

Final Examinations

- An Introduction to the UK Final Examinations
- Chris Mercer
- CIPA Council Member
- The Mercer Review
- FD4 Tutor

Final Examinations

- Legal Services Act 2007
- CIPA
- IPReg (LSB)
- PEB

Final Examinations

- Routes to the Final Examinations
 - University Course
 - Foundation Certificate Examinations

Final Examinations

- Four Examinations – FD1, FD2, FD3, FD4
- Modular
- Exemptions for FD2 and FD3

Final Examinations

- FD1 – Advanced IP Law and Practice
- Assess the limitations of available forms of IP (Patents, Designs, Trade Marks, Copyright, Confidential Information, Know How)
- Apply the law and practice governing patentable inventions in a scenario

Final Examinations

- FD1 – Advanced IP Law and Practice
- Analyse a scenario and advise on a course of action taking into account:
 - Term, Restoration, Surrender and SPCs
 - Licensing, Assignment, Registration of transactions, Obtaining information about patents and patent applications and Inspection of documents

Final Examinations

- FD1 – Advanced IP Law and Practice
- Analyse an infringement or validity scenario and advise on a course of action taking into account:
 - Available remedies, Impact of partial validity, Right to continue use, Effect of publication, Burden of proof, Groundless threats, Certificate of contested validity, Proceedings for infringement by a co-owner, Proceedings for infringement by exclusive licensee, Infringement of rights conferred by publication of application, Burden of proof, Remedy for groundless threats, Declaration of non- infringement, False marking

Final Examinations

- FD1 – Advanced IP Law and Practice
- Know all about the EPC
- Know all about the PCT
- Some US and Japanese Law
- Some Design and Copyright Law

Final Examinations

- FD1 – Advanced IP Law and Practice
- Professional Conduct, Ethical, Legal and Financial Responsibilities for Registered Patent Attorneys
- Conduct of Litigation by Registered Patent Attorneys

Final Examinations

- FD2 – Drafting of Specifications
- Knowledge
 - The UK Law Relating to Patentable Inventions

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- FD2 – Drafting of Specifications
- Skills
 - Identifying the Prior Art
 - Identifying Patentable Subject Matter
 - Identifying Client's Wishes
 - Drafting a Complete Patent Application
 - Claims must be Novel, Arguably Inventive and Cover All Aspects

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- FD3 – Amendment of Specifications
- Knowledge
 - The UK Law Relating to Patentable Inventions

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- FD3 – Amendment of Specifications
- Skills
 - Identifying the Prior Art
 - Identifying Patentable Subject Matter
 - Identifying Client's Wishes
 - Understanding the Examination Report
 - Drafting Amended Claims which Meet the Valid Objections
 - Drafting A Response to the Examination Report

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- FD4 – Infringement and Validity
- Knowledge
 - The UK Law Relating to Patentable Inventions
 - The UK Law Relating to Infringement of Patents

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- FD4 – Infringement and Validity
- Skills
 - Identifying Client's Wishes
 - Construing Claims Using Amgen and Virgin
 - Determining Whether an Apparatus or Method Falls within the Scope of the Claims as Construed
 - If Not, Determining Whether the Apparatus is a Means Essential
 - If Not, Determining Whether the Situation is Different Using Actavis

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- FD4 – Infringement and Validity
- Skills
 - Determining Whether Any of the Claims as Construed is Novel over the Prior Art
 - Determining Whether Any of the Claims as Construed is Inventive over the Prior Art using Pozzoli
 - Determining Whether There is a Sufficiency Issue with the Patent
 - Determining Whether There Is a Saving Amendment

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- FD4 – Infringement and Validity
- Skills
 - Advising the Client in Light of Your Conclusions

Final Examinations

- Preparation
- There is NO one single course
- There is NO one book
- Lots of Self-Study
- Help is Available
 - Informals Lectures and Tutorials
 - CIPA Books
 - Your Employer
 - Commercial Courses

Final Examinations

- Preparation
- Other Candidates
- PEB Website (Past papers and past answers)

Final Examinations

- Thanks for Listening
- Any questions?