

INFORMAL SESSION FOR PAPER A, B, C and D

Speakers : Mr Peter Low, Mr Zhang Weilin
Date : 24 August 2006
Time : 3 pm to 5 pm
Venue : IPOS Promise Room

The highlights below are intended to assist candidates in their preparation for the Singapore Patent Agents Qualifying Examination.

General View

- It is not true that we want to pass only a certain limited number of candidates. Everybody can pass the exam if they attain pass marks.
- Passing the exam requires techniques.
- Adequate preparation is essential. The examiners can see from the past answers that the candidates were not prepared. Even though Singapore Patent Agent Qualifying Examination is a kind of open book exam, preparation is still required.
- Know the exam syllabus and what sort of answers the examiners are looking for.
- Read carefully the instruction pages of each exam paper.

Paper A

- The candidates must draft claims that give the applicants the best possible protection.
- If you draft claims that fall within the region of the prior art, you will fail.
- In real life, a patent agent can draft claims that are not novel or inventive, and he can amend it later. But for the purpose of the exam, you must draft claims that fall within the X zone below.

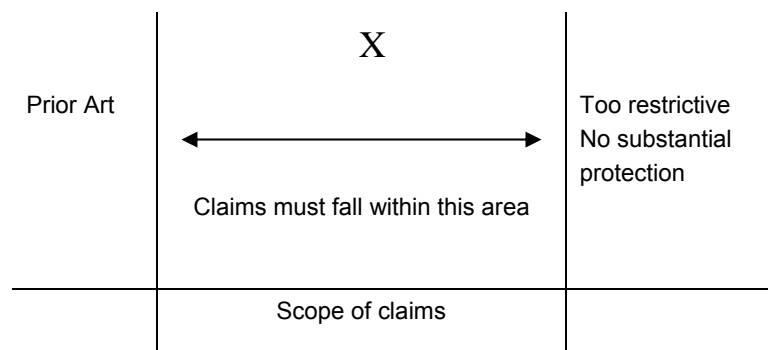


Table1. Area of Claims

- Try and draw what you have claimed to see where the claim is linked to the description. If you cannot draw the claims, you probably got it wrong.
- Last year, many candidates failed because their claims were not supported by description.

INFORMAL SESSION FOR PAPER A, B, C and D

- Bulks of the marks are on independent and dependent claims. If you got it right, you are almost certain to pass.
- You will be given a few prior arts. You must assess all the prior arts to see whether the claims of the invention is valid over each of the prior art.
- Use generic terms to cover a number of items for the same function.
Eg. Spring: candidate may use the term resilient instead. Then, the description would need to be changed as well.
- You must include a discussion of the prior art and draw a distinctive line of why the invention has advantages of the prior art.
- Spend most of the time on the main claims.

Paper B

- There will always be objections on novelty and lack of inventive step. Although clients in the exam paper will say that the prior arts have nothing to do with his invention, he is likely to be wrong. For the exam, the novelty and inventive step is definitely affected by the given prior arts.
- Amendments must be supported by the description even if they are correct.
- Explain how the amendments in the claims overcome the objections in the written opinion.
- You must also explain to client why the claims are relevant and how they can be overcome.
- All information given in the paper has a purpose.
- You are advised to take notes as you read the descriptions. Otherwise you will lose track by the time you get to the end.
- Get experience from actual work on written opinion. Try to overcome the objection in real situation to get practice.

Paper C

- Can the patentee improve his position by amending?
- Are his claims valid?
- If not valid, can he amend claims and make it valid?
- Many candidates run out of time in Paper C. Spend sufficient time to advise how the client can improve his position.
- Validity of claims → Novelty? Inventive Step?
- Use a matrix to guide you for Paper C.
- You must interpret claims first before you do the matrix.

INFORMAL SESSION FOR PAPER A, B, C and D

Claims	Infringed	Prior Art	
Features of claim 1	✓	✓	
Features of claim 2	✓	X	
Features of claim 3	X	✓	

Table 2. Matrix of Claims

- If you tick the box “infringed”, you must explain why the claim has infringed and it means that the claim is invalid.
- If you find a claim is infringed and not valid, focus on this. The examiner is looking for an explanation on this.
- Then improve patentee’s position from there. Concentrate on reasoning rather than the conclusion.
- If you find yourself stuck at the validity stage (novelty and inventiveness), stop and go straight to advise the patentee on his position. It will carry more marks to advise the patentee on how to improve position than to finish analysing the validity of his claims.
- The patent is also likely to be infringed. Not likely that the conclusion is not infringed. So if you have such a conclusion, something is wrong.
- If infringed, will there be damages? If the client asks this question, you must also address it even if they carry only a few marks.

Paper D

- There will be a question on PCT.
- Identify the points in the question. If a question carries 7 marks, there will be 7 points to tackle.
- You must practise Paper D under certain condition.
- You must have the laws at your finger tips, since you may have no time to flip over the references and refer to the rules.
- The examiners like question on restoration, especially the draft where patent has lapsed and upon it being restored.
- Cross-references will be useful.