INTELLECTUAL PROPERTY OFFICE OF SINGAPORE
THE THIRD QUALIFYING EXAMINATION HELD IN NOV 2003
GUIDELINES TO PAPER C
Notice: The guidelines 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.

2. The following is an example of how you can present your answers.

I) Infringement

Claim 1

1. Effect of "for a detergent bottle". Does that limit claim/ or exclude client?
2. Meaning of spout – can it include the hole in the client's container? If yes, claim infringed. Toothpaste closure suggests spout in the tube.
3. "Cap" in claim is equivalent to "top" or "flip top".

Claim 2

- Probably infringed – "boss" is equivalent to "plug".

Claim 3

- Meaning of "over the spout" – probably infringed

Claim 4

- Internally profiled is equivalent to threads. May or may not be infringed.

Claim 5

- Infringed

II) Validity

Novelty
GB 2195619

Does tubular neck 6 = spout?
Top 8 is equivalent to the cap. Top 8 is linked to body 5 by hinge 9.

Claim 1 is anticipated.

Claim 2 – Plug (unreferenced) in top (Cap) 8 is receivable in neck 6 (spout) is anticipated.

Claim 3 where there is a rib on the neck 6 which is received in a channel in the top 8. Probably snap-fit. Claim is anticipated.

Claim 4 Sleeve 10 and 11 on body are profiled. Is that internal profiling? If so, claim is anticipated.

Claim 5: No disclosure

Toothpaste Tube

Need evidence that it was in the public domain before priority date of Singapore Patent 600,000.

Claim 1
"For a detergent bottle". If this means "suitable for" and hereby catches client's sun tan cream container will also include toothpaste tube. Other features present are anticipated.

Claim 2
No disclosure

Claim 3
Dependent on claim 1. Disclosed anticipated. Dependent on claim 2- not disclosed.

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Claim 4
Disclosed

Claim 5
Not disclosed

Inventive step
It would be obvious to combine the hinge of toothpaste with the cap of GB 2195619. Claim 5 lacks inventive step.

Can Patentee improve his position?

Could include features of wall around/surrounding the spout.

III. Advice to Client

Depends on conclusions reached in consideration of infringement and validity. But need to explain why patent in suit may not be limited to detergent containers.

Evidence needed that toothpaste tube in public domain before priority date of patent in suit.

Limited funds of client may assist patentee in obtaining interlocutory relief. Explain what can happen.

Relief available to patentee if patent infringed.