

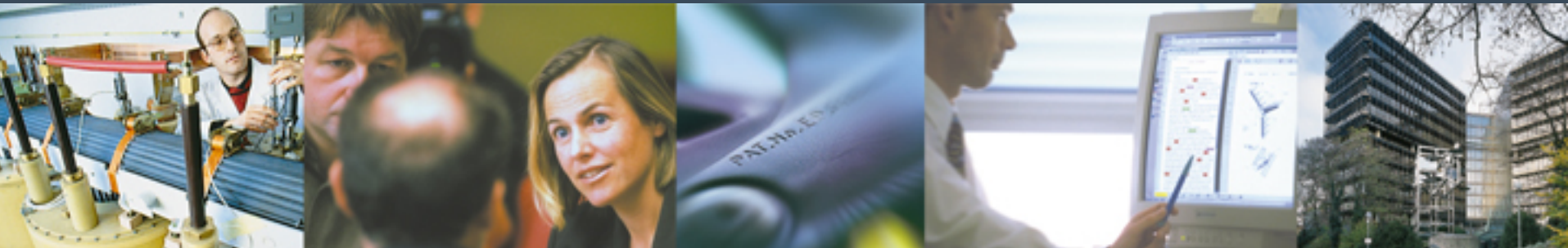


European
Patent Office



Standards as Prior Art at the European Patent Office

*René Bourbon
SOS Interop 3
21 February 2006*





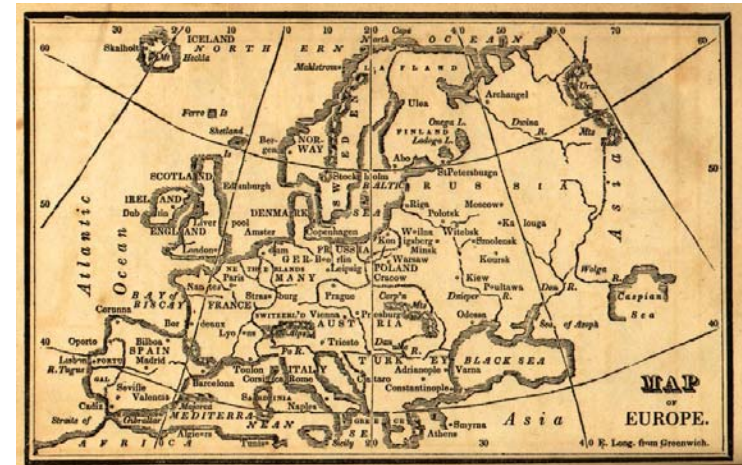
Roadmap

- The European Patent Office
- Standards as prior art
- Patents searchable on Internet for free



A bit of history: a European idea

- 1958 Treaty of Rome
- 1960 Idea of a European Patent
- 1973 Convention signed
- 1977 European Patent Office





Example of an international patent procedure when the EPO did not exist





First filing followed by geographic extensions

PATENT SPECIFICATION (11) 1 543 602

- 1 543 602 (21) Application No. 19618/76 (22) Filed 12 May. 1976 (19)
- (31) Convention Application No. 7514808 (32) Filed 13 May. 1975 in
- (33) France (FR)
- (44) Complete Specification Published 4 Apr. 1979
- (51) INT. CL.² G06K 19/00
- (52) Index at Acceptance
G4H 13D 14A 14B 14D 1A TG
B6A GA
- (72) Inventor: ROLAND MORENO



(54) IMPROVEMENTS IN SYSTEMS FOR STORING AND TRANSFERRING DATA

(71) We, SOCIETE INTERNATIONALE POUR L'INNOVATION, a French Societe Anonyme of 141 Boulevard de Sebastopol, Paris, Seine, France., do hereby declare the invention, for which we pray that a patent may be granted to us, and the method by which it is to be performed, to be particularly described in and by the following statement:-

