

Examiner's comments on candidates' performance in QE 2005 Paper A

For Paper A there is no such thing as a correct answer or an incorrect answer, only varying shades of good and bad. Unfortunately, no answer went above good. There was no very good, excellent or superb answer. There were many answers that were not good, and some that were quite bad.

This has shown us that most candidates do not understand the fundamentals of the subject and, despite what was stated in many tutorials, they still made many fundamental errors. No candidate produced a claim 1 that was without an error of some significance.

So we as examiners are very disappointed with the standards of the answers, and the results.

In providing a lot of detail we wanted to see what candidates did with the information. If all they did was to use that information and drafted claims that were novel, inventive, supported by the detailed description, defined the invention, were clear and concise, and were grammatically correct, the candidate would score well. If candidates introduced their own aspects into the claims, we wanted to see that they did with the description to give support for those aspects. This is where most candidates went wrong as they introduced their own aspects into the claims without changing the description to give support for those aspects.

Major errors included:

- (1) changing the terminology in only the claims and not the description thereby creating a lack of support for the feature;
- (2) errors in the technology such that the claims differed from the description. Not only is such a claim technically incorrect, but it is not supported by the description, and often unclear. In some instances the error was unintentional and it was easy to determine what was intended. But we as examiners can only proceed on the basis of the written answer before us;
- (3) ignoring the last paragraph of the inventor's information and using "stoppers" without qualifications, thus including in the claims constructions that cannot work;
- (4) bad match in the problem/solution due to slavish copying of inventor's comments and not reflecting the solutions to the problems in the claims;
- (5) not defining terms such as "vertical" to delimit them;
- (6) not covering important features such as the guide and the guide rod in the subsidiary claims, but having many subsidiary claims directed to unimportant features such as the lever arm being curved; and
- (7) introducing features not described such as, for example, translational movement, the handles gripping the neck of the body, longitudinal axis of the cork, horizontal plane of the top of the bottle, lever arm being longer than the screw, and so forth.



It is to be noted that most (but not all) candidates drafted claims that were novel and inventive. It was the other aspect of claim drafting that caused problems. This indicates that most candidates do not know how to draft a claim. Most candidates tried to turn something simple into something complex. In doing so they created the cause of them failing.

Fortunately, the standard of English and spelling was generally quite good. Only one candidate had such bad grammar it affected the marks given, but not that candidate's result.

Some candidates provided notes to the examiners explaining aspects for their answers. Those notes were ignored for all marking purposes.

As examiners we are asked to nominate one answer paper that can be published on the IPOS web site as an example on how to answer the examination. None of the answer papers were of sufficient quality to be able to be used for this purpose. To publish the highest-scoring answer paper would be to mislead candidates that this is the sort of answer paper for which we were looking. It isn't.