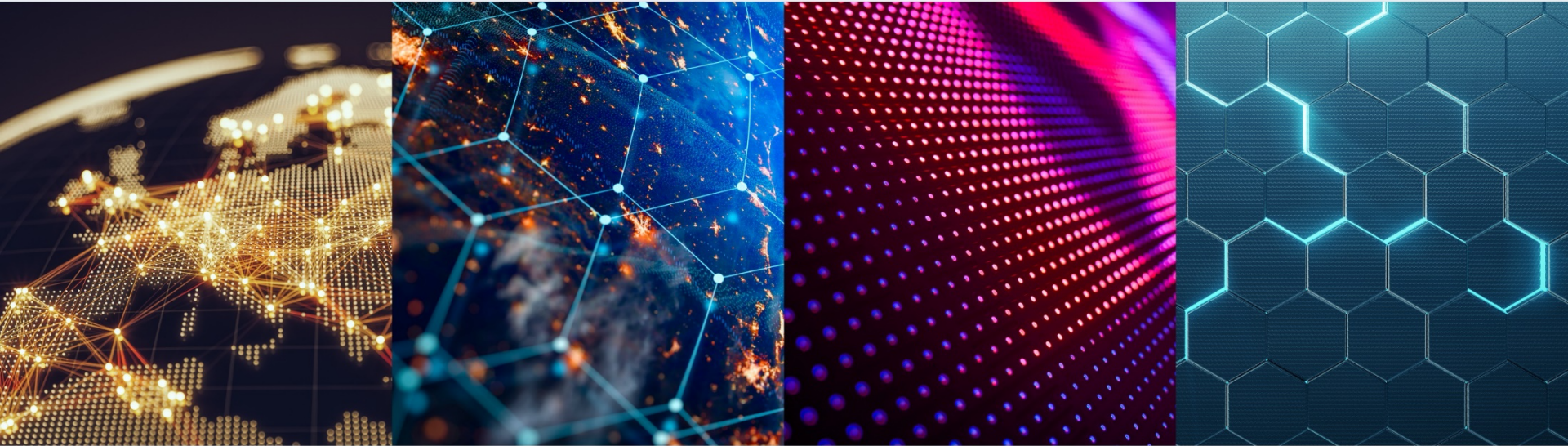


Pre-Exam Online

Kathryn Rose
Jonathan Hewett

Venner Shipley LLP



European Intellectual
Property Attorneys

Venner Shipley

18 January 2021

EQE Goes Digital

- e-EQE Website

<https://www.epo.org/learning/eqe/e-eqe.html>

- Links to:

Relevant documents for the e-EQE:

User Guide Mock 1

Wiseflow Tutorial

Tips for candidates

e-EQE Data Protection Statement

> **FAQs**

Information on the schedule for the EQE 2021 examination papers

Decision of the Supervisory Board for the online EQE 2021

- All questions about the e-EQE should be directed to the EQE helpdesk helpdesk@eqe.org

Key Points – the System

- Make sure you have received your Wiseflow invitation
- Activate yourself as a user
- Participate in the Mock exams to test your system
- Do not open multiple tabs (>10), this will cause system to crash
- They are considering whether to give you access to online documents, but these will not be searchable

Key Points – the Paper

- Split into 4 parts, 5 questions per part
- 2 parts = legal; 2 parts = claims
- There is a break between each part
- If you leave during a part (not in an allocated break), then you have to submit that part
- You cannot go back to an earlier part
- Pete Pollard – tips on Mock 1
 - <https://saltedpatent.blogspot.com/2020/12/eeqe-mock1-experience-tips-pe-d1d2.html>

Study Resources

Pre-EQE Online Course

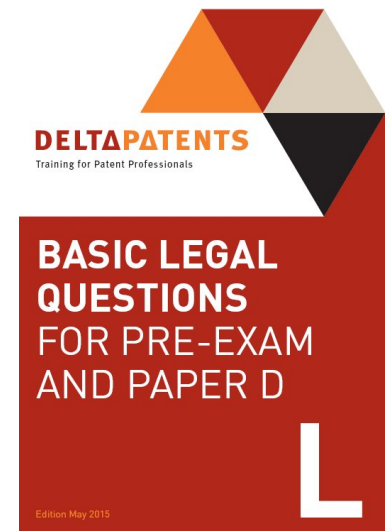
- <https://www.epo.org/learning/eqe/eqe-training.html>

EPO past papers (in 3 languages)

- <https://www.epo.org/learning/eqe/compendium.html>

Delta Patents L Book questions & Post-Exam Analysis and Info

- <http://eqe-deltapatents.blogspot.com/>



Legal Resources

It's an open book exam, the following are some of the key resources you'll want to take into the exam.....

