Examiners' Comments on Candidates' Overall Performances in QE2012 Paper C

- Candidates did not seem to be very well prepared.

- Simple errors were made, such as not following conclusions reached during construction- meaning that the analysis was not consistent.

- An over-simplistic approach was too often followed for inventive step; candidates should give more reasoning to support conclusions for combining prior art documents - would the result of combining the disclosures lead to the claimed invention? Caution should be shown before advising a client that a patent is invalid because the subject matter is obvious over the prior art- the client should be made aware of the risks and the fact that counter arguments in support of inventive step could have been missed. Candidates should address all claims for novelty and infringement, otherwise relatively easy marks could be missed.

- The overall performance of the candidates is rather poor. I think the rest of the Examiners would agree with me that this was a relatively simple paper- the subject matter should be understood by all candidates and the prior art references were brief. Thus, I am rather disappointed with the standard of the candidates' answers. Most of the answers seem to suggest a lack of preparation or understanding of what is required to pass this paper and if this is indeed the views of the other Examiners, we should remind candidates to prepare well in subsequent examinations. Also, the Advice section is the easiest to score marks but unfortunately, almost all the candidates did not do well for that section.

- Generally candidates handled construction and infringement analysis well.

- Many candidates did novelty analysis by writing the features in one paragraph and conclude claim1 is novel/ not novel. Examiner has to decipher which features relate to which claim feature in order to award marks. Candidates should not be lazy in this aspect, and should clearly show or compare the features clearly.

- Inventive step arguments are generally poorly done.

- Most candidates interpreted nearly every phrase in the claims but few fully interpreted the meanings of the more contentious phrases e.g. outer wall, pocket element, etc.

- Few candidates identified and raised the dependency issue subsisting in claim 4.

- The construed meanings of the various phrases should be applied consistently in the infringement and novelty analysis. Candidates who showed inconsistency in their analysis lost critical marks.

- The inventive step analysis was mostly not well-considered and more effort have been dedicated to this section.