second Harmonic Generation, asymmetric catalysis and magnetism; and characterisation of these materials through single-crystal x-ray diffraction (using SHELX & SHELXS packages), powder diffraction, variable temperature solid state spectroscopy, TGA and DSC, and a study of magnetic properties.

Magnus is author/co-author of over 10 academic papers.

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HASELTINE LAKE LLP
EUROPEAN PATENT AND TRADE MARK ATTORNEYS

Information for

Mock Opposition Hearing

by Haseltine Lake

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Office européen des brevets

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Haseltine Lake
Theatinerstrasse 3
D-80333 Munich
Germany

Formalities Officer
Name: Ms Help
Tel.: 8888

Date
10.06.14

Reference	Application No./Patent No.
A1234567EP00	09475633.0/1234567

Applicant/Proprietor
Slim Pleasure Inc.

Summons to attend oral proceedings pursuant to Rule 115(1) EPC

You are hereby summoned to attend oral proceedings arranged in connection with the above-mentioned European patent.

The matters to be discussed are set out in the communication accompanying this summons (EPO Form 2906).

The oral proceedings, which will be public, will take place before the opposition division

on 18.03.15 at 09.30 hrs in Room 2450
at the EPO, Bayerstr. 34, PschorrHöfe, D-80335 München

No changes to the date of the oral proceedings can be made, except on serious grounds (see OJ EPO 1/2009, 68). If you do not appear as summoned, the oral proceedings may continue without you (R. 115(2) EPC).

Your attention is drawn to Rule 4 EPC, regarding the language of the oral proceedings, and to the Special edition No. 3 OJ EPO 2007, 128, concerning the filing of authorisations for company employees and lawyers acting as representatives before the EPO.

The final date for making written submissions and/or amendments (R. 116 EPC) is 17.02.2015

You are requested to report in good time beforehand to the porter in the EPO foyer. Room 3473 and 3474 are available as waiting rooms. Parking is available free of charge in the underground car park. However, this applies only in the case of accessing the car park via the entrance "Zollstrasse".

1st Examiner:	2nd Examiner:	Chairman:
Horsford E	Ridley J	McCartney J

For the Opposition Division

Europäisches Patentamt • European Patent Office • Office européen des brevets

Annexes:
Confirmation of receipt (Form 2936)
Rule 4 EPC (EPC Form 2043)
Communication (EPO Form 2906)

FACTS AND SUBMISSIONS

1. European patent N° EP-B-1 234 567, with application N° 09475633.0, was filed on 26.04.2008, claiming priority of 26.04.2007 (based on WO PCT/US03/00001) and published on 26.10.2008 as mentioned in Bulletin 2006/20.
The title recites: "Chocolate Products".
Proprietor of the patent is SLIM PLEASURE INC.

2. A Notice of Opposition was filed on 01.09.2012 by Chocolate Addict Straw Man GmbH, referred herein as the Opponent.

3. The opposition was based on the grounds of Article 100 (a)-(c) EPC with the main request of revocation of the patent in its entirety.

4. The Opponent requested oral proceedings as auxiliary request.

5. The Patentee requested the rejection of the opposition as main request and, as auxiliary request, maintenance of the patent based on the amended set of claims submitted with his letter dated 10.02.2013 ; as further request, the Patentee requested oral proceedings.

6. In his letter dated 15.06.2013 , the Opponent filed new experimental evidence.

7. The following documents were cited in support of the opposition:
D1: EP-A-1 111 111
D2: "Chocolate blooming", Chocolate Makers Monthly, June 2000.

PRELIMINARY OPINION OF THE OPPOSITION DIVISION

1. Without prejudice to the final decision, the Parties are herewith informed of the preliminary views of the Opposition Division.

2. The main request does not seem to fulfil the requirements of Art. 123(2) EPC. The auxiliary request is considered allowable under Art. 123(2) and (3) EPC.

3. The opposition division is of the opinion that the claims of both the main and auxiliary request fulfil the requirements of Art. 83 EPC, and that the claims of the auxiliary request fulfil the requirements of Art. 84 ,EPC.

