INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

QE 2017 PAPER B – ANSWER GUIDELINES

S/N	Category	Mark
1	Claim Amendments	35m
2	Response	35m
3	Letter to Client	30m

S/N	Answer Guide	Mark
1	**Claims Amendments (35 marks)**	
1.1	In amended claim 1, candidate needs to show understanding that there are 3 embodiments in the application and must not overtly narrow the claims such that the other embodiment(s) is not claimed. For example, if the candidate incorporates a low adhesion coating or tabs into claim 1, this will not cover embodiment 3; if the candidate incorporates an absorbent pad into claim 1, this will not cover embodiments 1 and 3; and if the candidate incorporates the holes into claim 1, this will not cover embodiments 1 and 2. The test paper is deliberately drafted such that none of the prior art documents mention the low adhesion coating, tabs, absorbent pad or the visible holes through the frame window, so any of these features will make the claims novel but will not meet the client's demands especially since all three embodiments are commercially important. This is especially so since the client did not explicitly mention that any of the embodiments should be dropped from the claims. Any attempts to use any of these features will only score 4 marks (see below).	18 marks total
	• Understanding that the low adhesive coating (b) is ○ optional and can be deleted and ○ deletion of reference to the low adhesion coating in (d)	 2 marks 1 mark
	• Amending "the frame" to "a frame" in (d) for antecedence	1 mark

	• Understanding that the patentable feature lies in the <u>releasable heat seal bond</u> between the frame and the backing. ○ Candidate needs to show that they understand that D3 is full prior art in order to score the full 14 marks. ○ If candidate only states "releasable" (to be patentable over D1's permanent bond), candidate will only score 6 marks. ○ If candidate amends to include releasable heat seal bond without considering D3 as a full prior art, this will actually avoid D3 as well, and candidate will only score 10 marks. ○ If candidate puts in feature of low adhesive coating, tabs, absorbent pad or holes, candidate will only score 4 marks. ○ If candidate puts in features of releasable heat seal bond or releasable, together with any of the low adhesive coating, tabs, absorbent pad or holes, candidate will only score 2 marks due to this being too narrowing. NB: releasable and releasably can be used interchangeably. If other features are used which are not mentioned above, candidate will not score any part of the 14 marks. In addition, candidate who attempts to add a functional feature such as "heat seal bond between the frame and the backing is stronger than the bond between the pressure sensitive adhesive and the release liner", will not score any marks because it is an inherent feature in D1 and D2, as they both contain a release liner. No marks if candidate did not present any amendments.	14 marks OR 6 marks OR 10 marks OR 4 marks OR 2 marks

1.2	Following amendments will score points (non-exhaustive):	17 marks total
	• Adding the low adhesion coating as a dependent claim (since embodiment 3 shows that it is not required).	1 mark
	• Correcting the error in claim 2, where the absorbent pad is disposed on the <u>pressure sensitive adhesive coating</u>, and deleting "top of the frame". Alternatively, mark can be awarded for simply deleting "top of the frame".	1 mark
	• Ensuring that there is a claim present to the "plurality of holes" <u>and</u> this claim must not depend from the low adhesion coating claim or the absorbent pad claim, as the holes embodiment does not have the low adhesion coating or the absorbent pad.	1 mark
	• Adding a claim to state that the frame is also releasably attached to the low adhesion coating by the heat seal bond. Ensure that this claim does not depend from the "holes" claim.	1 mark
	• Amend claim 3 to recite "the conformable backing" instead of "a conformable backing" for antecedence.	1 mark
	• Deleting claim 5 to the attachment of the frame via a bond as this is covered by amended claim 1.	1 mark
	• Ensure that the dependency of claim 6 depends on the absorbent pad claim.	1 mark
	• Present an amended method claim that is consistent with amended claim 1 ○ amending "bottom face of the backing" to "top face of the backing"	1 mark

