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With Compliments

*Institut der beim Europäischen Patentamt
zugelassenen Vertreter*

*Institute of Professional Representatives
before the European Patent Office*

*Institut des mandataires agréés
près l'Office européen des brevets*

The President

2nd August, 2006

Mr. Eliot Bernstein
39 Little Ave
Red Bluff
California 96080
USA

Dear Mr. Bernstein,

Re: Your Contacts with epi

I have recently been contacted by one of the staff at the epi Secretariat who has been very upset and offended by a telephone conversation you had with her. Such behaviour is not acceptable and I will therefore instruct the epi Secretariat not to talk to you at all unless you are prepared to show normal courtesy and consideration for the people to whom you speak.

I understand that you have also been in contact with the firm to which the Chairman of our Disciplinary Committee is attached. Again, there is no point in doing this as the firm has no power in this connection. The only person who could assist you in connection with your matters is the Chairman himself. Therefore, if you cannot contact the Chairman, please do not impose on other people.

I fully understand that you feel that you have a grievance and that you would like to have a remedy for your grievance. We as epi would like to see any proper grievance dealt with fully and we will do all that we can to reach a conclusion. However, our powers are limited. I understand that the Chairman of the Disciplinary Committee has already tried to contact you to explain what we can and cannot do.

I would re-iterate that epi has power only over its members. Its members are European Patent Attorneys. We have no power to take any action against any other people. In particular, we have no power at all over employees of the European Patent Office. Therefore, if you would like us to look into any matter, it is essential for you to identify a specific European Patent Attorney or a specific firm of European Patent Attorneys.

If you have a grievance against a person who is not a European Patent Attorney, it will be necessary to take it up with the authority relevant to that person.

Moreover, we need to see not only an allegation as to the conduct of the attorney or the firm but also specific documentary evidence which supports the allegation. We are obliged to rely on evidence in any of our disciplinary procedures and we cannot rely on mere allegation. As far as I can recall from previous correspondence, you have so far not provided any evidence on which we can base an investigation. In the absence of any such evidence, we cannot proceed.

Chris P. Mercer

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