

THE JOINT EXAMINATION BOARD

EXAMINERS' COMMENTS

PAPER P3

**PREPARATION OF SPECIFICATIONS
FOR UNITED KINGDOM
AND OVERSEAS PATENTS**

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Good marks were awarded for a UK claim 1 along the following lines:

"An ejector seat having an arm restraint facility, the facility comprising flexible web means anchored to the seat and in a normal configuration held so as to permit freedom of movement of the arms of the seat occupant, and activating means arranged upon initiation of seat ejection to draw the web means across the sides of the seat to define barriers against projection of the arms therepast".

Many candidates chose to claim "a restraint facility for an ejector seat" or "an ejector seat restraint facility" and this was acceptable provided that the claim recited, in sufficiently broad terms, integers that distinguished the claim from the prior art. Some of those candidates, however, effectively claimed no more than a net or the like *per se*! Others were inconsistent, in that, having recited "for an ejector seat", they subsequently stated that the webs (or nets etc.) were "attached to the seat". Such a shortcoming could have been avoided by using the "an ejector seat having" format which, given the law on contributory infringement, would give the client quite adequate protection.

A particular problem in the question was how to deal with the term "net" given that the client specifically stated that the use of that term was intended to indicate function rather than construction and that the use of a net as such was merely preferred. Several candidates restricted their claim 1 to the use of a "net" but failed

to provide any indication (for example in the European introduction or by way of an appropriate subordinate claim) that the use of a net as such was not essential. Such candidates necessarily failed to obtain high marks. On the other hand, candidates who sought to generalise the term properly, for example by using the term "flexible web", "flexible sheet" or the like got off to a good start.

Many candidates limited their claim 1 to the webs (or nets etc.) being anchored to the cockpit wall in the normal configuration and/or to their being triangular. These were unnecessary limitations.

Finally on claim 1, several candidates referred to restraint of the aircrewman's "limbs" when the problem and the client's proposals were, as stated in the question, concerned with restraint of his arms.

Somewhat fewer, but nevertheless valuable, marks were available for subsidiary claims directed to the preferred features. However, the majority of the candidates had difficulty in accurately defining, in particular, the construction and function of the alternative activating means described by the client and did not gain particularly good marks. It was preferred that, if the reticulated fabric were claimed in a subsidiary claim (which it should have been), then the same claims should have recited the reticulation size limitations, whereby possible injury to the crewman's fingers is prevented.

Turning now to the UK abstract, this in general was reasonably well done but it was surprising how many candidates failed to include the reference numerals required by the Rules.

Likewise, the European introduction was in general reasonably well done. Some candidates did a "scissors and glue" job, whilst others merely copied out the relevant parts of the question more or less verbatim; with this particular question, the Examiners had no objection at all to either course. However, several

candidates saw fit, in addition, to concoct imaginary problems associated with the prior art and, in some cases, to explain at length the nature and function of aircraft ejector seats. This was quite unnecessary, gave an amateur rather than professional look to their work, and wasted valuable time, as did recitation by several candidates additionally of preferred features and their advantages which was not called for by the question. Also, some candidates referred to disadvantages of certain known integers, although those integers were features of the client's invention.

Those candidates who drafted a good UK claim 1 generally received good marks for their European main claim. Quite a few candidates commented that, in their opinion, a two-part main claim was inappropriate. Even if that were the case (which seems unlikely), the question asked for such a format and the better candidates made a good attempt to oblige, for example by including reference to a cord or the like in the pre-characterising portion of the claim.