

**Examiner's Report 2014**  
**P3 – Preparation of Specifications for United Kingdom Patents**

## **Introduction**

This was a straightforward question that was answered well by good candidates and poorly by those who appeared not yet ready to sit this examination. The inventive mechanism was grasped by most candidates, but many still failed due to a poor understanding of claim drafting.

Some candidates continue to submit Notes to Examiners with their answer in spite of guidance to the contrary. These notes attract no marks and candidates are reminded that their answer should contain everything for which the candidate wishes to obtain marks.

One candidate mentioned an alternative construction in his/her 'notes'. It would have been wiser simply to include it in his/her answer, including a specific description to the embodiment, provided always that full justice has been given to the inventors' embodiments.

## **Questions**

### **The invention**

The invention is a very simple flexible hoop shaped to support a refuse sack. The circumference of the hoop is moveable between two positions in which one position exerts an outward force to hold the sack on the hoop.

## **Introduction and background**

The title, statement of field and prior art are generally well answered, not least because these are parts that are easy to write. However, the occasional candidate provides a narrow and highly descriptive title or a statement of field that fails to mention the field.

The prior art section is supposed to be scene-setting which makes the case for there being an invention. This is sometimes missed with text from the paper simply regurgitated with little thought.

Figure descriptions continue to fox many candidates. There were no tricks in this paper but candidates were expected to know how to identify plan, cross-section and exploded views. The figures showed two different embodiments of the hoop and so different numbering was expected for each embodiment.

Candidates are expected to use all the figures provided. Candidates who elect to ignore information provided by the 'client' run a risk of providing inadequate protection.

## Statements of invention

Candidates are reminded that the statements of invention are an important part of a specification, as reflected by the number of marks available. This is because an inventive step argument may succeed or fail based on information provided in this section.

Good candidates craft a narrative that tells a story and provides sensible reasons for the inclusion of a feature. A poor answer is usually repetitive and formulaic with little apparent thought for reason behind the statements. Candidates are cautioned about including critical features in this section that then fail to appear in Claim 1.

## Specific description

Such a simple device is often hard to describe and many candidates did indeed struggle, with few narratives including relational detail on the general arrangement of the device. Candidates are reminded that a specific description should be exactly that – a specific description of what is shown in the figures. There should be no references to 'means', 'preferably', 'alternatively' and 'optionally'.

A good specific description describes the construction of the device in such a way that it is able to stand alone without the drawings being present. This should be followed by the *modus operandi* of the device and then, and only then, alternative constructions. This was eminently achievable in this paper as evidenced by a few good scripts. Candidates are starting to run out of time and to panic at this point and so text becomes muddled and inconsistent as writing becomes less and less legible. Many candidates failed to provide a good description of the stand/handle extension and how the hoop and stand co-operate.

## Main claim

Suitable wording for Claim 1 was provided in the question paper, though candidates continue to create their own lexicons without providing definitions. This can make understanding a paper both difficult and time-consuming.

Many candidates included a lot of non-essential detail in Claim 1 directed to how the hoop worked. Method features have little place in an apparatus claim and so rarely attracted marks. Candidates appear to think the more, rather than less, approach is best but a good main claim was succinct and to the point.

While three apparatus features were expected in Claim 1, many candidates opted to describe the means to move the circumference in method terms. Marks were not deducted for this approach, provided the method features referred to changes in the circumference. However, the candidates who failed generally made desiderata statements with no link to the operation of the apparatus.

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## **Dependent claims**

This part of the paper continues to be poorly attempted by many candidates who continue to throw together dependent claims in any order they see fit and directed to as many features as possible. This neither attracts marks nor instils confidence in the marking Examiners. If a main claim is borderline, well drafted dependent claims may enable a candidate to pass and so candidates are reminded of the value of the dependent claims.

As a reminder, the dependent claims should be a series of graduated claims covering all the various integers of the invention, preferably with one integer per claim.

No marks were provided for dependent claims that did not provide a realistic prospect of recovering an independent claim that lacks novelty and/or inventive step. For example, no marks were awarded for dimensions of the hoop or the stand as there were plenty of far more important features to claim.

A few candidates try and shoe-horn in every claim heading just in case. As always, such an approach is never rewarded. If candidates are worried that they may have missed out on a claim type then such claims should appear as suitable text in the statements of invention. While kit and method claims were not expected, a single mark was awarded if appropriately written. A mark was also given if candidates chose to draft an independent claim to the stand per se.

## **Abstract**

The abstract is usually well answered by candidates, although rather too often they include the wording 'according to the present invention....'.

Candidates are reminded that the abstract is for searching purposes and so a little more than simple recitation of Claim 1 is expected. However, a number of candidates included critical features in the abstract that were missing from Claim 1.

Candidates are also reminded that the title should ideally be the same as the title at the beginning of the specification and certainly no narrower.