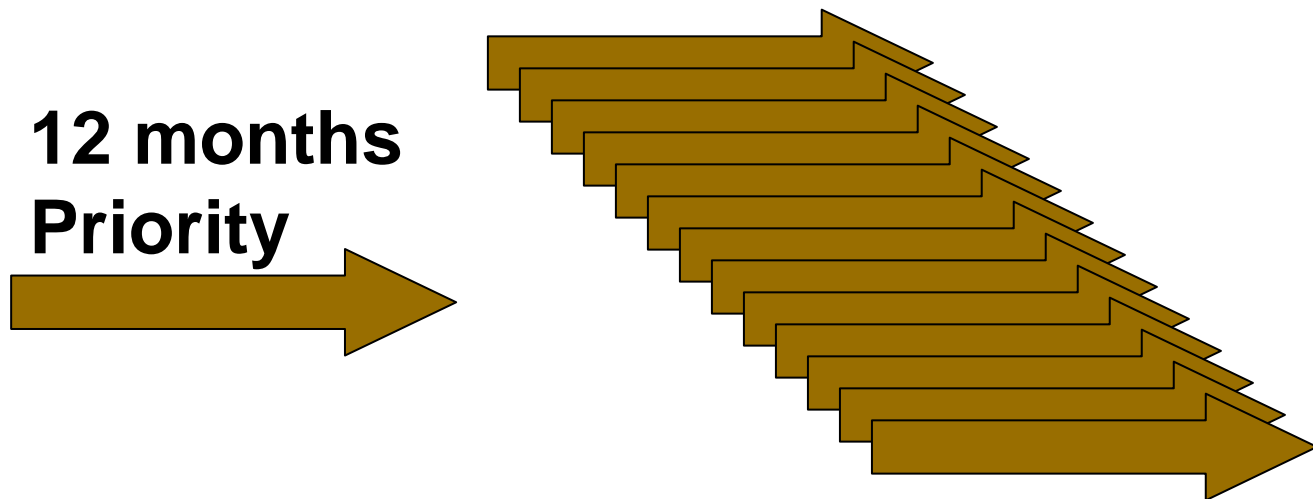
5 The present invention relates to systems of storing and transferring data confidentially and personally by means of portable independent electronic objects; it refers more particularly to these portable electronic objects. 5



The Smart Card Patent procedure

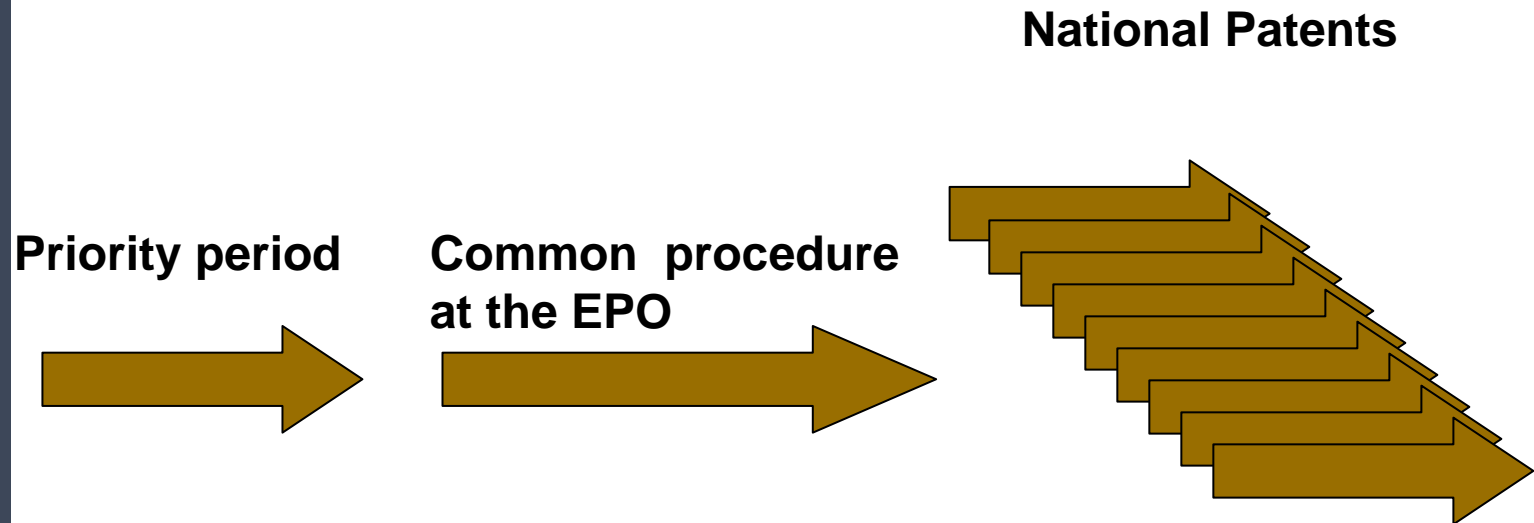
- National route

National patents





The European Patent System: the european route





3 main steps: Search, Examination and Opposition

- Search: retrieves relevant documents published before the filing date of the patent
- Examination: iterative process to establish the scope of protection of the patent taking into account the relevant documents found
- Opposition: 9 months after granting



Striving at granting quality patents

- Patentability conditions: Novelty and Inventive Step
- Only significant inventions get patented
- Not all innovations are inventions



What advantages does a European patent have?

