

Examiner's comments 2013 – Paper E

Disappointing to see same errors reported by examiner from 2011 and 2012 repeated by most candidates.

Many candidates didn't read question. Question asked for notes and recommendation. Many wasted time writing a letter, writing out claims, writing out construction of every single claim feature, discussing case law, writing out legal tests.

Many overlooked potential prior use of D2 by D1 - gun of Figure 1 on sale "for some time".

Many overlooked giving a clear conclusion on infringement for each embodiment (Figures 1 and 3 of D1) in relation to each independent claim of D2 (claims 1 and 8).

Many overlooked giving a clear conclusion on validity (both novelty and inventiveness) for each independent claim of D2 (claims 1 and 8) in relation to each prior art document (D1 prior use, D3 and D4 prior publications).

Many overlooked Figures 16-18 of D4.

Many overlooked analysis of dependent claims, for questions 1 and 2.

Obviousness analysis was poor.

Two candidates wrote illegible papers.

Don't take the time to write exhaustive references to the prior art. The examiner knows the paper well.