

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
THE FIRST QUALIFYING EXAMINATION HELD IN MAR 2002
MODEL ANSWER TO PAPER C: INFRINGEMENT AND VALIDITY OF SINGAPORE
PATENT

Notice: The model answer below contains some points (not-exhaustive) that
could be covered in the answer to this Paper.

1. Task: Advise the client on infringement and validity of his patent and on the other questions asked by him.
2. The following is an example of how you can present your answers.

I) Analysis of the claims

(This may form part of the discussion on infringement and validity)

Claim 1

- Container
- Wheels mounted on bottom and adjacent sides
- Container can be tilted about axis of the wheels so that weight is supported by wheels

Claim 2

- Handle provided at top of container

Claim 3

- Handle mounted on supports
- Receivable in a housing in the container

Claim 4

- Supports telescopically expandable and retractable

Claim 5

- Wheels located at the lower edge of the rear of the container

II) Infringement

Does competitors product include features of the claims? Discussion.

Claim 1

- Is product a container?
- Are the wheels on the bottom adjacent the sides?
- Can product be tilted as required by the claim?
- Will this result in the wheels supporting the weight of the container?

Claim 2

- What is the top of the product? Is the handle provided there?

Claim 3

- Does the product meet the requirement of 'Supports' (plural) for the handle?

Claim 4

- Are supports telescopically expandable and retractable?

Claim 5

- What is the rear of the suitcase?

III) Validity

Points for discussion concerning prior art.

Claim 1

- Is garbage bin a container?
- Where are the wheels located?

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- Can the bin be tilted as required by the claim?

Claim 2

- Is handle provided at the top of the bin?

Claim 3

- Is handle mounted on supports receivable in a housing in the bin?

Claim 4

- Are supports telescopically expandable and retractable?

Claim 5

- Where is the rear of the bin?

Seems likely that infringed claims are invalid

Other Matters

- i. Competitor can seek to revoke patent or counterclaim for revocation. Consequence?
- ii. To strengthen position client could amend claim 1 to limit to suitcase. Consequence?

Limited resources of competitor may support an application for interlocutory injunction.
Cross undertaking from client required.

Is amendment required before seeking interlocutory relief? Effect of delay?