The Law - Books

The EPC & Guidelines

- <https://www.epo.org/law-practice/legal-texts/guidelines.html>

Visser

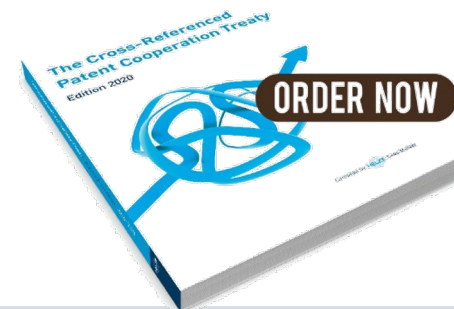
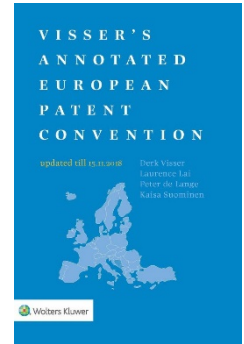
- <https://www.htelpublisher.com/>

Hoekstra

- <http://www.hoekstradoc.nl/>

The PCT

- <https://www.helze.com/x-ref-pct.html>



Salted Patent for PCT

- Blog spot where you can get the “short” guide, only 900 pages free of charge in English!
- Latest 31 October 2020 version available
- <http://saltedpatent.blogspot.com/>
- <https://saltedpatent.blogspot.com/2020/11/dont-print-wipo-applicants-guide-for.html>
- <https://fireballpatents.com/study-materials>

Other Documents

To be aware of:

- National Law Tables
- Extension/Validation
- London Agreement
- Official Journal
- Ancillary Regulations

Claim analysis

- Questions will cover at least the following:
 - Scope of claims;
 - Clarity;
 - Novelty;
 - Technical effect and inventive step;
 - Basis for amendments.

Claim analysis – general

- Many of the questions will test your ability to make a legal conclusion on a particular issue.
 - Q: (2016, 19.4) The person skilled in the art would apply the teaching of D3 to the device of D4 and arrive in an obvious manner at the subject-matter of claim II.5.
 - A: False: The locking of the lid to the container in D4 has a different purpose, i.e. not for straining. D3 does not have a non-straining position.
- But some simply require checking of facts in the question.
 - Q: (2017, 19.4) A valid argument as to why the skilled person would combine D2 and D3 is that both documents relate to children's toothbrushes
 - A: False: D3 relates to toothbrushes for adults (paragraph [001] of D3)

Does X fall within scope of claim Y?

- Does claim Y **exclude** a feature of X?
 - “**comprising**” – not exclusive;
 - “**for**” in preamble – suitable for;
 - What does the **preamble** of claim Y say claim is covering?
 - A device **comprising A and B**?
 - An **A for use with B**?
 - 2016: A system comprising a container and a lid for closing the container, wherein the lid has at least two perforations of the same size, wherein the container comprises an opening for pouring.
 - Q (12.4): A container without a lid falls within the scope of claim I.6?
 - A: False.
 - **dependencies** – e.g. X may be excluded by claim 6 due to dependency on claim 3.

Clarity

- Not just “does this term make sense” – usual EPO meaning of “clarity”.
- Is there **antecedent**? Check dependencies. Not necessarily flagged in question.
 - Q: (2016, 13.1): The subject-matter of claim I.5 lacks clarity.
 - A: True - the dependency of claim I.5 is wrong: The securing means is defined only in claim I.3.
- Definition with **respect to something outside** the claim scope:
 - 2016 Claim I.11: A system according to claim I.1, wherein the lid comprises perforations smaller than the food pieces to be cooked in the container
- **Result** to be achieved?
- **Relative** terms?
- **Essential feature** excluded?
 - 2015, 11.4: Fire protection door comprising a door leaf, a door frame and a door closer wherein the door leaf comprises a plate made of solid wood;
 - One important condition for using a solid wood plate for door leaves of fire protection doors is that the plate is thick enough. With regard to solid oak wood, the plate must have a thickness of at least 8 cm.