Unitary protection standards in the contracting states

- One application/one language
- One procedure = less administration

Cost-effective

- Costs less than 3 separate national patents

Strong

- Thorough search – one of the largest repositories of scientific and technical information
- Substantive examination = sound legal protection

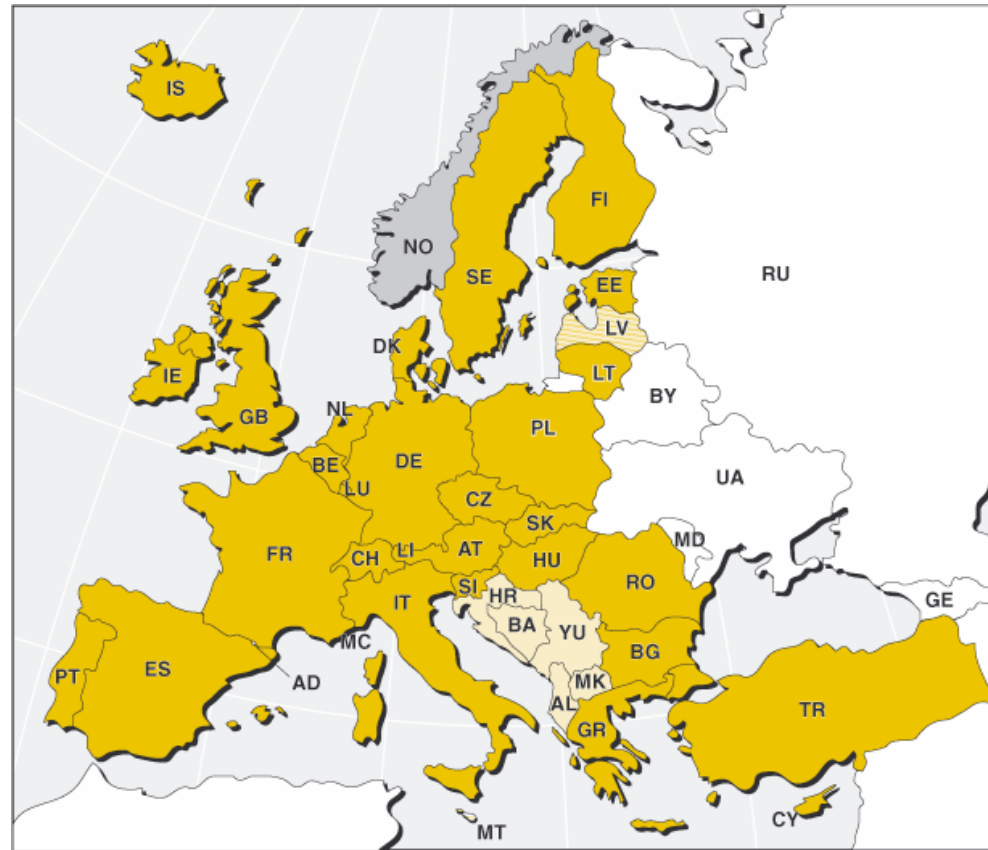


Facts and Figures

- In 2005: 195 000 filings
- 6 300 staff members – 3 500 examiners
(Munich-The Hague-Berlin-Vienna)
- 55 million patent documents in its database



European Patent Organisation: Member States



EPO member states

AT Austria, BE Belgium, BG Bulgaria, CH Switzerland, CY Cyprus, CZ Czech Republic, DE Germany, DK Denmark, EE Estonia, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, HU Hungary, IE Ireland, IS Iceland, IT Italy, LI Liechtenstein, LT Lithuania, LU Luxembourg, MC Monaco, NL Netherlands, PL Poland, PT Portugal, RO Romania, SE Sweden, SI Slovenia, SK Slovakia, TR Turkey



States entitled to join the EPC

NO Norway



States which have been invited to join the EPC

LV Latvia, MT Malta



States recognizing European patents ("EXTension states")

AL Albania, BA Bosnia-Herzegovina, HR Croatia, LV Latvia, MK Former Yugoslav Republic of Macedonia (FYROM), YU Serbia and Montenegro

(12.2004)



