

## **Introduction**

This year's paper seemed to be more accessible to candidates, as evidenced by the higher pass rate. It was indeed a straightforward invention with a number of embodiments that simply needed untangling from the information provided by the client.

Most candidates seemed to grasp the general concept of the invention and showed a good understanding of how to draft a patent specification.

Candidates who did not achieve enough marks to pass either did not describe the interaction between the claimed features, and so ended up claiming a bag with a hole in it or the prior art, or failed to capture all the embodiments and so ended up with narrow claims.

Time did not seem to be an issue this year and there were fewer notes to Examiners to try to justify a poor claim (instead of backing up the claim with a good statement of invention).

Candidates are reminded that an error in the claims is likely to result in a fail as the claims are critical for a business: a perfect specification is not sufficient to provide a client with a suitable monopoly, not least because the statements of invention always mirror the claims in these scripts. However, candidates are given the benefit of the doubt if an error in claim 1 is clearly correctable, and the candidate appears simply to have chanced an arm on breadth, but has understood the invention and drafted a suitably considered specification.

Candidates are also reminded that the claims provided in the mark scheme are a suggestion. Marks are awarded for claims that are suitably drafted to meet the requirements of patentability in the UK and meet the client's needs, as required by the syllabus for this exam. Although all the wording considered by the Examiners to be required for the claims is included in the information provided, each candidate interprets information differently and the Examiners do not expect to see a main claim that is identical to the one suggested in the mark scheme.

## **The invention**

The invention in this paper was a unitary receptacle for an umbrella that substantially prevented water captured from a wet umbrella from re-wetting the umbrella.

## **Main claim**

Three possible embodiments were provided by the client – crimping/drawstring, a water-permeable membrane and a one-way valve – and the key was to draft a main claim that captured all three while avoiding the prior art. Candidates whose Claim 1 lacked novelty over the two bag arrangement of the prior art were given the benefit of the doubt if all other features were present in Claim 1 and a unitary bag appeared in an early dependent claim.

Some candidates claimed the layered valve separately, but marks were not awarded for such claims because an independent claim to the valve lacked unity. This paper was drafted so that a unified set of claims was possible.

## **Dependent claims**

This paper particularly tested candidates' understanding of the role of dependent claims and the ability to draft a well organised set of claims to provide suitable fall-back positions if Claim 1 fails during prosecution. As has been said before, a scatter-gun approach to the ordering of dependent features suggests a candidate who hasn't yet grasped the function of dependent claims and, in most cases, the invention.

Marks are awarded for correct dependencies and, each year, the paper tests whether candidates understand this, together with trying to encourage a well structured set of dependent claims.

## **Introduction and background**

This section was generally done well, not least because the information provided in the paper was obvious. Marks were awarded for a clear description of the prior art whether provided in the introduction or the specific description.

## **Statements of invention**

Candidates again struggled on the statements of invention which are almost as important as the claims. Throw-away statements such as a features being "cheap and easy to produce" garner no marks because if that feature needs to be added to Claim 1, it would serve no apparent purpose to overcome novelty and/or inventive step.

The purpose of the statements of invention is to provide support for a particular feature in the event that it is included in an independent claim to impart novelty/inventive step to that claim. As a result, candidates are expected to consider why a feature should and could be important to the invention. No marks are awarded for simply listing the claimed features.

## **Specific description**

There was a worrying lack of understanding and care when drafting a specific description with candidates relying heavily on references to the figures without actually describing what they see. Simply stating each feature gains few marks if any: relational information is required to support a description and explain how something is constructed and functions. The figures should merely provide a visual representation to support the specific description.

## **Abstract**

On the whole, candidates draft a suitable abstract and most of the marks available for this section are typically awarded. Candidates are reminded to include a statement of the technical field or main use of the invention.