

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

- Unable to spot out all features in the claims for construction, lacks sufficient and persuasive discussions and reasoning to support conclusion, time management skill (some parts are not answered)
- Answers show that candidates are not well prepared for Paper C. With the availability of past year question papers, it doesn't make sense to not attempt these papers under examination conditions and have your answers vetted through by a qualified professional.
- Attempting the past year question papers should go beyond just reading through the question papers together with the answer guidelines. The answer guidelines may identify points for consideration and answer options. However, they may not provide conclusive answers and discussion/considerations for arriving at the answers. Eleventh hour studying of the answer guidelines without sufficient practise seems to be the fallacy of most of the candidates as they demonstrate knowledge of the answer format and presented answers in "answer guideline" approach by lack sufficiently specific conclusion in pointing out the their answers and adequately discuss the accompanying basis for the answers.
- Having an approach to analysis for the various sections (e.g. construction, infringement, validity) helps improve clarity of thought process which translates into clarity of answers. Making examiners work on mapping unstructured answers to expected answers will not work to the candidates' advantage. Further, having a time management strategy and sticking to it will also reduce the number of empty / unattempted segments which could have contributed to garnering of easily-obtained marks for the Advice section and the Validity (Novelty) analysis section.
- In the construction section, candidates attempted to "spot" where the elements/statements can be found in the specification or give overly simplistic answers that does not improve upon the clarity of elements construed. For example, construing that the "passageway" is a "slot" does not contribute to better defining the passageway. Instead, candidates could have explored and discuss the element(s) that define the passageway and provide discussions on the function of the passageway as supported by the specification (e.g. For accommodating cutting element and/or shifting mechanism? Allow for sliding of cutting element and/or mechanism? Does the passageway "guide" movement of the shifting element and the cutting element together or independently as well?) would have helped tremendously in better defining the passageway.
- Inability to identify contentious terminologies and phrases has led to the elements and phrases with clear plain meaning being construed. Lumped up phrases containing multiple contentious phrases were also explained away with broad brush short statements like "PSA" would understand that..."
- Candidates' problems in identifying the right elements and phrases to construe meant that the same problems were carried forward into the infringement analysis and validity analysis sections as well. Novelty analysis was average at best while inventive step analysis was almost non-existent for most of the candidates.
- Some candidates failed to summarise on infringement and validity in the advice (miscellaneous) section. Many marks that would have been easily obtained in the advice section were lost, for example the mention and discussion on pre and post-grant amendments were partially glossed over or entirely missing. Candidates also fail to

understand that they are providing advice to their client and that options, if available, should be provided with accompanying explanation on their consequence so that a considered decision on how to progress can be made by their client.

- The 2 weakest points are (1) construction and (2) time management. Many candidates did the construction incorrectly. It is not just paraphrasing the claim wordings, but to explain the scope of the claims. Also there were many incomplete scripts. Candidates should plan their time properly. Many candidates spent too much time on construction. Not all claim wordings need to be construed. Only those contentious wordings.
- Most of the candidates fared poorly in the novelty and inventive step analyses, and the miscellaneous issues section. This could be due to time management issues.
- Those candidates who did not perform well in the claim construction section did not focus on the elements as indicated on the marking schedule. Many candidates did not spot the issues in the miscellaneous section.