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July 2010

To Whom It May Concern:

Circular Letter No. 70 of Dr. Meir Noam, Registrar of
Patents, Designs and Trademarks
AMENDMENT

We would like to draw your attention to the amendment of the Circular Letter of the Registrar of Patents in regard to the acceleration of the Examination process.

Said Circular Letter in essence indicates that any Applicant who has received a granted Patent abroad, can request the Israeli Patent Office to acknowledge that the stipulations of sections 4, 5, 8, 12 and 13 of the Patent Law 5727 1967 have been met in the Application which was filed by him in Israel [hereinafter "the Application"] as long as the following conditions have been met:

1. The Grant has been issued in one of the following countries:
Austria, Australia, U.S.A., Germany, Denmark, U.K., Russian Federation, Japan, European Patent Office, Norway, Canada or Sweden.
2. The Invention which was granted is for the same Invention being the subject matter of the Application.
3. The Claims in the Application are identical to the Claims in the corresponding granted Patent. However the Application may include fewer Claims than the corresponding granted Patent. In this regard please refer point A) below.
4. The Applicant has filed a Description and Drawings, where applicable, which are identical to the Description and Drawings of the granted Patent in accordance with Section 12 of Israeli law.
5. The Applicant has filed a translation of the Claims in the language in which the Application was filed in Israel.

Please note that a request to base the Israeli Application on the corresponding granted Patent and/or to examine the Application based on this Circular Letter must be indicated in order activate this procedure.

Please note that the Registrar immediately indicated that:

- A) an Application which refers to the treatment of human beings and which was allowed abroad will not be allowed in Israel as is, unless the Claims will be amended in accordance with Israeli law and rules if possible.
- B) the Registrar and/or the Examiner are not obligated to allow a corresponding Application in Israel if it is his opinion in accordance with the material in his possession that such an Application cannot be allowed in Israel.

The stipulations of Sections 4, 5, 8, 12 and 13 of the Patent Law 5727 1967 cited above read as follows [translated from Hebrew]:

SECTION 4

AN INVENTION IS DEEMED TO BE NEW UNLESS IT HAS BEEN PUBLISHED, IN ISRAEL OR ABROAD, PRIOR TO THE APPLICATION DATE –

- (1) *BY WRITTEN, VISUAL, AUDIBLE OR ANY OTHER DESCRIPTION, IN SUCH A MANNER THAT A MAN OF THE ART CAN CARRY IT OUT IN ACCORDANCE WITH THE DETAILS OF THE DESCRIPTION;*
- (2) *BY EXPLOITATION OR EXHIBITION, IN SUCH A MANNER THAT A MAN OF THE ART CAN CARRY IT OUT IN ACCORDANCE WITH THE DETAILS THUS MADE KNOWN.*

SECTION 5

AN INVENTIVE STEP IS A STEP WHICH TO AN AVERAGE MAN OF THE ART DOES NOT APPEAR OBVIOUS IN THE LIGHT OF INFORMATION PUBLISHED, PRIOR TO THE APPLICATION DATE, IN THE WAYS INDICATED IN SECTION 4.

SECTION 8

A PATENT SHALL BE GRANTED FOR ONE INVENTION ONLY.

SECTION 12

- (A) *THE SPECIFICATION SHALL CONTAIN A TITLE BY WHICH IT IS POSSIBLE TO IDENTIFY THE INVENTION, A DESCRIPTION OF THE INVENTION, WITH DRAWINGS AS MAY BE NECESSARY, AND A DESCRIPTION OF THE MANNER OF CARRYING OUT THE INVENTION SUCH THAT A MAN OF THE ART CAN CARRY IT OUT ACCORDING THERETO.*

- (B) *IN CONNECTION WITH SECTION (A), AN INVENTION WHICH RELATES TO A BIOLOGICAL MATERIAL OR TO A PROCESS FOR THE MANUFACTURE OF A BIOLOGICAL MATERIAL OR AN INVENTION WHICH CONCERNS THE USE OF A BIOLOGICAL MATERIAL, AND THE BIOLOGICAL MATERIAL HAS BEEN DEPOSITED IN A DEPOSIT INSTITUTION, THAT PART OF THE DESCRIPTION OF THE INVENTION OR HOW IT IS PERFORMED MAY BE DESCRIBED BY REFERENCE TO SAID DEPOSIT IN THE FORM OF AND UNDER THE CONDITIONS WHICH WILL BE DETERMINED BY THE MINISTER OF JUSTICE WITH THE PERMISSION OF THE COMMITTEE OF LEGISLATION, LAW AND PROSECUTION OF THE PARLIAMENT IN CONNECTION WITH THIS SECTION.*

“A BIOLOGICAL MATERIAL” – A BIOLOGICAL MATERIAL WHICH IS NOT AVAILABLE TO THE PUBLIC AND CANNOT BE DESCRIBED IN A MANNER BY WHICH A MAN OF THE ART CAN PERFORM THE INVENTION BUT UNDER THE CONDITION THAT THE BIOLOGICAL MATERIAL CAN BE DUPLICATED OR REPRODUCED EITHER IN AN INDEPENDENT MANNER OR AS A HOST EITHER FROM LIVING BEING OR FROM A PLANT;

“A DEPOSIT INSTITUTION” – AN INSTITUTION WHICH HAS BEEN ACKNOWLEDGED AS AN INTERNATIONAL INSTITUTION ACCORDING TO SECTION 7 OF THE BUDAPEST CONVENTION OR AS AN ORGANIZATION WHICH THE REGISTRAR HAS ACKNOWLEDGED FOR THIS PARAGRAPH AND A NOTIFICATION HAS BEEN PUBLISHED IN THE OFFICIAL JOURNAL;

“BUDAPEST CONVENTION” – BUDAPEST CONVENTION REGARDING THE INTERNATIONAL ACKNOWLEDGEMENT OF THE DEPOSITS OF BACTERIA FOR THE PURPOSE OF PATENT PROCEEDINGS, WHICH WAS SIGNED ON APRIL 28TH, 1977 AND WHICH WAS AMENDED ON SEPTEMBER 26TH, 1980. THE CONVENTION IS DEPOSITED FOR REVIEW IN THE PATENT OFFICE.

SECTION 13

- (A) *THE SPECIFICATION SHALL END WITH A CLAIM OR CLAIMS DEFINING THE INVENTION: PROVIDED THAT EACH CLAIM SHALL REASONABLY ARISE OUT OF THE DESCRIPTION CONTAINED IN THE SPECIFICATION.*
- (B) *A CLAIM MAY EXPRESS AN ELEMENT OF THE INVENTION AS A MEANS OR A STEP FOR PERFORMING A CERTAIN ACTIVITY WITHOUT SPECIFYING THE STRUCTURE, THE MATERIAL OR THE ACTIVITIES REQUIRED TO PERFORM SAID ACTIVITY; A CLAIM EXPRESSING AS MENTIONED ABOVE IS DEEMED AS IF THE STRUCTURE, THE MATERIAL OR THE ACTIVITY WHICH ARE SPECIFIED IN THE SPECIFICATION, IS SPECIFIED IN SAID CLAIM.*

Please take into consideration that the Registrar does not take any responsibility that the stipulations abroad correspond to the stipulations of the Israeli law. Thus, in Opposition or Revocation Proceedings it may be argued that the Israeli Application was not examined properly.

As you can understand, the main difference in this amended Circular Letter 70 is that it is not possible to base an Israeli Application on a corresponding allowed Application but only on a corresponding granted Patent.

Please do not hesitate to contact us should you require further assistance and/or clarification.

Yours very truly,
DR. YITZHAK HESS & PARTNERS