

Examiners' Comments on Overall Performance of Candidates in QE2020 Paper B

A huge number of candidates were not able to identify the inventive concept or understand that the main claim should not be directed to a ceiling panel but a ceiling system. This showed that candidates did not have sufficient experience and are not prepared for this paper.

A majority of candidates did not provide full reasoning for the clarity and support objections. This is a loss of marks as Examiners are looking for reasoning why certain amendments can address the clarity objections. This is not mentioned at all and candidates just provide a general sweeping statement that the amendments address the clarity/support objections, without going into the how, which will not score any marks. If the description provides a definition of the unclear term, this should be added to the claims, rather than just deleting the claim containing the unclear term (claim 5) in its entirety.

Some candidates quoted the section number in the answers to the client's queries, this is unnecessary as this is not Paper D and is not something that is required by the marking scheme.

Candidates did poorly at the response to the client's letter with very few candidates getting more than half the allocated marks. This is a waste as the client's letter provides an opportunity for the candidates to score marks, which are sadly not picked up by the candidates.

It does appear that this 2020's paper was easier compared to previous years' to the extent that there was straight-forward clues and hints provided to the candidates in the form of the client's letter.

So, the candidate only need to pay attention to what the client has suggested to know what the focus of the amendments could be.

Many candidates miss these clues and provided amendments that were not inventive over the cited prior art document.

Those who did well and passed the paper were those that got the amendment correct, i.e. introduced features in Claim 1 that were both novel and inventive.

Most candidates are able to find difference between the prior art and the invention. However, those candidates, mostly fail to pick up hints from the client's instruction and have not introduces inventive feature when amending independent claims, one candidate (Register num. 20074) has NOT passes possibly because of shortage of time, NOT finishing/providing the letter to the client.

The Paper B for this year, in this Examiner's opinion, was more straightforward than past years' papers. Thus, for the candidates that managed to identify the novel and inventive feature, these candidates could easily pass the paper with such candidates scoring closer or more than 60 marks. For those candidates that managed to find the correct features, a large proportion of marks were gained from the claims amendments section.

For the candidates that failed, some candidates did not spot the hint that the client was no longer interested in the feature of acoustic insulation. Some of these candidates went on to define the material, density etc. in their claims. Such features were still not novel and inventive. These candidates could not pass.

Other candidates did not manage to spot the fact that the panel could not comprise

components and it was the system that comprises the various components. This was set out in the description. Thus, for those candidates that persisted with panel claims, these candidates could not pass as well.

For candidates that did not get the correct feature, marks were not only lost from the claims amendments section but also from the response section due to the fact that the features selected by such candidates were not novel and inventive. Candidates could still score some marks from the response section if the cited documents were discussed correctly; and if the support and clarity sections were addressed well. It should be pointed out that some candidates gave up on the clarity section with one-liners and no explanation.

For the letter to the client, the majority of the candidates were not precise and should be more detailed in discussing the various aspects, although it has to be mentioned that the majority of the candidates could address the portions on whether the claims provide adequate coverage, whether to file a new application etc. well. Time management also appears to be an issue.

Overall, the candidates are encouraged to try again. In doing the examination papers, candidates should look out for clues in the client's letter as well as the description.