

# Free EQE Webinar Series

## Paper A

19 January 2021

Tutored by Guy Warner (Unilever) & Iain Russell (Russell IP)

Coordinated by Iain Russell (Russell IP) and Guy Warner (Unilever) | Hosted by Russell IP



FREE EQE WEBINAR

# AMENDMENT - PAPER B

Wednesday 20 January 2021

Iain Russell, Russell IP

Guy Warner, Unilever

# INTRODUCTIONS

- Iain Russell, Russell IP & Guy Warner, Unilever

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- Q&A
  - Please ask Questions using the Q&A box

# Tokyo 2020 Olympics officially postponed until 2021



Kelly Cohen  
ESPN

Never before had the Olympic Games been postponed or canceled something other than war, but rarely has the world come to a grim way it has over the novel coronavirus.

29	30	31	1
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**DELTA PATENTS** HOME PATENTS TRAINING WEBSHOP

EQE A B C D Pre-exam Case Law Unitary Patent Patent Procedure

THURSDAY, 5 MARCH 2020

**BREAKING NEWS - Cancellation of EQE planned 16-19 March 2020 (possibly postponed)**

We have been informed by an EQE candidate that he just received the email below (emphasis added): EQE 2020 is cancelled, or possibly postponed to later this year - to be continued.

From: HelpDesk <[helpdesk@eqe.org](mailto:helpdesk@eqe.org)>  
Sent: donderdag 5 maart 2020 09:10  
To:  
Subject: cancellation of EQE planned 16-19 March 2020

Dear candidate,

In response to the latest developments about the spread of the novel Coronavirus (Covid-19), the Supervisory Board of the European qualifying examination has **decided in line with the EPO's precautionary measures to cancel the EQE planned to take place 16-19 March 2020.**

The Supervisory Board is **currently assessing the feasibility of organising the examination at a later stage during the current year.** We would kindly ask for your understanding that due to the complex logistic arrangements related to the organisation of the EQE, this assessment will require some time. **The Examination Secretariat will revert back to you as soon as there is a decision taken by the Supervisory Board.** Also, please understand that due to the high number of enquiries received, answering individual questions will take more time than usual.

We sincerely regret this highly unsatisfactory situation for all concerned. Further information will follow in due course, in particular related to the reimbursement of the fees.

Best regards

The Examination Secretariat

# E-EQE PLATFORM – “WISEFLOW”

- Resources:
  - EPO – e-EQE – updated information
    - <https://www.epo.org/learning/eqe/e-eqe.html>

The screenshot shows the EPO website's 'e-EQE – updated information' page. The header includes the EPO logo and navigation links for 'Website' and 'Patents'. The main navigation bar lists 'Home', 'Searching for patents', 'Applying for a patent', 'Law & practice', 'News & events', 'Learning', and 'About us'. The breadcrumb trail reads 'Home > Learning > European qualifying examination > e-EQE'. The left sidebar contains a table of contents with links to 'About the EQE', 'myEQE', 'Conditions for registration and enrolment', 'Registration as candidate', 'Enrolment', 'EQE notices and downloads', 'Compendium (past papers, examiners' reports)', 'e-EQE', 'Results and statistics', 'Successful candidates', 'FAQ', 'Training for the EQE', and 'Archive'. The main content area features the title 'e-EQE – updated information' with 'Print' and 'Share' icons. The text states: 'Candidates will be able to have a first look at the examination system Wiseflow which will be used for the e-EQE 2021 by means of a mock examination between 22 December 2020 and 28 February 2021 (Mock 1). Mock 1 is intended for candidates to test their equipment and get acquainted with the examination environment. Candidates will be able to access the respective mock papers according to their current enrolment to the EQE 2021 papers. There will be no proctoring during Mock 1. To allow candidates to test the system also close to the real examination conditions, a second mock (Mock 2) is planned for the week of 1 to 5 February 2021. The examination papers will take place during that week at the same week days and times as the real examination, see [here](#). Information session of 14.01.2021'. Below this is a red banner with the EPO logo and the text 'The 2021 e-EQE Online meeting in co-operation with the epi' accompanied by a play button icon.

