

**QE 2018 PAPER A - ANSWER GUIDELINES**

S/N	Category	Mark
1	Independent Claims	
	i. Electrical point guard claim	30 marks
	ii. Electrical point claim	30 marks
2	Dependent Claims	20 marks
3	Description	20 marks
<b>Total</b>		<b>100 marks</b>

S/N	Answer Guide	Mark
1	<p><b>Example Apparatus Claim</b></p> <p><b>I. Electrical point guard claim</b></p> <p>A guard comprising:</p> <ul style="list-style-type: none"> <li>a frame having a rear surface for affixing to a surface of a wall and defining an opening for receiving an electrical point located on the surface of the wall; and</li> <li>a door coupled to the frame to actuate in a plane that is parallel to the surface of the wall when the guard is affixed to the surface of the wall, to selectively expose or cover the electrical point.</li> </ul> <p><b>Note:</b> This is an example version only. Variations without practical difference in scope will still be awarded full marks. Importantly, the answer has to clearly distinguish client's door movement from that of Prior Art A and yet cover all of client's door movement variations. If the candidate references the parallel plane of movement of the door to the rear surface of the frame, that is also acceptable. It is also acceptable if the door is configured to be coupled such that the distance to the wall remains constant.</p>	30 marks
	<p><b>II. Electrical point housing claim</b></p> <p>A housing comprising:</p> <ul style="list-style-type: none"> <li>a body having a rear surface for affixing to a surface of a wall, the body having a panel on which an electrical point is located; and</li> <li>a door coupled to the body to actuate in a plane that is parallel to the surface of the wall when the housing is affixed to the surface of the wall, to selectively expose or cover the electrical point.</li> </ul> <p><b>Note:</b> The Question Paper asks to limit to 12 claims, including only 2 independent claims. Therefore, only the <u>first</u> 2 independent claims are to be marked, regardless of the number of independent claims drafted.</p>	30 marks

	<p><b>Deductions – Independent Claims</b></p> <p><b>Examples of unnecessary limitations</b></p> <ul style="list-style-type: none"> <li>• (For both claims, unless otherwise stated) <ul style="list-style-type: none"> <li>– If a term other than “electrical point” is used without definition; or if only “electrical switch” or “electric socket” is used. Note: “electrical terminal” is acceptable if properly defined.</li> <li>– stating that the door actuates in a plane that is parallel to the <b>front</b> surface of the frame</li> <li>– stating an exact location to which the door is coupled, such as in the middle</li> <li>– reciting locking mechanism into claim 1</li> <li>– stating U-shaped frame</li> </ul> </li> <li>• Claim(s) not novel <ul style="list-style-type: none"> <li>– As a note, it is at the Examiner’s discretion as to whether the claim has been anticipated by the provided prior art. If the claim is not novel, no marks should be awarded.</li> </ul> </li> <li>• Claim not covering all main embodiments <ul style="list-style-type: none"> <li>– Door coupling that does not cover all main embodiments, such as (only) “sliding” or (only) “pivoting” [It is noted that if the independent claims recite “sliding or swivelling”, no points will be deducted.]</li> </ul> </li> <li>• Unsupported matter <ul style="list-style-type: none"> <li>– If the candidate writes a claim that is novel, but is not supported by the original disclosure or is technically unfeasible. E.g. For the electrical point housing claim – defining that the body has an opening on which the electrical point is located → No marks awarded.</li> </ul> </li> <li>• Clarity issues <ul style="list-style-type: none"> <li>– Low level: For instance, poor grammar, missing words, spelling mistakes;</li> <li>– Medium level: For instance, a clarity error having a material effect on the meaning of the claim, including vagueness;</li> </ul> </li> </ul>	<p>- 15 marks per limitation</p> <p>No marks awarded</p> <p>No marks awarded</p> <p>No marks awarded</p> <p>- 1 mark per instance</p> <p>- 2 marks per instance</p>
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	<ul style="list-style-type: none"> <li>- High level: Feature worded so poorly that it cannot be understood; e.g. defining that there is an opening, without tying it to the frame.</li> <li>• Inconsistent language <ul style="list-style-type: none"> <li>- For instance, a term or feature is defined differently between distinct claims, or between the claims and the description.</li> </ul> </li> </ul> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. If similar categories of limitations are mentioned, they should be grouped as a single category limitation and only deduct 15 marks per category. E.g. referring to "socket" and "pins".</li> <li>2. If the candidate does not include any drawings in the answer, but has provided the references to the drawings, there should be no penalization of marks.</li> <li>3. No penalty if the opening is defined to have a depth that spans the entire thickness of the frame (<b>only</b> for the electrical point guard claim). Defining that the electrical point housing claim has an opening that spans its entire thickness would be considered lacking support, as indicated above.</li> </ol>	<p>- 3 marks per instance</p> <p>- 1 mark per instance</p>
<b>2</b>	<p><b>Dependent Claims</b></p> <p><b>2 marks per claim up to a maximum of 20 marks</b></p> <p>Only award marks for each meaningful dependent claim – examples of which are provided below:</p> <ul style="list-style-type: none"> <li>• linearly coupled door</li> <li>• frame provided with guide rail to facilitate linear movement</li> <li>• pivotally coupled door</li> <li>• spring mechanism to bias doors to cover opening</li> <li>• rear surface of frame provided with adhesive</li> <li>• securing flaps provided on sides of frame</li> <li>• locking mechanism holding door to cover opening (broken down to at least 2 claims that detail how it is implemented for a total of 4 marks)</li> <li>• mechanical stop for door (provided by either handle of door or base of guide rail, 2 dependent claims for a total of 4 marks)</li> </ul> <p><b>Note:</b> The Question Paper asks to limit to 12 claims, including independent apparatus claims. Therefore, only the <u>first</u> 10 dependent claims are to be marked, regardless of the number drafted or their dependency.</p>	<b>20 marks</b>

	<p><b>Deductions – Dependent Claims</b></p> <ul style="list-style-type: none"> <li>Terms that are not given any weight in claim construction, such as "preferably", "may", "optionally" etc. <ul style="list-style-type: none"> <li>when marking the claim, all words after the inappropriate term are to be disregarded, with the claim marked according to the text preceding this word.</li> <li>Further, deduct 1 marks per instance for a low level clarity issue.</li> </ul> </li> <li>Inappropriately used dependency <ul style="list-style-type: none"> <li>E.g. the pivotally coupled door cannot refer back to the linearly coupled door</li> </ul> </li> <li>Antecedent or clarity issue</li> </ul>	<p>- 1 mark</p> <p>- 2 marks</p> <p>- 1 mark per instance</p>
3	<p><b>Description</b></p> <p>Marks to be awarded:</p> <ul style="list-style-type: none"> <li>a) Ensuring that claim language defining the door movement is found in the description and not only in the summary of invention section alone. That is, description should, for example, mention the parallel plane movement of the door.</li> <li>b) Advantage statement for independent claim(s); 4 marks for the electrical point guard and 4 marks for the electrical point housing, for a total of two advantage statements.</li> <li>c) Background with discussion of Prior Art A with disadvantage</li> <li>d) Background with discussion of Prior Art B with disadvantage</li> <li>e) Brief Description of Drawings</li> </ul>	<p><b>20 marks</b></p> <p>6 marks</p> <p>8 marks</p> <p>2 marks</p> <p>2 marks</p> <p>2 marks</p>
<b>Total</b>		<b>100 marks</b>

**END**