4. The opposition division is of the opinion that at least claim 1 of the main request lacks novelty over document D1.

5. During the oral proceedings, inventive step will be discussed; the Parties are invited to follow the problem and solution approach.

6. The Parties are invited to attend oral proceedings.
New arguments, evidence or additional requests should be filed no longer than one month before the date of the oral proceedings (Rule 116 EPC).

Opposed Patent – EP 1 234 567 B1 - Chocolate Products

[01] Notoriously, chocolate products melt in the hand, when ideally they should melt only in the mouth. Attempts to overcome the inconvenience of chocolate melting when handled typically involve coating the chocolate with a non-chocolate (e.g. sugar based) layer which does not melt in the hand (Fig 1). For chocolate lovers, the non-chocolate coating unacceptably diminishes the pleasure of eating chocolate.

[02] The invention as defined in claim 1 provides a process by which, without non-chocolate coating, a surface of a chocolate bar, candy, flake or snack is given resistance to hand melting, for a handling time prior to eating.

[03] In preferred embodiments a surface of a chocolate bar is exposed to a current of dry air, e.g. for at least 30 seconds, and then exposed to cold at or below -50°C for a period of up to a second. Preferably, for the exposure to cold, the chocolate bar is immersed in an atmosphere of suitably inert cold gas or vapour (e.g. carbon dioxide or nitrogen). After this the chocolate bar can be packaged and stored etc., in conventional manner.

[04] Upon consumption, the treated chocolate bar does not begin to melt in less than one minute when placed on the hand in a room temperature environment. For the consumer, the eating experience is the same for treated chocolate as for non-treated chocolate. This has been found to apply to different chocolate piece shapes and sizes (e.g. Fig. 2-3) and chocolate types (e.g. dark, milk and white, Fig. 3), with suitable selection of dry air exposure time – e.g. between 30 and 90 seconds - and cold temperature exposure time – e.g. between 0.5 and 1 second - for the different types of chocolate. For instance, a dry air exposure time of 30 seconds, followed by a cold (-70°C) exposure time of 0.5 seconds provided very good results with SlimPleasure® bars (50 grams) of dark chocolate, with over 90 seconds expiring before melting on the hand began.

Fig. 1 – Prior Art

Fig. 2 – Invention: random chocolate piece shapes

Fig. 3 – Invention: different chocolate types

Claims as Granted (Main Request)

1. A process for treating the surface of a chocolate ~~bar~~ *product*, comprising:

(a) exposing the surface to a current of dry air, then

(b) exposing the surface to a cold temperature at or below -50°C.

2. The process of claim 1, wherein the chocolate ~~bar~~ *product* is exposed to the cold temperature by immersion in an atmosphere of suitably inert cold gas or vapour.

3. The process of claim 1 or 2, wherein the surface is exposed to the current of dry air for 30 to 90 seconds and exposed to the cold for between 0.5 to 1 second.

Auxiliary Request Claims

1. A process for ~~treating~~ *providing* the surface of a chocolate ~~product~~ *bar with resistance to hand melting*, comprising:

(a) exposing the surface to a current of dry air, then

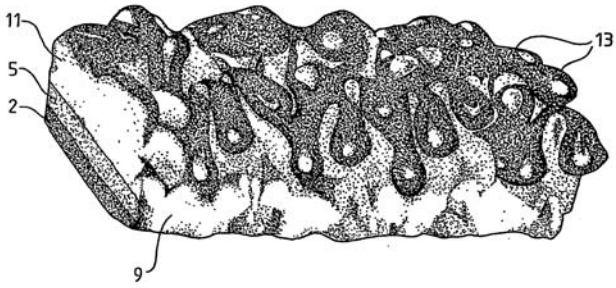
(b) exposing the surface to a cold temperature at or below -50°C.

2. The process of claim 1, wherein the chocolate ~~product~~ *bar* is exposed to the cold temperature by immersion in an atmosphere of suitably inert cold gas or vapour.