# E-EQE PLATFORM – “WISEFLOW”

- WiseFlow:
  - If not already done, you MUST use the system as soon as possible
  - Get your IT support involved
  - Get the hardware you need (webcam, printer, monitor)
  - Do Mock1
  - Amend your exam materials accordingly
  - Prepare for Mock2
  - Do Mock2 (w/c 1 Feb 2021)

**THIS IS IMPERATIVE !!!!**

# E-EQE PLATFORM – “WISEFLOW”

- Resources:
  - Pete Pollard – Salted Patent Blog
    - <https://saltedpatent.blogspot.com/2021/01/e-eqe-webinar-update-14-jan-21-still.html>
    - <http://saltedpatent.blogspot.com/2021/01/eeqe-mock1-experience-tips-b-c.html>
  - Delta Patents
    - <http://eqe-deltapatents.blogspot.com/>
- Thomas Kimpfbeck: e-EQE - How to cope with the new online European Qualification Exam
  - Jan 21, 2021, 4:30 PM - 5:00 PM
  - <https://www.linkedin.com/events/e-eqe-howtocopewiththenewonline6752992674648776704/>

## THE ESSENCE OF PAPER A

Subtract the prior art from the client's idea, end up with some novel subject-matter and then identify which novel subject-matter is associated with an advantage



# COMPARING PAPERS A & B

## Paper A

- Freedom to draft
- Novelty + effect is almost enough
- V. little focus on P&S approach

## Paper B

- Restricted to existing application
- Inventive step arguments will be needed
- Inventive Step must be supported using P&S
- A123(2) will apply !

## 2017 ONWARDS: PAPERS A & B

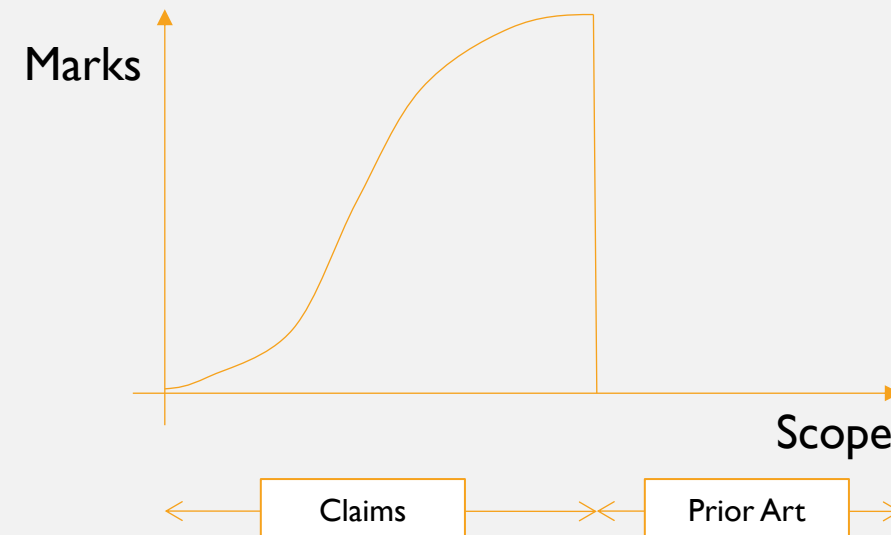
- With effect from 2017, a **single** Paper A and a **single** Paper B will be set each year. **As for current Paper C and the Pre-Examination, Papers A and B will be set in technical fields that are accessible to everyone.**
- What does this mean?
  - The Papers may be more chemically...
    - So, E/M people ought understand issues such as ranges, **exclusions**, selection inventions, etc that they may be less familiar with.
  - ...or more mechanical
    - So, Chem people should brush up on “means for”, functional language, etc.