Standards as Prior Art

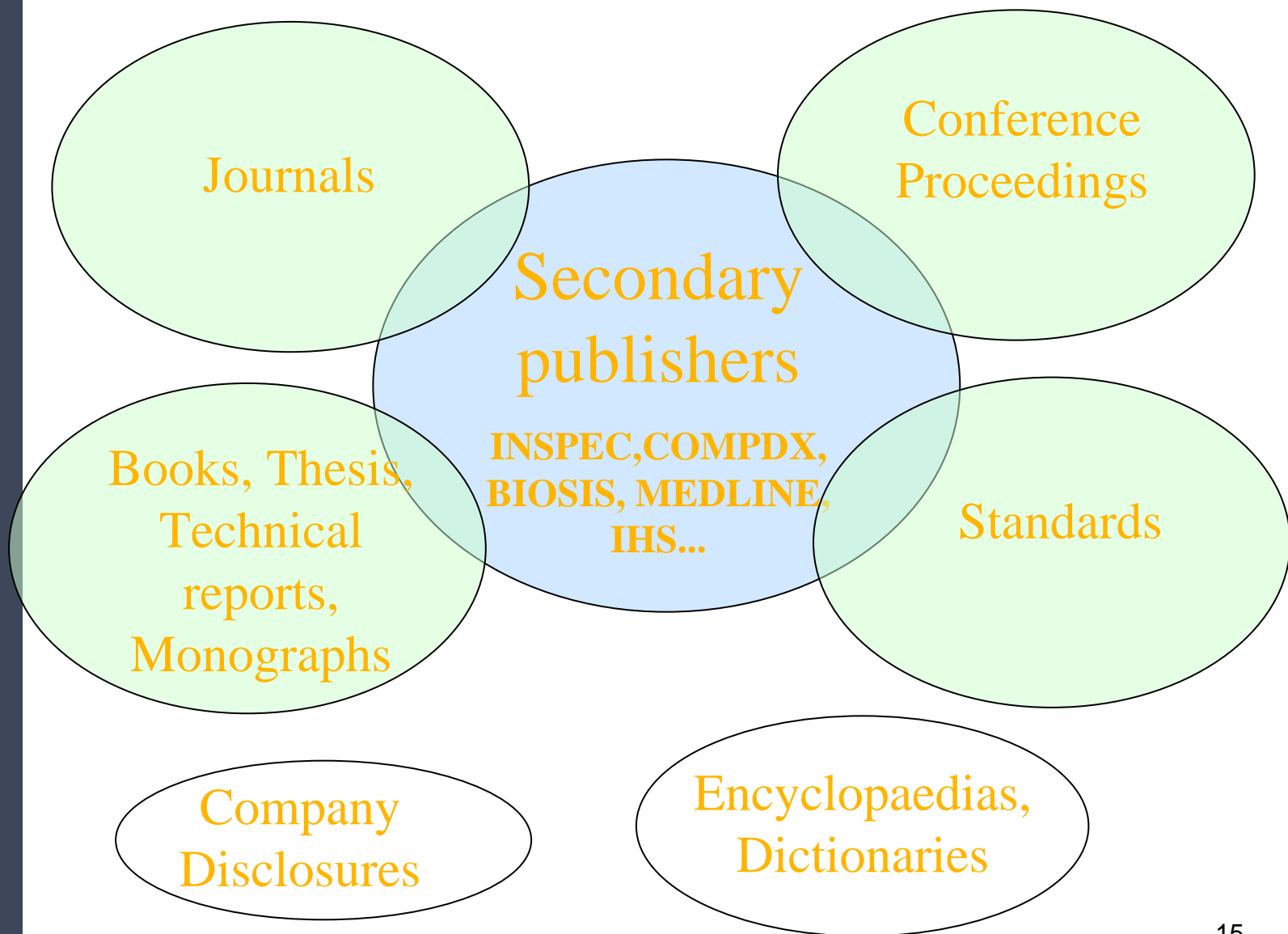


Why Standards for search?

- Standards are **prior art** or part of the **state of the art**:
- Art 54 (2) EPC: The **state of the art** shall be held to comprise **everything made available to the public by means of a written or oral description, by use, or any other way, before the date of filing of the European Patent Application**
- Patent and Non-Patent literature



Standards part of Non-Patent Literature





Fields where Standards are important as Prior Art

- Telecommunications (ETSI, ITU, EIA/TIA, IETF, ATIS, IEEE...)
- Audio Video (MPEG, JPEG, DVB...)
- Electronics (SEMI)



Why Drafts of Standards for search?

