INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

# Answer guidelines to QE 2004 Paper C

Note: The answer guidelines contain some points (non-exhaustive) that could be covered in the answer to this Paper.

**Interpretation**

1. Wordings that particularly require interpretation
   Housing
   Liner in the housing
   Tap connected to liner
   Tap
   Tap adapted to extend from the liner and the exterior of the housing

2. Stored in the housing. (Does this only cover article when tap is in stored position?)

3. Adjacent
   bottom

4. At
   top

**Infringement**

Claim 1 Depends on interpretation given above

Claim 2 Depends on interpretation given above

Claim 3 Depends on interpretation give above

Claim 4 Depends on interpretation given above

**Validity**

Major points: Is claim 1 based fairly on the description

Novelty
US Patent anticipates claims 1 and 3.
UK Patent Application anticipates claims 1 and 3. (depends on interpretation of liner)

Inventive Step
Claim 2 – argument that box of UK Patent Application could be disposed in outer container 10 for storage.

Claim 4 – if tap is placed at top of container and then container rotated through 90º as

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| |
|---|
| instructed in Singapore Patent then tap is in adjacent bottom as in US Patent. |
| **Amendment**<br><br>Flexible liner (distinguishes over UK Patent Application)<br><br>Tap movable through the housing between inside and outside of housing (distinguishes over US Patent).<br><br>Arguable Patent still infringed. |
| **Advice to Client**<br><br>Can proceed directly against competitor.<br><br>Can also proceed against i) food producers and ii) retailers.<br><br>Probably cannot proceed against consumers of retailers.<br><br>Position regarding validity can be improved by amendment (above). |