# THE ESSENCE OF PAPER A

- Independent Claim(s) must:
  - Be novel over given prior art
  - Have **inventive step arguments** across the entire breadth of the claimed invention
  - **Cover all of the client's novel embodiments** – in a single unifying claim if at all possible.
  - Include **all necessary features** that give rise to the advantage and, thus, not be a result to be achieved
  - Be clear and supported
  - Preferably only include one independent product claim

# ALLOCATION OF MARKS, IN THE RECENT PAST

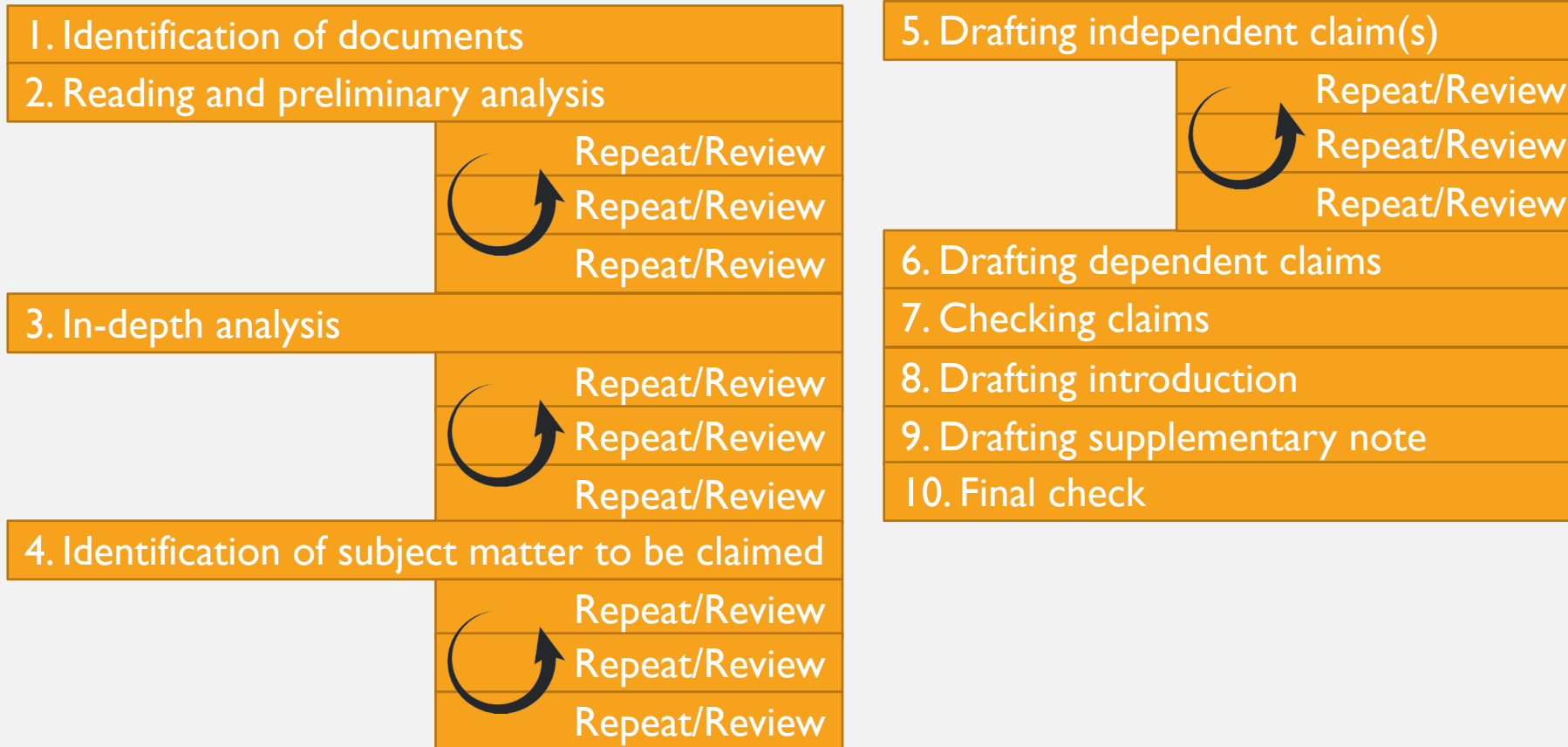
- Independent claims
  - 2017 70 marks !!!
  - 2018 70 marks !!!
  - 2019 57 marks
  - 2020 cancelled
- **Dependent claims**
  - 2017 15 marks
  - 2018 15 marks
  - 2019 27 marks
  - 2020 cancelled
- **Introduction**
  - 2017 15 marks
  - 2018 15 marks
  - 2019 16 marks
  - 2020 cancelled



