

## **Introduction**

The technology in this paper was very straight forward, but candidates generally made heavy weather of it.

The invention was incredibly simple and exposed those candidates who are skilled enough to deal with such simple inventions. More thought was probably required than in previous years as how best to set out the information, particularly the specific description.

Candidates who are ready to pass this examination do the single most important thing you can do in the four long hours available. They stop, and they think. Candidates who do not do this showed up in two main ways this year. Firstly, by claiming the product the client had made, which was not the invention (it was too narrow). This is indicative of little more than rushing. Secondly, by not grasping the differences between a product type claim, and a method type claim (by confusing the two, or just not claiming one of them).

## **The invention**

The invention was a reaction vessel with an electrically conductive coating and a method for producing the same.

## **Main claim**

Independent claims to the vessel per se and a method for the preparation of a vessel were expected. A majority of the examiners considered that a reaction vessel having an electrically conductive coating or layer distinguished over the prior art arrangement of a vessel having carbon incorporated with the extruded material forming the reaction vessel. Claims to the coating per se or thermocycling methods and apparatus attracted no marks because the paper indicated that all were known.

Candidates who claimed only one aspect of the invention should have found themselves running out of dependent claims fairly quickly which, when told up to 20 were possible, should have been a clear indication that something was amiss.

## **Dependent claims**

A suggested maximum number of claims was included to encourage candidates to think carefully about the most important features to claim. Marks were awarded to dependent claims that were considered to provide a useful fallback in the event that the independent claims were held to lack novelty and inventive step. Marks were also awarded where skilful claim drafting which helped limit the number of claims.

## Introduction and background

Applications commence with a title (Patent Rules 2007 12(4)) and it is conventional to indicate the technical field and the most relevant prior art as background (MPoP Code of Practice). Candidates are cautioned against disclosing the invention in the title.

Some candidates wrote a handbook on PCR but yet the script stated that PCR has been around for 35 years and is well known. Most candidates set out the problems of the given prior art quite well but it is important not to depart from the script.

## Statements of invention

On the whole candidates provided a reason why a feature was claimed. Because the statements of invention provided support for inventive step amendments during prosecution, the Examiners look for an explanation of what the feature does and why it is an advantage in order to award full marks. For example, the weir arrangement provides constant movement of the fluid [this is what the feature does] that helps to preserve the homogeneity of the ink [why is this an advantage?] which, in turn, ensures that a homogeneous coating is applied.

Candidates should question their inclusion of a feature if only a facile “advantage” can be provided. Because of the limit on claim numbers in this year’s paper, really good candidates included claim language to provide basis for features that were not in the claims set but could be introduced later or in a divisional application.

When describing the drawings, candidates should have some idea of the international convention on patent drawings. A line from a reference numeral indicates an element. An arrow indicates an assembly. If it is desired to reference an element on the actual element, the reference numeral should be underlined.

## Specific description

In general this section of the paper was poorly tackled. The paper provided a lot of detail which was simply regurgitated by most candidates with little thought on the sense or logic of the information. For example, good candidates changed the order of the figures and described the vessel, the method of coating followed by the specific use of the vessel. While the coating method was straightforward to describe, some candidates simply described the apparatus only and failed to explain the coating method. A lot of information was provided in the paper to describe the coated vessel but which was picked up by only a few really good candidates.

## Abstract

Full marks were awarded where the Abstract complied with S.15 of the Patents Act.

Candidates should remember to mention all aspects of the invention.