

THE JOINT EXAMINATION BOARD

PAPER P3

PREPARATION OF SPECIFICATIONS FOR U.K. AND OVERSEAS PATENTS

APRIL, 1994

EXAMINERS' COMMENTS

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In general, the standard, including the presentation, of answers showed an improvement over last year. However, several candidates who otherwise would probably have attained a pass mark failed to gain marks for one reason or another. Some appeared to have run out of time, often because they saw fit to draft an excessive number of claims that would have been of no value whatsoever to the client, for example method claims and/or numerous subsidiary device claims directed to features possessed by the known taps, for which the examiners did not allocate marks. Others, whilst displaying reasonably good drafting skills, failed to analyse the prior art properly and so drafted claims that read onto it.

The examiners were looking for a main claim directed to a fluid flow control valve comprising a body defining an inlet and outlet for fluid interconnected by a passageway, a valve seat located in the passageway, and a closure member movable by actuating means between a valve-closed position, in which the closure member sealingly engages the seat, and a valve-open position in which the closure member is spaced from the seat, the actuating means comprising a spindle rotatable about its axis such that, upon rotation in one direction, it imparts to

the closure member translational motion progressively towards, and eventually into sealing engagement with, the seat and, upon rotation in the other direction, imparts to or permits of translational motion of the closure member progressively away from the seat.

Most of the marks available for the subsidiary claims were awarded to claims directed generally and more specifically to the actuating means exemplified by (a) Fig 1, (b) Fig 1 as modified by Fig 3, and (c) Fig 2. Whilst nearly every candidate included such claims, many demonstrated an apparent lack of experience in drafting claims for simple mechanical devices.

Most candidates seemed to be aware of the traditional requirements of US claims, namely positive recitation of the essential features and of the interrelationship between them, and those that did this and drafted a claim of proper scope obtained good marks.

For the European introduction, the examiners were, as usual, looking for an indication of the field of the invention, a discussion of the prior art devices and of their problems, a two part statement of invention (reciting in the pre-characterising portion relevant features of the petrol tap, which the examiners considered to be the closest prior art) and statements of preferred features and of their respective advantages. As was to be expected, this part of the question was, in general, tackled well.