# METHODOLOGY

1. Identification of documents
2. Reading and preliminary analysis
3. In-depth analysis
4. Identification of subject matter to be claimed
5. Drafting independent claim(s)
6. Drafting dependent claims
7. Checking claims
8. Drafting introduction
9. Drafting supplementary note (if needed)
10. Final check

# METHODOLOGY – ACTUALLY...



## SUGGESTED SCHEDULE – PAPER A

Identify all documents <ul style="list-style-type: none"><li>- Is everything there that should be?</li><li>- Client's letter</li><li>- Additional letter / information from client?</li><li>- Prior art documents – how many?<ul style="list-style-type: none"><li>- Watch for “hidden” PA, cited in the letter or in the other PA documents</li></ul></li></ul>	
Read and analyse the documents	
Determine subject matter to be claimed	90m
Draft independent claims	60m
Draft dependent claims	30m
Check the claims	15m
Draft introduction	
Draft supplementary note (if necessary)	30m
Final check	15m
	<b>4h</b>

## 2. READING AND PRELIMINARY ANALYSIS

- Reading approach & style for Paper A
- Read and simultaneously extract, classify, record the information given
  - Identify key words & phrases
  - If it looks strange, it probably is
  - The first read-through is VITAL
  - “the invention concerns”, “the problem is solved by”, “the advantage is”, “the problem with that other device is that”
  - “alternatively”, “sometimes”, “or”, “instead”
  - Watch out for “contractions”:
    - e.g. “It is essential that the product has <list of things> or it can have <list of other things>”.  
Are all the features essential?



## 2. READING AND PRELIMINARY ANALYSIS

- Key questions to ask yourself:
  - What has the client developed
  - What is client's business, do they sell, produce, import etc
    - What claim categories should therefore be used
  - Technical differences b/w inventions described and the prior art
  - Issues with the prior art
  - Technical advantages provided by the invention
    - What claim objects to focus on

## 2. READING AND PRELIMINARY ANALYSIS

- **Read the paper 3 times**
- just read – absorb the invention
  - RECORD key words and phrases
  - MAKE NOTES AS YOU GO ALONG
  - IDENTIFY:
    - problems (P)
    - solutions (S)
    - disadvantages (D)
    - advantages (A)
    - objects to claim (O)
    - essential elements (E)
- RECORD sentences/words that mean features are **essential**
  - must / has to be / should be / is / are / provided that / is necessary / have / only / is required
- RECORD features described as **advantageous**
  - preferred / preferably / typically / usually / for example / normally / optimal / suitable / advantageous / good / better / best results / especially / particularly / special mention / may be
- **OPTIONAL:** Draw out the described invention (on A3)
  - Exhaustively list all raw materials (objects) on the left hand side
  - Exhaustively identify all links (operations) between objects disclosed in the letter
  - Cross out all objects and all operations disclosed in PA
  - What remains is your independent claims!

