

Team	Search	Exam	Comm	Actions	S/E
	94	151	129	374	0,6
	110	82	185	377	1,3
	109	49	94	252	2,2
	65	15	45	125	4,3
	75	87	170	332	0,9
	78	57	165	300	1,4
	109	75	139	323	1,5
	96	79	67	242	1,2
	112	82	136	330	1,4
	58	66	155	279	0,9
	79	69	181	329	1,1
	86	66	114	266	1,3
	86	68	160	314	1,3
	85	59	113	257	1,4

All teams have different objectives but even looking at this table you can see clear differences, some teams have very low output unfortunately.

Some examiners (and yes, even directors) argue that a high S/E ratio results in lower production, I'd rather argue the opposite: Higher production leads to lower S/E ratio. After all, the number of searches to be done is limited, so all extra production must be examination and thus lowers the S/E ratio.

You can also see that some team do a very high number of intermediate communications per final action, some are more efficient.

There the message is 'be pragmatic'. I've attended two team meetings this week addressing exactly this issue.

The message: Do not start a COMM or search opinion with clarity unless you really cannot understand the claim.

If you have an opinion about novelty or inventive step, apparently the claim is clear enough, so don't start with clarity!

Use the problem solution approach if the claim is new, and then determine inventive step using the could would approach.

If anyone could have done it but nobody would have done it since there is no reason to do so that can be derived from the best prior art, it's inventive.

Yes, even if combining the feature of D1 and D2 lead to the subject matter of claim 1.

That's typically what you learn from attending oral proceedings in opposition, the proprietor always uses that reasoning and it's a good one.

(Since OPs in OPPO are public and on-line, maybe it's a good idea to attend a few? I'll look into that.)

So in short:

4. Article 84: when and how to raise it

1

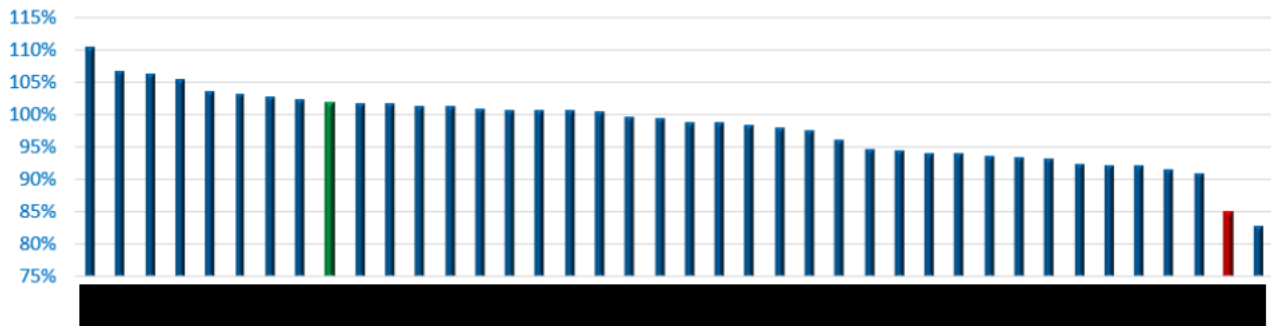
Written opinions/communications should:

- start with novelty/inventive step **analysis** (unless the claim cannot be understood)
- deal with the **interpretation of claim features** as part of this analysis
- deal with formalistic or typographic issues as **minor issues towards the end**, with a clear indication of the problem and **how it can be solved**

Aggregating the team numbers we can also compare all directorates to expectations, and there we have the same picture, some directorates had an excellent start of the year, others not so much.

██████ is doing fine and is a bit ahead of schedule, but ██████ is far, far behind. Too far behind in my opinion since it'll be difficult to close the gap later in the year.

S+E+O Production vs daily plan



Hopefully we can reach a conclusion for many applications this year, many resulting in a proposal for a grant with probably an amended description.

██████ we had a presentation by ██████ and ██████ on the results of the *TF adaptation of the description* for D ██████ and ██████.

In a nutshell, we are doing more than OK, and the compliance rate in both directorates is over 75%, better than average in DG1.

The presentation was intended for the management team, but the presentations will be repeated for the interested teams.

I would like here to share the recommendations that the TF has drafted (yes, I might be kicking in some open doors, and obviously all of this is in the GL).

If all 1st members use this below as checklist, compliance jumps up to above 90% at very little cost.

Division members can also use this as checklist, but normally speaking, if the 1st members already do it nothing should be left for the division and they can then concentrate on substantive matters.

1. Make sure that the *closest* prior art (see *Votum*) is cited in the description.
2. Check the brief description of drawings for *optional features* inconsistent with the subject matter of the independent claim(s) (*there you can also elegantly mark-up which figures disclose the invention*).
3. *Don't use a magic clause (like „subject-matter in the description that does not fall under the scope of the claims is for comprehension purpose only“), see GL F-IV, 4.3.*
4. Remove the *optional formulations* in the detailed description of features contained *in particular in the characterizing portion of the independent claim(s) as granted: e.g. if Fig. 4, 5 are the invention acc. to your Votum, then go to detailed description of these figures, (usually only few paragraphs) and adapt in case.*
5. Remove the *spirits and scopes and incorporated by reference*
6. Remove the *claim-like clauses* at the end of the description, F-IV, 4.4.

--> consult the Chair / TM / SE (in this order) in case you need help

You will hear more from your respective TMs on this subject.

Finally and as reminder, here are the priorities I've been advocating since last year.

- 1) **Classification**. Classifiers **MUST** classify on time, no excuses.
- 2) **Priority 1 dossiers**. By the end of April all priority 1 **MUST** be done on time, no excuses. The reduced search workload should make this (easily) possible.
- 3) **Old examination (pre-2018) and delayed examination**. By the end of April, per team maximum average 1 per head with limit date older than May 2022. Challenging, but also this should be possible due to the reduced search workload.

That's all for now.

Enjoy the weekend!

Best regards / Mit freundlichen Grüßen / Sincères salutations

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