

THE JOINT EXAMINATION BOARD

PAPER P3

PREPARATION OF SPECIFICATIONS FOR
U.K. AND OVERSEAS PATENTS

APRIL, 1993

EXAMINERS COMMENTS

Many candidates answered this question reasonably well.

Good marks were awarded to candidates who claimed a coupling in which the bore in the body comprises a tapered portion and the clamping member has a plurality of flexible arms which are sufficiently circumferentially spaced to enable them to collapse radially, in the absence of a tube, to allow the clamping member to be inserted and withdrawn through the narrowest part of the bore.

Several candidates claimed the clamping member per se. Whilst such candidates who drafted claims of suitable scope were not significantly penalised for claiming the clamping member per se, it was felt that this approach was not appropriate since the invention concerns the cooperation of the clamping member with the body and claims to the coupling would protect the clamping member under the doctrine of contributory infringement.

The prior art coupling of Figure 1 was felt to be the most relevant piece of prior art on which to base the claims, both because of its technical similarity to the coupling of the invention and also since the prior art in Patent A had never been commercialised. However, in recognising this, quite a few candidates then seemed to forget about Patent A and drafted a main claim reading onto it!

Marks were awarded to subsidiary claims to the features of a radially protruding flange on the clamping member, the flange being integral with the clamping member, the flange being annular, and the body being unitary.

Several candidates obviously ran out of time and it was felt that sensible time management and pre-exam practice really should have enabled candidates to complete this question comfortably in the allotted time. Referring in the European description to the UK claims without writing the claim wording out again is perfectly acceptable, although it is important to indicate the pre- and the post-characterising portions of the European claim in a clear manner.

Generally, handwriting was legible. However, in one paper, extensive crossings out, cross references and inserts in the UK main claim made the claim almost unreadable. Whilst crossings out and insertions are no problem as long as the claim wording can easily be followed by the reader, once the claim (especially if it is the main claim) starts to look like spaghetti, it really pays to write it out anew.