## 3. IN-DEPTH ANALYSIS

- ANALYSE THE FEATURES OF THE INVENTION AND PRIOR ART
  - Record **all** Embodiments of the alleged invention
    - ...and all **features** of all those Embodiments
  - Record **all** Features disclosed in all Prior art embodiments
  - Compare Invention against the Prior Art

**USE A FEATURE TABLE (or similar)**

Especially important for eEQE





Feature	Embodiments				Prior Art		Notes		
	E1	E2	E3	E4	D1	D2	All embodiments?	Distinguish?	Analysis
1. Device	Y	Y	Y	Y	Y	Y	Y	N	OK for claim 1 → ess. feat. Does not distinguish wrt. D1 & D2
2. Device has feat. A	Y	Y	Y	Y	Y	Y	Y	N	OK for claim 1 → ess. feat. Does not distinguish wrt. D1 & D2
2.1 Feat. A has property A'	Y	Y	N	Y	Y	Y	N	N	Probably not OK for claim 1 → excludes E3  Possible dependent claim
3. Device has feat. B	N	N	Y	Y	Y	N	N	Y (D2)	Probably not OK for claim 1 → excludes E1 & E2  Possible dependent claim, but check dependency wrt 2.1 (E3)
4. Device has feat. C	Y	Y	Y	Y	N	Y	Y	Y (D1)	3 + 4 novel. Inventive?  Excludes E1 and E2 (via 3)
4.1 Feat C has property C'	Y	Y	Y	Y	N	N	Y	Y (D1 & D2)	Novel and in all embodiments. Inventive?
5. Device has feat. D	Y	Y	Y	Y	Y	N	Y	Y (D2)	4 + 5 novel and in all embodiments. Inventive? Better than 4.1?

## 3. IN-DEPTH ANALYSIS - CHECKS

- Write the independent claims out:
  - Use the exact language of the letter and the prior art, do not invent language!
- Ask yourself:
  - What is the technical problem that I have identified
  - Does it have the broadest possible scope
  - When I compare my invention to the CPA does the ESSENTIAL DIFFERENCE actually solve that problem
  - Is it a problem the applicant actually wants to solve
  - Has the applicant told me NOT to claim something that still works anyway. Should I therefore include that in my claims

## 3. IN-DEPTH ANALYSIS - CHECKS

- Important check
  - Is my claim Novel
  - Is my claim Inventive
    - Is it associated with an advantage
    - Is the PA completely silent as to the advantages of invention
    - Is the Invention (quantitatively) better (usually supported by data)
  - Does the PA even teach away from invention



## 4. IDENTIFICATION OF SUBJECT MATTER TO BE CLAIMED

- **Inventive Step:**
  - Assess whether technical problem you've identified:
    - Is sufficiently broad
    - Has basis in facts given in the paper
    - Is solved by the distinguishing feature c.f. CPA
    - Is something the client actually wants to solve

## 4. IDENTIFICATION OF SUBJECT MATTER TO BE CLAIMED

- Deciding on **subject matter** of the claims
  - Client says they want to protect what? c.f.
  - ...what they actually can protect in light of prior art
  - Claim categories needed to gain protection
  - Other claim categories needed to gain broadest protection
  - Check for unity

