

Examiners' Comments on Candidates' Overall Performances in QE2015 Paper A

- Overall, the main reason for the failure among the candidates is that they did not manage to overcome the prior art (in particular Document B) and at the same time cover the two preferred embodiments.
- The question paper was appropriately and realistically crafted. In the real scenario, clients oftentimes have more than one preferred embodiments and a skilful patent agent should be able to prepare a set of claims that capture the client's invention as a whole.
- Past papers focused on one embodiment mainly. Perhaps a twist in the scenario in the present paper caught the candidate off-guard and ill-prepared for such scenarios.
- The critical challenge in this year's paper was to draft a novel claim(s), which required the displaced position to be defined relative to the extended position, to exclude a matching onto Document B. Unfortunately, only a few candidates succeeded in this. With claims that are not novel, a pass cannot be awarded in Paper A.
- There was an over reliance on the word "lateral" as being the novelty conferring feature. For those candidates who defined "lateral" relative to the first movement of the tray table from a retracted to extended position tended to pass; those that didn't failed as the claims were not novel.
- To cover both embodiments the independent claims must clearly identify that the tray table is "moved to a lateral position", and not "moved along a lateral path". The second embodiment clearly does not move laterally, and so those candidates who did not make this distinction were marked down, through only covering one embodiment.
- A small number of candidates confused the client's requirements for a method claim, believing the client only wanted a method claim, when the invention was clearly an apparatus.
- The description was generally done well, though some candidates did not review the question paper, and so included the inventor's limiting statements.
- Candidates generally failed to draft an independent claim that covers both embodiments.
- Candidates neglected to edit the description to remove limiting statements and lost marks needlessly.
- Some candidates did not check the "description" in their answers for typographical errors and spelling mistakes.
- Careful reading is necessary – one candidate only submitted 4 claims although 8 were requested. Another submitted only method claims and no apparatus claims. Both lost valuable marks.
- Candidates did not refer to prior art by the patent number although it was given.
- Candidates should present their answers using grammatically correct sentences.
- Candidates should refrain from writing explanatory notes to the examiner. You will not do this in practice and hence, should also not do so in professional exams.