	○ adding in the heat sealing step by stating that frame is releasably attached to the backing or forming a heat releasable bond. Simply stating that the frame is bonded to the backing to form a releasable frame without the heat (sealing) feature will not score any marks.	2 marks
	• Adding a method claim to the step of coating a low adhesion coating and deleting claim 13 to ensure that the sequential steps in the process is followed. Alternatively, if the dependency on claim 13 is amended to refer to the preceding method claims only, this will score 1 mark.	1 mark
	○ Specify that the coating step is after step (a) (or before step (b))	-½ mark for not specifying order
	• Amending claim 8	
	○ Amending dependency of claim 8 to refer to the method claims (and not any one of the preceding claims),	1 mark
	○ changing "wherein step b comprises" to "further comprising" since this is a new step	1 mark
	○ specifying that the absorbent pad is on the pressure sensitive adhesive coating for completeness (optional)	
	• Amending the preamble of claim 9 to refer to "method" and not "adhesive composite dressing".	1 mark
	• Deleting claim 11 to the attachment of the frame via a bond as this is covered by amended method claim.	1 mark

	• Amending dependency of claim 14 to ensure that this claim is not dependent on any of the low adhesive coating claim or the absorbent pad claim. • Delete claims 15 and 16 as they are now redundant. Claims should only have 1 product independent claim and 1 method independent claim – as instructed by applicant. Deduct 5 marks if candidate does not comply with this and attempts to have multiple product/process independent claims. Have to keep claim number less than 20. Deduct 1 mark if candidate goes more than 20 as applicant already mentioned not to pay excess claims fees.	1 mark 1 mark
2	**Response (35 marks)**	
2.1	Support	5 marks
	Point out literal support for each amendment under 1.1 and 1.2 : 3 marks maximum for product claims, 2 marks maximum for method claims. Support shown below is not exhaustive and if the support provided by candidate is correct, marks will be awarded. For example: Support for amended claim 1 is based on former claim 15, when read with paragraph [07] lines 20 to 26. The feature “heat seal bond” is supported by paragraph [31], last third and fourth lines. If the preamble is changed to reflect an allergy patch, support is found on paragraph [030] or [033]. The low adhesion coating feature is supported by former claim 1.	

	Former claim 2 can be amended to state that the absorbent pad is disposed on the pressure sensitive adhesive coating, support from paragraph [28], Figure 2B. OR If the phrase "top of the frame" is simply deleted, support can be found in paragraph [28] "at any location on the adhesive composite dressing 21 except the frame" Support for the feature of the plurality of holes is found in paragraph [30], Figure 3, original claim 16. Support for the frame covering the low adhesion coating feature by a heat seal bond is found in former claim 1. Support for the amendment to the independent method claim to include the features of heat sealing to form a releasable frame (or alternatively, a heat releasable bond) is found in paragraph [31]. Adding an additional step to coating a low adhesion coating is supported by former claim 13 (if presented as a new dependent claim). Rest of amendments is to improve on the clarity of the claims.	
2.2	Status of D3 as full prior art, answer needs to state: • Priority application 10201411111A is not the first application • Patent application 10201322222B is actually the first application because patent application 10201322222B served as priority claim to patent application 10201411111A and thus 10201411111A cannot be disregarded under Section 17(3)(b)(iii) • The present application is thus filed outside the convention year (1 year from 2 September 2013, application filing date was 6 January 2015) and • Application is not entitled to claim priority	 1 mark 2 marks 1 mark 1 mark

	• Date of D3 pamphlet 20 August 2014 is thus before the filing date (no priority claim) and is full prior art	1 mark
2.3	Novelty assessment: <u>D1</u> Understanding that heat seal bond in D1 is permanent (question paper states that D1 in paragraph [21] that the first and second layers are attached to each other by .. heat sealing, that the first and second layers do not break apart or split from each other, that the various components (which includes the carrier material = frame of present application) are subjected to one attachment step (such as heat sealing at a much higher temperature) and that the various compounds (including the carrier material = frame of the present application) does not break apart or split apart at any point). Thus, the frame of D1 is not releasably attached to the backing (which is the first layer of D1).	2 marks
	The heat sealing bond method of amended claim 1 (either at the temperature and/or to form a releasable frame) is also not disclosed in D1 (much higher temperature of greater than 300°C in D1, to form a permanent bond).	1 mark
	<u>D2</u> For D2, taking the polymer film as the backing of claim 1 of the present application, with the top face of the backing being the one that is attached to the frame, there is no pressure-sensitive adhesive on the bottom face of the backing OR that there is no releasable heat seal bond between the frame and backing in D2 (the pressure- sensitive adhesive that secures the backing to the frame is not a releasable heat seal bond).	2 marks
	The heat sealing bond method of amended claim 1 (either at the temperature and/or to form a releasable frame) is also not disclosed in D2.	1 mark

