



Examiners' Comments on Candidates' Performances in QE 2009 Paper A

General Comments

1. In summary, the general standard of the candidates were poor.
2. The invention is very far away from the closest prior art and thus, it should be easy to draft a main claim which is novel and arguably inventive. However, the challenge in this year's paper A is to draft main claims which cover all the embodiments, are patentable and not too narrow. These seem to be difficult for many candidates.
3. It is also interesting to note that the description included an error on purpose (device 15 should be device 10 at line 24, page 4 of 9 of the question paper) and no candidate corrected the error. This clearly goes to show that all the candidates blindly "cut & pasted" the description!

Comments on Candidates

4. Many unsuccessful candidates lost points because they failed to insert in main claim 1 reference to the solution with only "one support device" while they mostly referred to a "plurality".
5. Many candidates lost time in writing many dependent claims, which were not awarded marks. To gain marks, dependent claims should have been drafted only for those embodiments which were associated to the solution of a specific problem stated in the description.
6. A number of candidates did not realize that a method claim is necessary (since the users will be commercial advertising firms, rather than personal users) and as a result, lost a lot of marks which makes passing difficult. It might be beneficial to clarify that the product claim is to catch the device maker, whereas the method claim is to cover the advertiser (or user of the device) when attaching the advertisement and changing it.
7. There were a number of candidates who drafted a main claim which is not supported by the description. For example, the main claim does not include a casing/frame/container but there is no teaching in the description of how the display device would work without the frame/casing/container.
8. Then there are those candidates who drafted a main claim which includes the advertisement material, resulting in loss of marks straightaway. (This means that the device claim is unlikely to catch the device maker).