



Examiners' Comments on Candidates' Performance in QE 2008 Paper A

1. The challenge for this year's paper A was for candidates to appreciate that the client's product was no longer new and the Examiners were looking for claims to the method and apparatus for producing the laminated product. Luckily, only a minority (10%-15%) drafted product claims, which was not required in this paper. A further challenge was for candidates to come up with method and apparatus claims that have unity and which may not be entirely "consistent" with each other in order to "secure the broadest protection" for the client.
2. About 30-40% of the candidates failed to realize that method claims should include the drying step but the independent apparatus/system claim should not include a drying unit or dryer since it was clearly mentioned at lines 21 and 22 page 4 of 9 that the dryer is not necessary and the layers can be dried naturally. This would result in severe deduction of marks for the apparatus/system claims.
3. The Examiners also found fault with candidates who used words which unduly narrowed the scope of the claims such as "transfer paper" whereas some candidates included the collecting and/or loading station in the main apparatus claim which the Examiners deemed to be too narrow. There were also candidates who used vague dangling phrases such as "whereby the particles of one of the first fluid layer and second fluid layer at least partially impregnate the other of the first liquid layer and the second liquid layer when the first and second fluid layers are in fluid contact with each other to thereby create a bond therebetween the first fluid layer and second fluid layer when in a non-fluid state to form the layered article" in the main apparatus claim.
4. Not many candidates were able to generalize the conveyor system to "movement means" which was what the Examiners were looking for – see page 2 lines 6-8 in the question paper. This, however, did not result in a severe deduction of marks.
5. Again, this year there was a candidate who failed to submit drawings and the Examiners were disappointed that a small number of candidates were not able to provide a decently clear brief description of the drawings. These were easy marks to get!
6. Many candidates did not know how to draft proper method and apparatus/system claims and simply recited the method features in the apparatus/system claims without giving the necessary structural features to define apparatus/system. For example, there was a candidate who used means plus function language for both apparatus and method claims. Another candidate claimed "A method for composing a laminated product, the method comprising ...means for impregnating a liquid paint...and means for evaporating a solvent from the paint layer...". There was another candidate who included a method step "prior to a bonding process" in an apparatus claim. The Examiners found it very difficult to pass these candidates.
7. Most candidates chose to cut and paste the question paper and used it as part of the description. The Examiners are not against this but the candidates must do this intelligently and also ensure that the terms used in the claims are supported by the

description. For example, at page 3 line 28 – there was a comment by the client that “this is nothing clever” and a number of candidates simply included this in the description - this goes to show that these candidates did not give much thought to the importance of the detailed description.

8. Examples of using broad terms in the claims without providing support in the description:

- “second dryable liquid layer”, whereas the description only mentioned liquid paint – were other types of liquid envisaged?
- “fluid” (which can mean both liquid and gas) and the description mentioned only liquid,
- “the adhesive layer is conformed on the transfer paper” – it was difficult to understand what “conformed” meant in the context of this invention and the candidate did not explain this in the description.
- This example may not quite fall into this category but there was a candidate who used “liquid paint” and the description indicated that “liquid is used on this application” to include “air” which raises doubts as to what is the meaning of the term “liquid” in the main claim.

9. Just like past years, a large number of candidates did not know what is the purpose of the summary section. They chose to regurgitate the claims in this section but failed to explain why the claimed features are advantageous. This point was also raised in the previous year’s Examiners’ comments.

10. “Notes to Examiners” were not necessary and this year, the Examiners found a number of candidates who wrote notes. For example, a candidate suggested features for possible dependent claims but did not draft the dependent claims themselves, supposedly because of lack of time – if this candidate had the time to write these notes and list the features, he or she should have used the time to include these as proper dependent claims, where marks might have been given, rather than as informal notes. There was also a candidate who wrote notes to the Examiners suggesting filing strategies including cost benefits of filing a PCT application! There was another candidate who advised filing of a divisional application. The Examiners wish to remind the candidates that they should spend the time answering the question – page 5 lines 24-5 “to write a Singapore patent application suitable for first filing” – rather than writing Notes to Examiners. There was no requirement to write Notes to the Examiners. Notes to Examiners should be used under rare circumstances, for example when the question is unclear and the candidate wishes to inform the Examiners that certain assumptions have been made. However, the Examiners do not think that this is the case for this paper.

11. Another indication that the candidates did not read the question paper thoroughly is that a few candidates submitted abstracts despite explicit instructions not to do so at page 5 line 24 of the question paper.

12. On a positive note, the Examiners were pleased that most candidates realized that the product per se was not patentable and did not include such claims. In general, the Examiners noticed that the drafting skills have improved (although not to the level that deserves a pass). For example, only one candidate drafted a plurality of independent claims in the same category whereas the number who did so was greater in

previous years. Also, the marks scored by candidates this year appear higher on the average, compared to previous years, which suggests improvements in the candidates.