	<u>D3</u> For D3, the frame is merely adhered to the backing by a double-sided adhesive tape. This is not the releasable heat seal bond as required by amended claim 1. The heat sealing bond method of amended claim 1 (either at the temperature and/or to form a releasable frame) is different from the use of double-sided adhesive tape in D3. NB: if the candidate only mentions "releasable" without the heat seal bond feature, candidate will only get half the marks under D1 and D2. No marks will be awarded under D3 if candidate provides arguments against D3 without realizing the significance of the priority claim. <u>General comment:</u> Answers based on non-novel dependent claims: 0 marks	2 marks 1 mark
2.4	Inventive step: Need to consider D1, D2 and D3 singly and in combination. Problem solution or Windsurfer approach accepted – approach must be applied and full analysis provided • Full marks against each document given only if some technical explanation is given of (a) new technical advantages accorded by inventive feature, (b) why it is to be considered there is absence of teachings or teachings away based on the documents. Technical advantages of having a releasable heat seal bond is to allow the frame to be removed/released from the backing when required to allow other injection devices, intravenous drip needles or catheters to be adhered or applied directly onto the backing. This allows for the treatment of the wound when the dressing is in place.	1 mark 2 marks

	This is not taught in D1 since D1 is focused only on permanent bonding (such as using heat sealing at a temperature above 300°C) so as to prevent splitting of the wound dressing in use. Even when the wound dressing is removed from the arm, the entire wound dressing is removed. Thus, D1 teaches that the permanent bond is essential and would not have taught a person skilled in the art to vary the bonding conditions to form a releasable heat seal bond.	2 marks
	The method of forming a releasable heat seal bond (or at the temperature of 50°C to 150°C) is also not taught in D1, which teaches permanent bonding.	1 mark
	D2 is silent about having a releasable heat seal bond since the polymer film is adhered to the frame using a pressure sensitive adhesive. The person skilled in the art would thus not have considered using a releasable heat seal bond upon reading D2.	1 mark
	The person skilled in the art would also not be taught from D2 on the method that uses a heat sealing step.	1 mark
	D3 is silent about how having a releasable heat seal bond since the frame is adhered to the backing using a double-sided adhesive tape. The person skilled in the art would thus not have considered using a releasable heat seal bond upon reading D3.	1 mark
	The person skilled in the art would also not be taught from D3 on the method that uses a heat sealing step.	1 mark
	As none of the prior art documents, when combined, would lead a person skilled in the art to arrive at a wound dressing having a releasable heat seal bond, and none of the prior art documents remedy the deficiency of one another, the combination of the prior art documents D1 to D3 would not have taught a person skilled in the art to arrive at a releasable heat seal bond between the frame and the	2 marks

	backing. Acceptable answer also if candidate states that there is no reason for combining D1 and D2 with D3 since D1 and D2 are in a different technical field as compared to D3 (and combination of D1 and D2 does not lead to a releasable heat seal bond). The method of using a heat sealing step would also not be obvious in view of the combination of D1 to D3. NB: if the candidate only mentions "releasable" without the heat seal bond feature, candidate will only get half the marks under D1 and D2. Again, if candidate provides arguments for D3 without considering significance of priority claim, candidate will not obtain any marks under D3 allocation. Answers based on non-inventive dependent claims: 0 marks If candidate states "amended Claim is neither taught nor suggested" without further substantiation: 0 marks	1 mark
2.5	Clarity and antecedence issues addressed	2 marks
3	**Client Letter (30 marks)**	
3.1	Explain what the written opinion is for: claims need to be found patentable before the application can proceed to grant, so the written opinion provides the applicant an opportunity to argue against an Examiner's objection to the patentability of the claims. Claims are rejected based on the prior art documents D1 to D3. D1 to D2 are full prior art documents based on earlier publication date. Briefly state why D3 is full prior art in view that application does not claim priority. OR if candidate does not provide explanation for D3 being full prior art in the response, but provides it in the client's letter,	1 mark 1 mark 2 marks