- Drafts and working documents brought in a meeting belong to the state of the art:
- *** **T 202/97**: *"Mit einer Tagesordnung an Mitglieder einer internationalen NormenausschußArbeitsgruppe versandter Normungsvorschlag zur Vorbereitung einer Normen-Sitzung unterliegt gewöhnlich nicht der Geheimhaltung und gilt daher als der Öffentlichkeit zugänglich".*
- *Exception: Confidentiality agreements*



Most cited articles

- 3 most cited articles in 2005 were all in Biotechnology:
- 1. Functional anatomy of siRNAs for mediating efficient RNAi in *Drosophila melanogaster* embryo lysate (48 times)
- 2. Crystalline polymorphisms of organic compounds (26 times)
- 3. RNA interference is mediated by 21- and 22-nucleotide RNAs (26 times)
- **1 technical standard was cited 19 times:**
- TEXT OF FINAL COMMITTEE DRAFT OF JOINT VIDEO SPECIFICATION (ITU-T REC. H.264 / ISO/IEC 14496-10 AVC) MPEG02/N4920



Advantages for SDOs

- Avoid granting patents filed after a disclosure in a standardisation meeting
- Avoid “Forgent” type cases: company asking license fees for patent based on the JPEG standard (?)

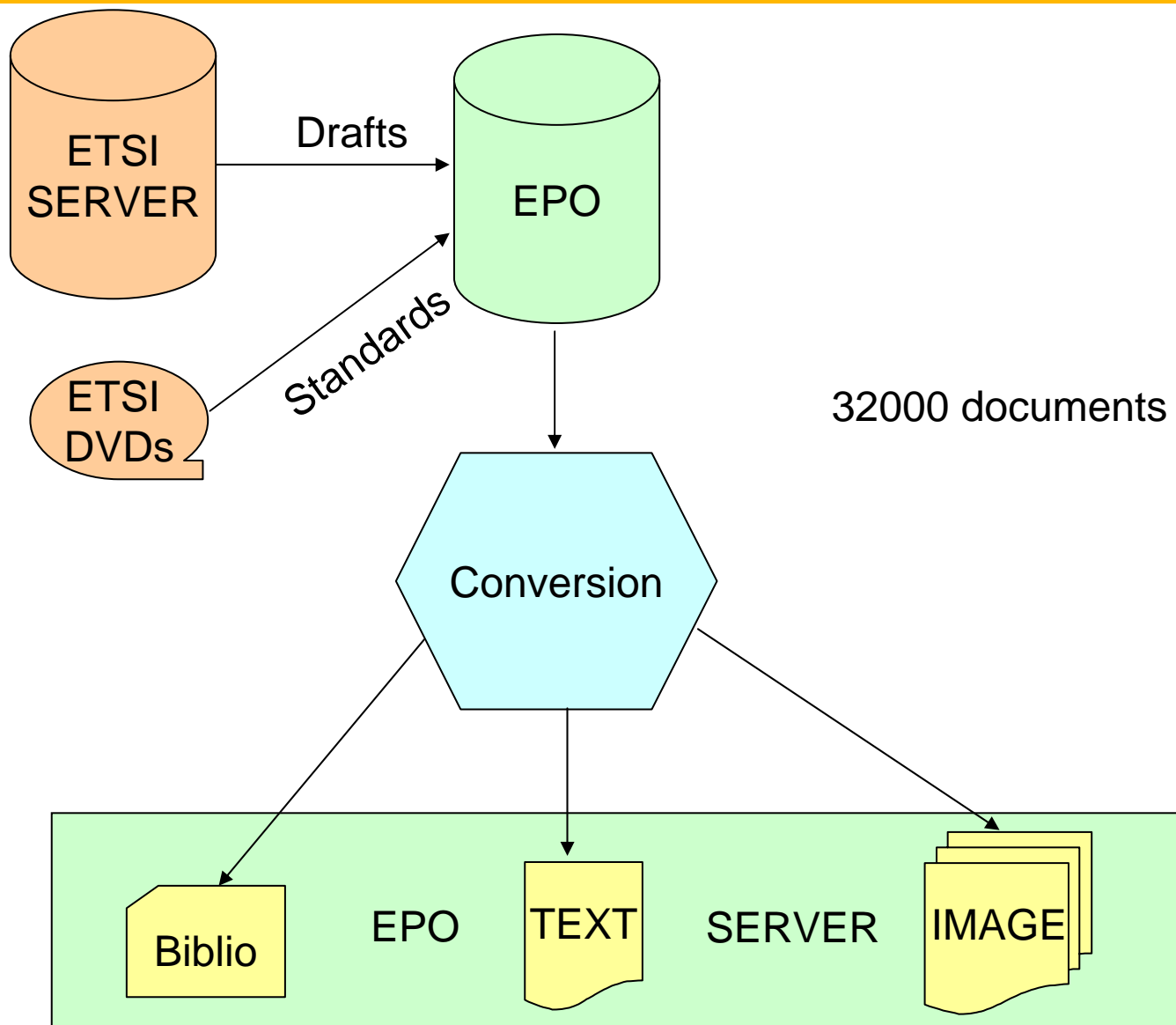


History and status with ETSI

- 2002: Subscription to ETSI Standards (EDS)
- 2003: Membership
- 2003: Acquisition of drafts from ETSI server
- 2004: XPETSI database at EPO with Standards and Drafts
- November 2005: Authorisation from ETSI to give access to the National Offices of EPO Member States



XPETSI Database: process





XPETSI Database record

- 1/31496 - (C) XPETSI/ETSI
- AN - XP014031695
- COPY- European Telecommunications Standards Institute 2005
- DT - Standard Working Draft
- IW - access; ADSL; HDSL; ISDN; local loop; modem
- PUB - Technical Report
- - 2005-12
- - European Telecommunications Standards Institute (ETSI) 650 Route des Lucioles, Sophia Antipolis CEDEX, F-06921, France
- STDN - Draft ETSI TR 101 830-1
