

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
THE FIRST QUALIFYING EXAMINATION HELD IN MAR 2002
MODEL ANSWER TO PAPER B

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

1. Task: Prepare a draft reply to the Written Opinion to the Intellectual Property Office of Singapore (IPOS).
2. The following suggests possible positions you may take.

The client has suggested two possible amendments. Of these the second seems the better, although you may propose a different amendment. That must be judged as to the resulting scope of monopoly, whether it meets the requirements of Section 84(3)(a), and whether it is distinguished over the prior art and any other objections.

In the event that 2nd proposal is adopted

- An amendment to Claim 1 along the following lines would be appropriate:

Line 3 Delete “characterised in that”

Line 3 Delete “is” and insert “being”

Line 4 After “removable” add “characterised in that the sharp edge extends along the length of the slot”

- The basis for this amendment is in the drawing which shows the blade edges 20,22 extending along the whole length of the slots 16, 18 respectively.

In the event that 1st proposal is adopted

- There is no express basis for the terms of the client’s first proposal but the intention can be achieved by:

Combining claims 2 and 3 in claim 1 and add “the conical bores extending in opposite directions”

- This addition is based upon what is shown in the drawing.
- A more restricted claim and therefore less desirable than client’s second proposal.

Whichever proposal is adopted as the main amendment, a subsidiary claim to the other proposal should be included.

Examiner’s note:

Subject to the foregoing if proposal 2 is adopted then claims 2 to 4 can remain.

If proposal 1 is adopted claim 4 can remain renumbered appropriately.

To overcome written opinion

The objection to claim 3 not being supported can be cured by inserting in the description a passage corresponding to the claim.

General

- A detailed explanation is required showing why the amended claims are novel and inventive over the prior art.

- Novelty of main claim.

Characterising features not disclosed in prior art

- Inventiveness of main claim

Proposal 2: - In prior art when the periphery of the pencil being sharpened engages the side wall of the conical bore where there is no blade no further sharpening is possible.

Proposal 1: - there is nothing in the prior art to suggest that sharpening should be carried out by rotation in one direction only. And this is useful because the user need not concentrate on which bore is being used at the time.

- Explanation required as to why amendment to the description overcomes objection to claim 3.

Client’s request to cover sharpener without the blade

Probably not possible because there is no basis and would therefore offend Section 84(3)(a)

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Discussion of relevant points and advice to client required.

Advise the client that he can sell the sharpener without blades. It is an infringement when a competitor's sharpener has a blade fitted to it.