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Dear Mr Schneider

URGENT: Defamatory allegations on Techrights Blog – Not for publication

We act on behalf of the European Patent Office and Mr Grant Philpott.

We write in relation to seriously defamatory allegations you have recently published on your Techrights Blog which concern our clients. The allegations are contained in an article at the following URL: <http://techrights.org/2015/10/15/epo-aiding-a-racketeer/>

Our clients will rely on the full text of the article in any legal proceedings but for the purposes of this letter we refer you to the following extracts:

"Exclusive: Leaked E-mail From Grant Philpott (EPO Principal Telecommunications Director) Shows Collusion Between EPO and Microsoft to Prioritise Most Notorious Patent Bully, Microsoft

Grant to Microsoft first. Aiding racketeering by all means possible?

Summary: A closer cooperation with Microsoft, to use Grant Philpott's own words, with heightened pressure for already-overencumbered patent examiners to work as agents of Microsoft while neglecting other applicants, as seen in a new E-mail from Grant Philpott, a top IT manager and recently a proponent of UPC (as well as software patents) and potentially a huge fan of Microsoft unless just their peon (in exchange for favours, i.e. kickbacks)

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As it turns out, the EPO, which is not some ordinary office but a corrupt institution that selfishly operates like a business, is treating Microsoft as more than just an applicant and even more than just a partner (the EPO uses terms like "customers" or "clients", which in itself is gross and revealing). This helps explain some internal complaints from examiners against Microsoft — something for which we provided evidence

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before. The emphasis on Microsoft is quite unique and the push for this corrupting programme (thus motivation) came from Microsoft and another foreign company.

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This E-mail from Grant Philpott (principal director for information and communications technology at the European Patent Office) states that late Microsoft files should be treated with the highest priority. It means that they shall be treated before any other late file such as the ones of small applicants that are also European, unlike Microsoft. Remember that Philpott also pushes (even politically lobbies) for the UPC, which helps bring software patents to Europe. Don't lose sight of the fact that Microsoft boasts about patenting software in Europe, despite it being against the rules. Microsoft uses loopholes and perhaps, based on this special relationship with the EPO, some nepotism too.

The EPO and Microsoft are far closer than outsiders care to realise.

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Priority to late Microsoft files basically means acceleration of Microsoft's war on software that respects people's freedom, privacy, etc. Grant Philpott is very much complicit in this because he rallies the 'troops' and puts pressure on them not to properly examine applications (i.e. attempt to identify prior art). It's the antithesis of any patent office. What is Microsoft paying for here? The examination process? Or is it just lining the pockets of Battistelli and his (mostly French) friends? This situation is reducible to what some people online now call "kickbacks" (as the EPO 'V.I.P lane' scandal deepens) — a softer form of bribe (and Microsoft's expertise).

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What the EPO has been doing over the past few years amounts to more than abuse. Some call it corruption and based on some pundits online, this has become akin to organised crime as per definition (like FIFA), where a bunch of powerful people protect each other from anything that threatens to expose the crime or the crime ring, and only very few people benefit at the expense of a huge number of members of the public."

The essence of the article is that our clients are acting in a way which is criminal, corrupt and improper by prioritising Microsoft's applications over all others for its own financial gain. These allegations are wholly false, defamatory and indefensible.

The truth of the matter is that our clients were seeking to reduce the backlog of applications by Microsoft where those applications were (i) already seriously delayed and (ii) had an acceleration request placed on them by Microsoft pursuant to the PACE programme (see here: http://www.epo.org/applying/international/guide-for-applicants/html/e/ga_e_i_9.html). The instruction by Mr Philpott was perfectly normal, available to all applicants, not out of the ordinary and certainly not one motivated by corruption and "kickbacks".

Absolutely no rational justification is given in your article for the wild and extremely defamatory allegations which have been made. That is because none exist. Moreover, Mr Philpott's has also suffered immense distress and anxiety as a result of the damage caused to his reputation by your unsubstantiated allegations. In the circumstances, our clients demand that you immediately take the following action:

1. Remove the article from the Techrights Blog immediately and by no later than **5.00pm on 17 October 2015**;
2. Undertake not to republish the article (or any such similar words);
3. Publish an apology on the Techrights Blog (in terms to be agreed with us);

4. Agree to pay our clients damages (in a sum to be agreed); and
5. Agree to indemnify our clients for the costs incurred in dealing with this matter.

Your attitude to the requests in paragraphs 1 – 3 above will determine our clients' attitude to paragraphs 4 – 5.

We must hear from you by no later than **12.00pm on 19 October 2015**. If we do not hear from you by that time (and if you do not remove the article by 5.00pm on 17 October 2015) we will take that as confirmation that you reject the demands set out above. In those circumstances, we will revert to our client for instructions on issuing legal proceedings and, if so advised, we will do so without further notice to you.

Yours faithfully

Fieldfisher