

ANSWER GUIDELINES TO QE 2014 PAPER A

Note: The answer guidelines contain a non-exhaustive list of points that examiners expect candidates to cover in the answer to this Paper.

Marking Schedule:

Apparatus claim

Independent method claim

Dependent claims

Description

Claim 1 (product claim)

Example Claim:

1. A border element for garden beds comprising:

- a main body; and

- one or more brackets attached to the main body;

wherein the one or more brackets form a channel for guiding a stake along a side surface of the main body for securing the border element to the ground.

Note: This is an example version only. Variations without practical difference in scope will still be awarded full marks.

Deductions:

a) Claim(s) not novel, no marks will be awarded.

b) Claim does not cover both embodiments of the bracket - marks will be deducted. However, if two independent claims are offered, no marks will be deducted.

c) For each unnecessary limitation beyond novelty, marks will be deducted (If two independent claims are offered, for each unnecessary limitation marks deducted on the first claim. For the second claim, marks deducted for each different unnecessary limitations).

Examples of unnecessary limitations (not exhaustive):

- Stake(s) as claimed feature;
- U-shaped channel;
- length of bracket relative to side surface;
- two brackets;
- "planar" (or the like) surface [to which the bracket is mounted];
- "(substantially) perpendicular to the ground".

d) For each unclear or non-limiting feature, marks will be deducted

Independent Method Claim

Example Claim:

10. A method of installing a border element for a garden bed, the method comprising:
- positioning a main body of the border element on the ground, the main body having one or more brackets attached thereto; and
 - securing the main body to the ground using one or more stakes;
- wherein the one or more stakes are guided in respective channels along a side surface of the main body, the respective channels being formed by the one or more brackets.

Deductions:

- a) not corresponding to apparatus claim, marks deduction
- b) not novel, no marks will be awarded
- c) If "wrong" method, i.e. here method of fabricating a border element (Note: Stipulated by question to draft installation claim), only marks will be awarded.

Dependent Claims:

Awarded:

a) marks for each meaningful dependent claim.

Note: Paper asks to limit to 10 claims, with independent apparatus and method claims, so only the first 8 dependent claims will be marked. If independent claim to method of fabrication is included, that claim will receive marks, and then only 7 other dependent claims will receive marks.

Example features for dependent claims (not exhaustive):

- channel wholly formed in the bracket;
- channel formed between the bracket and the side surface;
- height of bracket substantially the same as height of main body;
- bracket configured for interlocking with stake;
- bracket comprises slot for receiving a pin element of the stake;
- slot configured such that stake projects above a top of the main body in fully inserted state;
- comprising the one or more stakes;
- pin element fixed;
- pin element biased for removal;
- main body comprise board;
- bracket on side and/or end of board;
- main body comprises beam structure;
- bracket(s) on one or more vertical beams of beam structure.

Note: If candidate added feature(s) in the description, then marks can be awarded for dependent claim(s) to added feature(s) within first 8 dependent claims.

Deductions:

- a) Inappropriate terms such as "preferably" etc,
- b) Inconsistent with independent claim,
- c) Antecedent issue,

Description:

Awarded:

- a) Advantage statement for independent claim(s),
- b) Advantage statements for two dependent claims,
- c) Background (from Question, Annexure A),
- d) Discussion of prior art (TV show) with disadvantage,
- e) Discussion of prior art (Annexure C) with disadvantage,
- e) Description of embodiments: remove phrases that can make features described but not in the main claim "essential features" and may thus limit the scope of protection,

Note for e): "the brackets 104 **should be** of the same height as the height of the board 102";

"It is best to have the stakes 108 and brackets 104 interlocked with each other such that the stakes 108 are moveable within the respective brackets 104 but cannot be removed from the brackets 104 inadvertently;

"The invention thus always avoids blemishes to the board 102 even when a hammer is used during installation