	the marks above under 2.2 “Status of D3 as full prior art, answer needs to state:” also applies and will be added to this section but marks will not be allocated twice.	
	Although Examiner rejected claim 1 in view of D1, this is not correct because D1 is actually not relevant against original claim 1 as D1 does not have the low adhesion coating. However, this will not cover embodiment 3 and so not possible to argue in the manner. It is noted that D1 is relevant against original claim 15 that does not require the low adhesion coating, so amendment and argument will be required to have all three embodiments patentable over D1.	3 marks
	D2 is not relevant against the original claims because the pressure-sensitive adhesive is not placed on the bottom face of the backing (but is placed on the top face in D2). However, since it is raised by the Examiner, need to argue against its relevancy. Since D2 also does not have the releasable heat seal bond, this can be used as a distinguishing feature of the amended claims over D2.	2 marks
	Although D3 is in a different application from wound dressing, claims 1 and 15 are product claims and should be determined based on its components, rather than based on its application. Any application specified in a product claim is only “suitable for” and is hence not limiting in a product claim. Thus, D3 is a relevant prior art particularly against claim 15. Alternatively, if candidate considers that the bag patch of D3 is not suitable for use as an allergy patch, this is a valid argument as well.	3 marks
	Reasoning of candidate to incorporate releasable heat seal bond into independent claims. “releasable” in view of D1 and “heat seal bond” or inclusion of the allergy patch in the preamble (with or without heat seal bond) in view of D3, so having a releasable heat seal bond (or “heat releasable bond”) is novel over both D1 and D3 (as well as D2). None of prior art teaches a releasable heat seal bond so this will not be	3 marks

	obvious over D1, D2 and/or D3. The alternate interpretation to limit the preamble to an allergy patch will also avoid D1 to D3. Explanation based on limiting amendments (including amending to "releasable heat seal bond" without considering D3 as full prior art) will not score any of the 14 marks possible under D1 to D3 Clarity issues addressed by fixing dependency, preamble and antecedence issues. 5 months period to respond.	 2 marks 1 mark
3.2	Aesthetic patterns (client already says it is purely aesthetic and have no use or effect) cannot be patented because it does not have any technical feature. So not possible to add the cartoon character patterns in claim 1. OR If candidate mentions that the aesthetic patterns are not required as long as a product includes the technical features of a patented claim, the product may be infringing that claim. Infringement proceedings can only commence after patent is granted, not when application is pending. So if the client wants to start infringement proceedings early, once the Notice of Eligibility issues, can pay grant fee straight away to obtain grant. Patent rights can be counted back to when the application was published (application should have been published already, based on 18 months from the declared priority date, or 6 July 2015). Possible to inform competitor about existence of patent application.	2 marks 1 mark 1 mark 1 mark 1 mark

3.3	New feature of having a vacuum device cannot be included in this application because this is not supported by the application. Added matter issues.	2 marks
	In addition, the vacuum device requires the frame to be securely attached to the backing and cannot be removed. This is contrary to the inventive feature of the present application in which the frame is attached to the backing via a releasable heat seal bond.	2 marks
	Not possible to file in a divisional application also because the vacuum device and the secured attachment of the frame to the backing is not mentioned in the application, will also result in added matter in the divisional application.	1 mark
	Can only protect in a new application, but client has to ensure that the above features are kept secret until the new application is filed.	1 mark
Total marks		**100m**

End