

### **Examiners' Comments on Candidates' Overall Performances in QE2014 Paper C**

- Most of the candidates were not prepared for the Paper when they sat for it. Many answer scripts lacked logical and consistent analysis of the claims and the prior art documents. Time management is also having a problem, as few candidates demonstrated good analysis at the first 2 sections, but did not have enough time to complete the last few sections. Candidates should analyse the whole paper carefully and decide on which are the crucial claim features to construe. Quite a number of candidates construed almost all conceivable features of the claims which did not earn them many marks and wasted unnecessary time because marks are only allocated to features that are relevant for infringement and validity analysis. Similarly, marks are also allocated to inventive step arguments for claims which cover the infringing product.
- A very disappointing set of answer papers. Candidates do not appear to know how to approach the paper, which is very worrying because Paper C tests a candidate's ability to advise their client regarding critical aspects of patent practice.
- Some candidates appeared to have a basic understanding of how to approach the paper, but did not have time to complete it. However, the majority appear to require some help in understanding the principles of infringement and validity analyses in order to be able to pass the paper and to be able to advise their clients appropriately.
- In the claim construction section some candidates merely repeated the exact terms in the claims or cited portions of the specification and drawings without explaining how one of ordinary skill in the art would interpret the claim language.
- As far as infringement and novelty analyses. More explanation of where each claim element is found would have made some papers better.
- The inventive step analysis was not well done by most candidates. They either completely ignore this section, or provided conclusionary statements without reasoning, as required by the marking schedule. The miscellaneous section was fairly well done, with most candidates providing summary of the analysis and reasonable analysis and reasonable suggestions of available remedies and actions.