## 5. DRAFTING INDEPENDENT CLAIM(S)

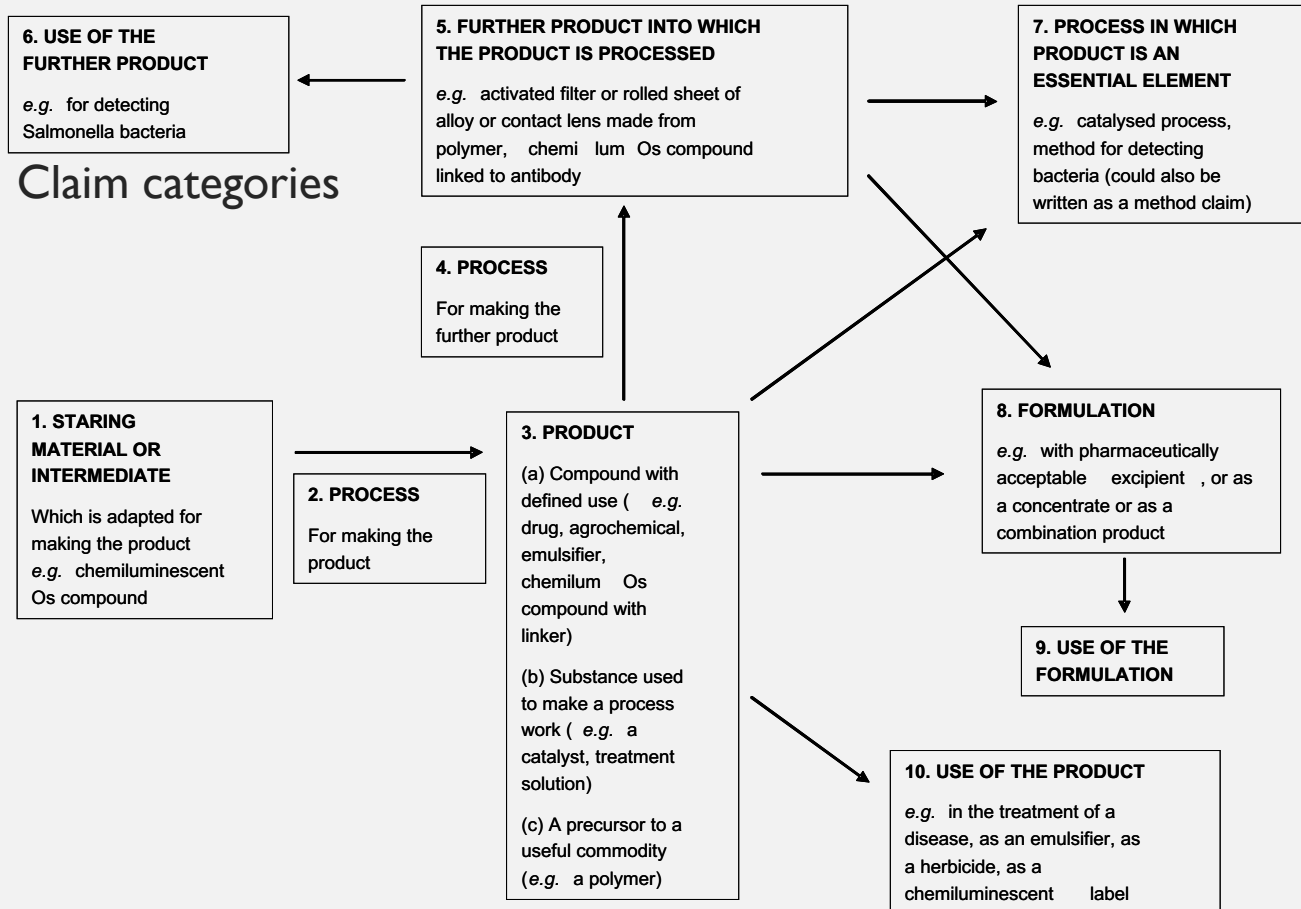
- Draft 1<sup>st</sup> indep. claim
  - **Indispensable** technical features
  - **All essential features**
  - **Generalisation** of scope
    - E/M: “means for”
    - Chem: Markush claims
  - Use **terminology given** to you in the paper
  - 2-part form where appropriate (R43(1))
  - **Reference signs** (R43(7))

## 5. DRAFTING INDEPENDENT CLAIM(S)

- Drafting **further indep. claims**
  - Unity !
  - If lacking, draft supplementary note

# 4. IDENTIFICATION OF **ALL** SUBJECT MATTER TO BE CLAIMED

- Claim categories



## 6. DRAFTING DEPENDENT CLAIMS

- Reasonable in number
  - Max 15 claims total, incl. Indep Claim(s)
- Cover important technical features [that provide additional benefits]
- **Increasing level of specificity** for previous general terms
- Alternatives
- Ensure dependent claims grouped together in **logical structure**
- **Use reference signs** where appropriate

# 7. CHECKING CLAIMS

## *Final check of the ALL THE claims*

Prior art:

- Check PA carefully – remembering examples

Make the broadest claim number 1 – even if it is not a product claim.