3. The process of claim 1 or 2, wherein the surface is exposed to the current of dry air for 30 to 90 seconds and exposed to the cold for between 0.5 to 1 second.

N.B. The change from the original expression "chocolate bar" to "chocolate product" in claims 1 and 2 is the only difference between the patent as granted and the application on which it is based, as originally filed.

D1 – EP 1 111 111 A1 - Prior Art under Art. 54(3) EPC - Novelty Only



[Relevant disclosure]

[01] The result, with the ice cream layers (5, 9, 11) on the sponge cake base (2), is carried along a conveyor belt (not shown). At the next stage of the production process, the upper surface receives a coating of liquid chocolate (13) or a scattering of drops of liquid chocolate.

[02] To fix the coating (13) or scattered drops in place on the upper ice cream layer (11) without the formation of unwanted ice crystals between the chocolate and the ice cream, the upper surface is immediately exposed to a current of dry air for about 30 seconds and then exposed to a temperature of around minus 50 degrees Celsius for around a second. For example, this is achieved by exposure to a suitably cold gas or vapour.

D2 – Article from Journal "Chocolate Makers Monthly" - Full Prior Art

[01] Particularly if stored in non-ideal conditions, e.g. if exposed to unsuitably high temperature, the surface of chocolate may discolour (so-called chocolate "bloom"), as shown above. Although the chocolate is still suitable for eating, the discolouration is aesthetically unacceptable and leads to customer complaints.

[02] We have found a simple process by which a chocolate product can be provided with resistance to such discolouration.

[03] The process involves exposure of the chocolate product to a dry air current for a period of e.g. at least 30 seconds, and exposure to a cold temperature, e.g. of around –50°C, for a period of around 1 second, preferably 2 to 3 seconds. Tests have proven that treated chocolate can resist discolouration for many weeks, even if stored in non-ideal conditions. Tests have also proven that, for the consumer, the taste of treated chocolate is the same as the taste of non-treated chocolate. Further tests are planned to investigate whether other properties of the chocolate are affected, either adversely of otherwise, such as breakability of the chocolate (which is relevant at least to chocolate bars) and other factors relevant to handling and/or consumption of the chocolate.

Chocolate without discolouration *Chocolate with discolouration*

Opponent's Test Data

Example 1

A SlimPleasure® bar was exposed to: air containing 1%wt. water vapour, at 20°C, for 30 seconds; then exposed to -50°C, for 0.3 seconds.

Result: the surface of the obtained chocolate melted in the hand after a few seconds.

Example 2

A SlimPleasure® bar was treated as in Ex. 1, with the exception that, in step (a), the bar was exposed to air containing 0.001%wt water vapour, for 5 seconds.

Result: the surface of the obtained chocolate melted in the hand after a few seconds.

Example 3

A SlimPleasure® bar was treated as in Ex. 2, with the exception that step (a) was carried out at 40°C for 30 seconds.

Result: the chocolate melted during step (a), giving a final product of unacceptable appearance.

Mock Opposition Hearing - Decision Tracker

After listening to the arguments of the Opponent and of the Patentee on each ground of opposition/objection raised during the mock hearing, you may note your opinion with an X in the relevant box and/or make notes in the space below.

Objection		For Patentee	For Opponent
Added Subject-matter	Main Request	*No Added Subject matter*	*Added Subject matter*
	Auxiliary Request	*No Added Subject matter*	*Added Subject matter*
Lack of Sufficiency (lack of enablement)	Main Request	*Is Sufficient*	*Lacks Sufficiency*
	Auxiliary Request	*Is Sufficient*	*Lacks Sufficiency*
Lack of Clarity - Auxiliary Request		*Is Clear*	*Lacks Clarity*
Lack of Novelty	Main Request	*Is Novel*	*Is not Novel*
	Auxiliary Request	*Is Novel*	*Is not Novel*
Lack of Inventive Step	Main Request	*Is Inventive*	*Lacks Inventive Step*
	Auxiliary Request	*Is Inventive*	*Lacks Inventive Step*

Notes: