Examiner's comments on candidates' performance in QE 2004 Paper A

The standard of answers was not high. Common problems were:

1) To limit the scope of claim 1 to systems including the brake actuator, so that the claim is only infringed when the device is in place on a bicycle. This is too limiting, since the shock absorber can presumably be a separate commercial product. It would be particularly risky in Singapore which has no doctrine of contributory infringement. Of course, there is no problem in including dependent claims to a bicycle including the shock absorber.

2) Claiming simply a shock absorber which can be controlled by a brake. This amounts to a claim to all possible ways of achieving a desired end result (a so-called "free beer" claim). Such claims are considered to be insufficient/lack support according to case law. A proper answer should at least indicate that the shock absorber telescopes, that in doing so it drives fluid between two chambers, and that the extent of fluid communication can be varied from outside the shock absorber. This is the physical principle on which the invention is based.

3) In the description providing little or no description of the stem, coupling portion or leg.