- TI - Transmission and Multiplexing (TM); Access networks; Spectral management on metallic access networks; Part 1: Definitions and signal library
- **TXT - Copyright Notification**
- **No part may be reproduced except as authorized by written permission.**
- **The copyright and the foregoing restriction extend to reproduction in all media.**
- **European Telecommunications Standards Institute 2005.**
- **All rights reserved.**
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Security aspects

- Database on EPO secure server
- Database strictly limited to internal use and for patent granting purposes only



EPO databases of Standards

- XPETSI (Standards+ Drafts)
- XPIETF (Standards + Drafts)
- XPJPG (JPEG Standards and Drafts)
- XPETIA (Standards)
- To come: ITU, MPEG, IEEE, ATIS, DVB, SEMI...



Next Steps

- Harmonise approach with Trilateral partners: USPTO and JPO
- Organise meeting with main SDOs to inform them and cooperate



Patents on Internet



Espacenet

- 55 million worldwide patents (free)
- www.espacenet.com



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Enter keywords in English

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Keyword(s) in title or abstract:	<input type="text" value="Landing gear prerotat*"/>
Publication number:	<input type="text" value="WO03075629"/>
Application number:	<input type="text" value="DE19971031696"/>
Priority number:	<input type="text" value="WO1995US15925"/>
Publication date:	<input type="text" value="yyyymmdd"/>
Applicant:	<input type="text" value="Institut Pasteur"/>
Inventor:	<input type="text" value="Smith"/>
European Classification (ECLA):	<input type="text" value="B01C3/01"/>
International Patent Classification (IPC):	<input type="text" value="H03M1/12"/>

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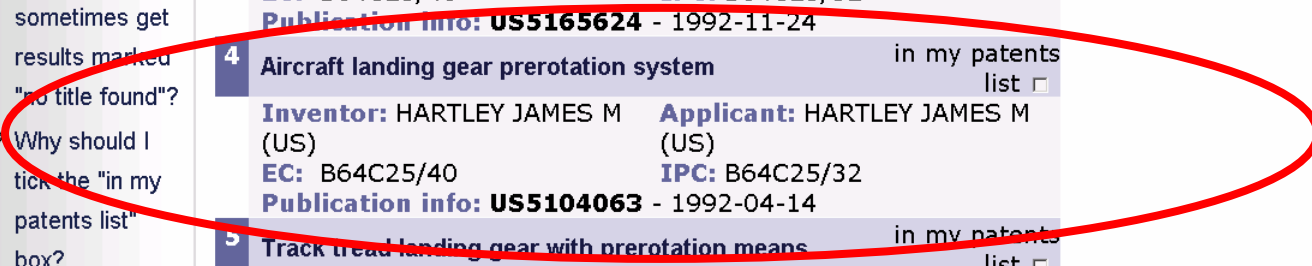
"landing AND gear AND prerotat*" in the title or abstract

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(Results are sorted by date of upload in database)