Novelty

- Firstly, be clear **what claim covers** - bear in mind claim scope points from earlier slides;
 - Q (2017, 16.1): Document D4 is useless for attacking novelty of claim II, because it relates to dental cleaning of zoo animals.
 - A: False: Claim II is not restricted to (tooth)brushes for humans. Claim II therefore does not exclude toothbrushes for zoo animals.
- Look for disclosures of combinations of features
 - Not enough that the features are described individually – there must be **an embodiment** with all features;
 - **Selection from lists.**
- Understand interpretation of **ranges.**
- Novelty may be provided by **claim dependency.**

Technical problem

- Be sure to know how to:
 - Identify the **closest prior art**;
 - Apply the **problem and solution** approach;
 - Understand **two-part form**.
- When reading the question, make sure you note the **mapping** between the distinguishing claimed feature and the effect;
 - Technical problem solved by **what feature**?
 - Don't fall into the trap of “overall, the invention is generally about X”.
- Read the question **carefully**
 - Q (2016 20.2): One technical effect of the distinguishing features is that the lid stays on the container during cooking and straining.
 - A: False. None of the identified distinguishing features lead to the effect that the lid stays on the container during cooking.

Amendments

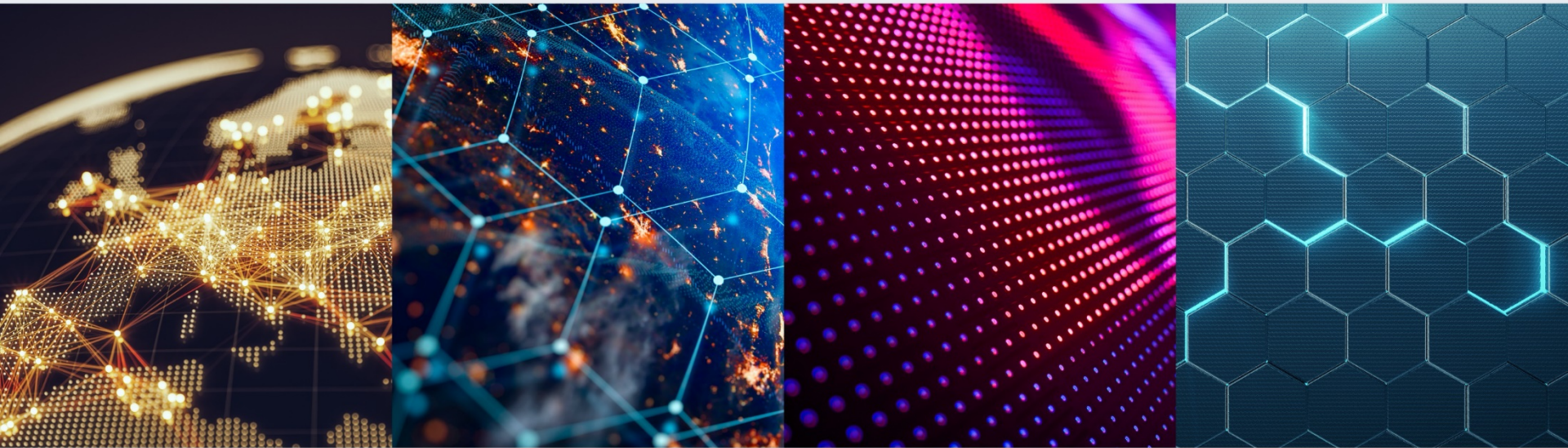
- **Article 123(2) EPC** – be sure to understand this rule! In particular:
 - **Implied** disclosure
 - Basis in **existing claims**
 - **Disclaimers** – disclosed?
 - **Combinations** of features
 - In the **embodiments** disclosed
 - Remember claim **dependencies**
 - **Intermediate** generalisations
 - What has been **removed** by a proposed amendment?
- But don't forget other rules – is subject matter searched, is it clear, does it provide novelty etc.

Top Tips for Revision

- Pace yourself
- Break it down into manageable chunks
- Keep a record of where you're at and what topics you've got left to do
- Find a system of organisation for your texts that works for you
- Plan study, study leave and breaks

Good luck!

Any questions?



European Intellectual
Property Attorneys

krose@vennershipley.co.uk
jhewett@vennershipley.co.uk

Venner | **Shipley**

18 January 2021