

QE 2020 PAPER A – ANSWER GUIDELINES

S/N	Category	Marks
1	Independent Claims i. Device claim ii. Method claim	30 marks 30 marks
2	Dependent Claims	20 marks
3	Description	20 marks

S/N	Answer Guide	Marks
1(i)	<p>Example Apparatus Claim</p> <p>1. A wrench comprising: a head, an opening formed in the head for engaging a nut or a bolt-head to be rotated using the wrench; wherein the opening comprises a first section having a first pair of edge portions spaced apart by a fixed first distance; and a second section adjacent the first section and having a second pair of edge portions spaced apart by a fixed second distance different from the first distance; wherein the first section is configured to engage a first nut or bolt-head of a first size matching the first distance to be rotated; and wherein the second section is configured to engage a second nut or bolt-head of a second size matching the second distance to be rotated.</p>	30 marks
(ii)	<p>Note:</p> <p>This is an example version only. Variations without practical difference in scope will still be awarded full marks. For example, the opening can be formulated as comprising a plurality of different pairs of opposing parallel edges, wherein the opposing edges of respective pairs are disposed at different fixed distances to engage nuts of different</p>	

	<p>respective dimensions to be rotated. Acceptable alternative wordings to "fixed" include permanent, and unadjustable, as long as they convey that the edges cannot be adjusted.</p>	
(iii)	<p>One essential feature would be that the edge portions are at a "fixed distance" apart. Stating that the opening is able to facilitate opening of nuts of two different sizes without the "fixed distance" limitation would be insufficient to distinguish against prior art B. This is because Fig. 8H shows jaws 30, 40 that can accommodate two different sized nuts (see the straight and diamond sections), but the spacing is adjustable, i.e. prior art B includes moving part(s) and associated disadvantages.</p> <p>Another essential feature is that the claim language must make it clear in the pairs of edges are part of a "single", unitary opening, so as to distinguish against prior art C (multiple different sized openings).</p> <p>Another essential feature, in terms of utility/support, would be the functional language that the sections are capable of engaging their respective nut to be rotated.</p> <p>Example Method Claim</p> <p>6. A method of fabricating a wrench comprising the steps of:</p> <ul style="list-style-type: none"> providing a head piece, forming an opening in the head piece for engaging a nut or a bolt-head to be rotated with the wrench; wherein forming the opening comprises <ul style="list-style-type: none"> forming a first section having a first pair of edge portions spaced apart by a fixed first distance; and forming a second section adjacent the first section and having a second pair of edge portions spaced apart by a fixed second distance different from the first distance; wherein the first section is configured to engage a first nut or bolt-head of a first size matching the first distance to be rotated; and 	30 marks

	wherein the second section is configured to engage a second nut or bolt-head of a second size matching the second distance to be rotated.	
	Deductions:	
	<ul style="list-style-type: none"> Claim(s) not novel, <ul style="list-style-type: none"> As a note, it is at the Examiner's discretion as to whether the claim has been anticipated by the provided prior art; <p>Examples of not novel claim:</p> <ul style="list-style-type: none"> defining (only) that the opening is configured to accommodate nuts of different sizes for reading on, for example, adjustable wrench head of prior art A and B. not defining that the edges are at a "fixed" distance (permanent, and unadjustable), for reading onto prior art B, not defining clearly that the opening is a "single" opening with sections, for reading onto prior art C 	no marks will be awarded.
	<ul style="list-style-type: none"> Claim does not cover all embodiments <p>Example: Does not cover the embodiment of Figure 5</p> Clarity issues <ul style="list-style-type: none"> Low level: For instance, poor grammar, missing words, spelling mistakes Medium level: For instance, a clarity error having a material effect on the meaning of the claim, including vagueness; High level: Feature worded so poorly that it cannot be understood; 	<p>no marks will be awarded</p> <p>- 1 mark per instance</p> <p>- 2 marks per instance</p> <p>- 3 marks per instance</p>

	<ul style="list-style-type: none"> • Inconsistent language <ul style="list-style-type: none"> – For instance, a term or feature is defined differently between distinct claims, or between the claims and the description; • For each unnecessary limitation beyond novelty such as: <ul style="list-style-type: none"> – opening being shaped to engage nuts of three different sizes; – one edge being continuously straight across the sections; – order of the sizes of the edge sections – opposing edge portions are in parallel – Shape of the head piece – Features which would be exceptions include simply including "a handle" and that it is for rotating the wrench. Candidates should NOT be penalised for inclusion of such features. However, if the handle is defined to be a separate structure, e.g. attached to the head piece, this would incur a -15 penalty. 	<p>- 5 marks per instance</p> <p>-15 marks per instance</p>
2	Dependent Claims	20 marks
	<p>2.5 marks per claim up to a maximum of 20 marks</p> <p>Only award marks for each meaningful dependent claim, examples of which are provided below.</p>	

	<p>2. The wrench of claim 1, wherein the opening comprises one or more further sections with respective pairs of edges spaced apart by respective further different distances.</p> <p>3. The wrench of claim 2, wherein the first section, the second section, and the one or more further sections are disposed in order of size along a length of the opening.</p> <p>4. The wrench of any one of claims 1 to 3, wherein the first section of the opening comprises a first side edge connecting the first pair of edge portions and contoured to match a shape of the first nut or bolt-head to be rotated.</p> <p>5. The wrench of any one of claims 1 to 4, wherein the second section of the opening comprises a second side edge connecting the second pair of edge portions and contoured to match a shape of the second nut or bolt-head to be rotated.</p> <p>7. The method of claim 6, wherein forming the opening comprises forming one or more further sections with respective pairs of edges spaced apart by respective further different distances.</p> <p>8. The method of claim 7, wherein the first section, the second section, and the one or more further sections are disposed in order of size along a length of the opening.</p> <p>9. The method of any one of claim 6 to 8, wherein forming the opening press cutting of the head piece.</p> <p>10. The method of any one of claims 6 to 9, further comprising hardening of the first and second pairs of parallel edges.</p> <p>Note: Paper asks to limit to 10 claims, including independent apparatus and method claims. Therefore, only the <u>first</u> 8 dependent claims are to be marked, regardless of the number drafted or their dependency.</p>	
--	--	--

	<p>Deductions:</p> <ul style="list-style-type: none"> • Major clarity issue – added feature cannot be construed - 4 marks • Inappropriate terms such as “preferably”, “may”, “optionally” etc, - 2 marks <ul style="list-style-type: none"> – 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. • Medium level clarity issue – feature may be construed but would require amendments - 2 marks • Inappropriately used dependency - 1 mark • Antecedent - 1 mark 	
3	<p>Description</p> <p>No marks awarded if figures omitted</p> <p>Marks to be awarded:</p> <p>a) Advantage statement for independent claim(s) 3 marks each for a total of 6 marks</p> <p>b) Discussion of prior art disadvantages 3 marks each for a total of 9 marks</p>	20 m

	<p>c) Remove “limiting statements” (see question):</p> <ul style="list-style-type: none"> - important for the opposite edges to be in a certain order - significant that the side edge is contoured to match the shape of the nut or bolt-head - shapes of the heads 102 and 502 and the handles 104, 504 are the best 	<p>2, 1, 2 mark(s) respectively</p>
Total marks		100 marks

END