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| | Inventor: GROEN DAVID L (US); GROEN HENRY J (US) | Applicant: |
| | EC: B64C27/02; B64C27/43 | IPC: B64C27/02 |
| | Publication info: US5544844 - 1996-08-13 | |
| 2 | Autogyro aircraft | in my patents list <input type="checkbox"/> |
| | Inventor: GROEN DAVID L (US); GROEN HENRY J (US) | Applicant: GROEN DAVID L (US); GROEN HENRY J (US) |
| | EC: B64C27/02 | IPC: B64C27/52 ; B64C13/04 |
| | Publication info: US5301900 - 1994-04-12 | |
| 3 | Apparatus for prerotating aircraft wheels employing forced air and a vacuum | in my patents list <input type="checkbox"/> |
| | Inventor: LEWIS JR GUY C (US); HOPKINS JR GEORGE P (US); (+1) | Applicant: LEWIS JR GUY C (US) |
| | EC: B64C25/40 | IPC: B64C25/32 |
| | Publication info: US5165624 - 1992-11-24 | |
| 4 | Aircraft landing gear prerotation system | in my patents list <input type="checkbox"/> |
| | Inventor: HARTLEY JAMES M (US) | Applicant: HARTLEY JAMES M (US) |
| | EC: B64C25/40 | IPC: B64C25/32 |
| | Publication info: US5104063 - 1992-04-14 | |
| 5 | Track tread landing gear with prerotation means | in my patents list <input type="checkbox"/> |
| | Inventor: DEVER OTTO E | Applicant: |
| | EC: B64C25/40 | IPC: |

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Aircraft landing gear prerotation system

Bibliographic data	Description	Claims	Mosaics	Original document	INPADOC LEGAL status
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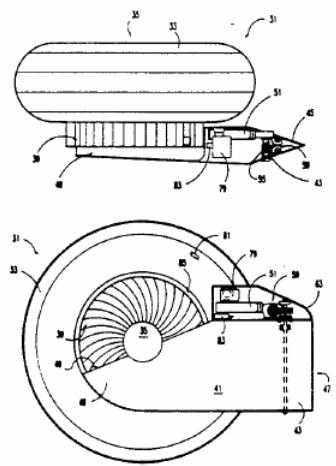
Patent number: US5104063
Publication date: 1992-04-14
Inventor: HARTLEY JAMES M (US)
Applicant: HARTLEY JAMES M (US)
Classification:
 - international: B64C25/40
 - european: B64C25/40
Application number: US19900515410 19900427
Priority number(s): US19900515410 19900427

B64C25/40

View INPADOC patent family

Abstract of US5104063

A device to induce rotation of aircraft landing wheels is disclosed, using only the force of oncoming air to bring them up to synchronous ground (landing) speed during approach to landing. A complete, independently operating system with its own sensors, microcontroller, motors and control linkages, which does not interface with any of the aircraft's instrumentation or systems, continually measures the actual ground speed of the aircraft during final approach, transmitting this flow of data to a microcontroller for continuous translation into required RPM for each tire diameter and monitors the precise RPM of each landing wheel through non-contact photo-tachometers whose outputs are multiplexed into the microcontroller. The system provides continuous control over the RPM of each landing wheel through air intake ducts



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Previous page: [B64C23/00](#)

PERFORMING OPERATIONS; TRANSPORTING [B](#)

AIRCRAFT; AVIATION; COSMONAUTICS [B64](#)

AEROPLANES; HELICOPTERS (air-cushion vehicles [B60V](#)) [B64C](#)

Influencing air-flow over aircraft surfaces, not otherwise provided for

Alighting gear (air-cushion alighting gear [B60V3/08](#)) [B64C25](#)

[B64C25/00](#)

characterised by the ground or like engaging elements (arrestor hooks [B64C25/68](#))

[B64C25/32](#)

the elements being rotated before touch-down [B64C25/40](#)

[B64C25/40](#)

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Keyword(s) in title or abstract:	<input type="text" value="hair"/>
Publication number:	<input type="text" value="WO03075629"/>
Application number:	<input type="text" value="DE19971031696"/>
Priority number:	<input type="text" value="WO1995US15925"/>
Publication date:	<input type="text" value="yyyymmdd"/>
Applicant:	<input type="text" value="Institut Pasteur"/>
Inventor:	<input type="text" value="Smith"/>
European Classification (ECLA):	<input type="text" value="B64C25/40"/> <input type="text" value="B01C3/01"/>
International Patent Classification (IPC):	<input type="text" value="H03M1/12"/>