## RE-CHECK THE MAIN CLAIM IS NOVEL AND INVENTIVE

- Do **all novel embodiments** fall within the scope of the claim?
- Can I argue **inventive step** for each independent claim?
- Are all **essential features** included?
- Are the claims clear (A.84 EPC)
- Are there any **superfluous technical features**
- Ensure there is no “result to be achieved”
- Unity – do all the claims solve the same problem
- Are the **dependencies** OK – to the claims correctly cascade, no contradictions

## 7. CHECKING CLAIMS

- That's the end of the claims
- ...BUT NOT the end of the marks...!



## 8. DRAFTING INTRODUCTION

- Follow structure of R42
  - **Technical field**
  - **Prior art**
    - Statement of general prior art
    - Closest prior art
    - Drawbacks of prior art
  - **Disclosure of invention**
    - Technical problem underlying invention
    - Disclosure of solution to the problem (Distinguishing feature c.f. CPA)
    - Technical advantages of invention (support for claims)

# PAPER A. TEMPLATE

## ***Title***

Short, general

## ***Technical field***

The present invention relates to [products], [processes for making them], [and their use in...]

(Keep it brief – no advantages – just statements)

# PAPER A. TEMPLATE

## ***Background of invention***

General description of the field (usually supplied by the client)

<What D1 discloses>

<What D1 does not disclose>

<What D2 discloses>

<What D2 does not disclose>

(do for ALL prior art, even if in different field)

Identify the problems with the prior art (not derogatory).

Set up the problem ready for the problem-solution approach – need to have in mind our advantages.

The problem solved by the present invention is [...] The present invention solves this problem by [...].  
Neither D1 nor D2 teach or suggest that [..why not obvious...]

The subject matter of the invention also provides advantageous properties. In particular [...advantages...]

# PAPER A. TEMPLATE

## ***Summary of invention***

In a first aspect, the present invention provides a [...] as defined in <<claim 1>>

In a second aspect the present invention provides a [...] as defined in <<claim [..]>>

Do this for every independent claim.

The present invention solves all of the problems associated with the prior art and in particular.....(indication of the advantages)

# PAPER A. TEMPLATE

## ***Summary of invention (cont.)***

### ***Explanation (of dependent claims)***

Preferably [ ] is [ ] because [STATED ADVANTAGE]

This section must provide basis for all of the dependent claims

Can mostly copy from the exam paper

# SUMMARY

- If you're careful, it's "easy" to get the first 30-40 marks
- If you're rigorous, you should easily gain as many marks again
- ...and that's a pass!

## PAPER A - TEMPLATE

# NEXT 6 WEEKS – A SUGGESTION

## Pre-requisites:

- Total familiarisation with eEQE systems and requirements
- Mock eEQE 1 – all papers already done

## (-6) Week 3 (w/c 18 Jan)

- These Tutorials
- If not already done, deal with pre-requisites
- Update your materials to align to the eEQE platforms and systems

## (-5) Week 4 (w/c 25 Jan)

- Do selection of past papers using your updated materials
- Fix your eEQE system and room, ready for Mock 2

## (-4) Week 5 (w/c 1 Feb) - Mock 2 is released:

- Tuesday 2 February      Mock2 Paper D
- Wednesday 3 February    Mock2 Paper A
- Thursday 4 February      Mock2 Paper B
- Friday 5 February        Mock2 Paper C

## (-3) Week 6 (w/c 8 Feb)

- Review experiences of Mock 2
- Update your materials in view of Mock 2
- Ensure all IT systems, equipment is in place
- Ensure location of exam is in place

## (-2) Week 7 (w/c 15 Feb)

- Final polishes for Papers A-D
- Know your weak spots (PCT!), and strengthen them

## (-1) Week 8 (w/c 22 Feb)

- Rest
- Administrative preparation
- Room preparation
- Materials preparation

## (Exam Week) Week 9 (w/c 1 Mar)

- Good Luck !

THANKS

Q&A session