

Kevin Myhre in Germany: Learning the Ropes

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Editor note: [Kevin Myhre](#) will spend four weeks in Germany expanding his knowledge about the European patent process and is writing a series of pieces throughout his time in Germany. This is part 2, [you can find part 1 here](#). To follow Kevin's trip, including pictures and videos, visit Facebook.com/KevinMyhreInGermany.

The first week-and-a-half of my [European patent internship](#) has taught me many aspects of European patent law, including the structure and purposes behind the sections of a European patent application, the quirks of European patent examiners, and even nuances of the European appeals process. The learning began, however, on my walk to my first day at the office, when I had perhaps my most important non-legal learning experience: always watch out for the bike lane.

Munich, like many dense American cities, has a city road network that simply cannot support the volume of commuters traveling each day. The public transportation system, however, is the best I've ever experienced. One of my colleagues was aghast when we had to wait three minutes for a morning train. The city also supports a vibrant bike-commuting culture. Nearly all sidewalks have a dividing line, some as subtle as a different setting of paving stones, separating a biking area from a pedestrian area. It only took that first walk to the office to receive enough glares, somewhat polite "dings" of bicycle bells, and outright stern words to learn to always note the bike path and to keep my head on a swivel.

One of my first experiences in the office has been one of the most interesting. I had the opportunity to sit in as a member of the public on an oral hearing at the Board of Appeals for the European Patent Office. An examiner at the European Patent Office had rejected a patent application and, on an appeal to a panel of judges, the firm that is hosting my internship was arguing that the patent application should be allowed to issue as a patent. The composition of the panel that decided the case was similar to the United States Patent and Trademark Office, but the depth of permitted interaction and negotiation between the attorneys and the panel was fascinating and unlike what I have experienced in USPTO patent appeals. The European approach could certainly make an oral hearing for an appeal last an entire day. But ultimately, the application is addressed more efficiently with a higher likelihood of an immediate result.

I have also had many opportunities to discuss general strategies and differences in American and European patent prosecution. An applicant can extend prosecution in the face of continued rejections from the USPTO by continually paying for "Requests for Continued Examination." However, when the EPO feels that prosecution of an application is no longer advancing, the EPO can issue a summons to oral proceedings in which the applicant's attorney appears before a panel of examiner to expedite a decision on allowing or rejecting the application. My time in the office has been filled with interesting learning experiences and my integration into life in Munich is improving, if not exactly

seamless. I consider it at least a minor victory that I've stopped leaning on doors labeled "ziehen" (German for "pull").

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