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Bibliographic data	Description	Claims	Mosaics	Original document	INPADOC LEGAL status
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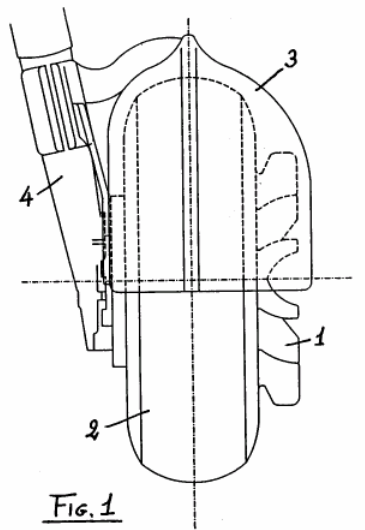
Patent number: EP0492686
Publication date: 1992-07-01
Inventor: ADILETTA GIOVANNI (IT)
Applicant: ADILETTA GIOVANNI (IT)
Classification:
 - **international:** B64C25/40
 - **european:** B64C25/40
Application number: EP19910203118 19911128
Priority number(s): IT19900022508 19901221

Also published as:
 IT1246727 (B)

Cited documents:
 GB603804
 FR2123158
 GB1527880
 FR912891
 US4040582

View INPADOC patent family

Abstract of EP0492686
 Described is a device for obtaining the rotation of the wheels (2) mounted on the landing gear (4) of aircraft with the object of limiting the transient stage during the phase of first contact with the ground, constituted by a radial blading (1) applied on the external side surface of the wheel hub.



Nov. 24, 1931.

J. A. FAUCHER ET AL

1,833,019

AIRPLANE TIRE

Filed Nov. 1, 1929

Fig. 1.

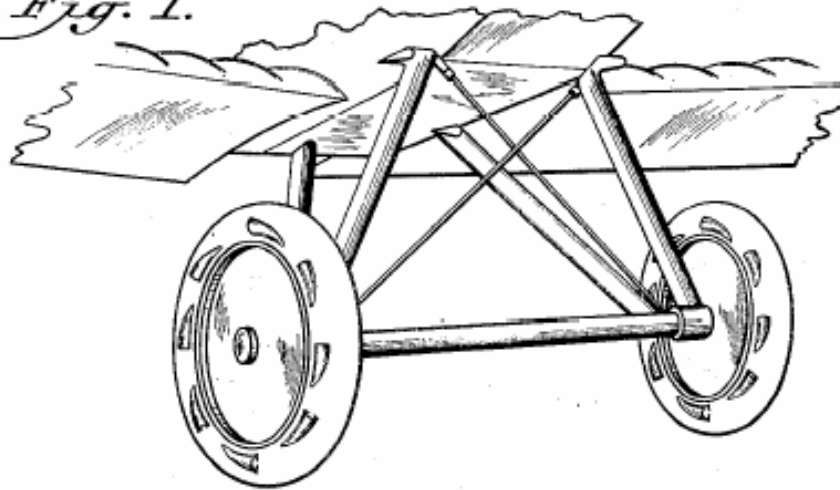
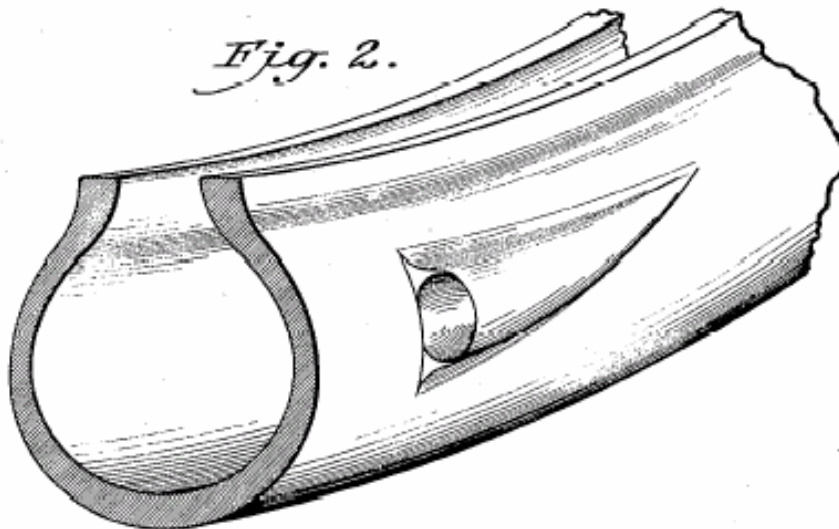


Fig. 2.





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René Bourbon
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