

EPI WEBINAR

How to approach e-EQE Paper C

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Step 0: Download and print out the printable parts of the exam paper

- The printable part of the question papers will be available 10 min before the start of the Exam
- Available in PDF – so you are free to print in any suitable format

Personal suggestion

- Client's instruction letter – two pages on one; single-sided
- Documents - two pages on one; single-sided
- Figures - regular size - on separate pages

Caution

Try out different formats during your practice sessions, and get accustomed to your printer settings well before the Exam.

Step 1: Read the letter from the client

Identify the following issues from the letter:

- any added subject-matter issues
- any indication on the effective priority dates of different claims or embodiments/disclosure
- any of the cited documents are by the same applicant (“first filing”)

Exam screen:

Complete the information required for notice of opposition (i.e., identifying the opposed patent; opponent information; pay fees; representative information and signature)

Caution

- The full set of claims will not be available – so the process should be performed again in Part 2.
- The Client's Letter in Part 2 may have different (additional) information.

Step 2: Study the patent and identify the features and the technical effect.

Identify the **features** and their **effect** from the patent

Feature	A1 (effect)
<i>spiral engagement portion</i>	“user is able to remove the cork by pulling the device”; §06
<i>two different pitch sizes</i>	“strongly hold the cork without the extraction element originating too much pressure on the bottle's neck”; §10
<i>coating on the spiral portion</i>	“reduce the friction and minimising resistance”; §17
<i>Polybacchus coating</i>	“particularly good in extracting synthetic cork”; §18

Step 3: Study the claims already provided

Identify

- effective dates of the available claims based on the information in the client's letter
- added subject-matter attack on the available claims / description, based on information from the client's letter

In the exam input or writing screen:

- Write down the effective dates of all the available claims
- If an attack on added subject-matter is identified, make the attack

Caution:

It may be that the added subject-matter is not applicable to the claims available in Part 1.

Step 3: Study the claims already provided

Check your feature list and highlight the features present in the claim

Claim	Feature	A1 (effect)
5	<i>spiral engagement portion</i>	“user is able to remove the cork by pulling the device”; §06
	<i>two different pitch sizes</i>	“strongly hold the cork without the extraction element originating too much pressure on the bottle's neck”; §10
5	<i>coating on the spiral portion</i>	“reduce the friction and minimising resistance”; §17
6	<i>Polybacchus coating</i>	“particularly good in extracting synthetic cork”; §18

Step 4: Briefly check the cited documents

- Check
 - type of document (i.e., patent publication, internet article, an indication of prior use etc.)
 - biographic information and publication dates (A.54(2) or (3) EPC)
- Identify the relevant dates and prepare a timeline
- Categorise the documents based on the overall disclosure
- **In the input or writing screen:**
Effective date of each of the prior art documents – for those which are clear

Step 5: Study the cited documents in detail

- Identify the effective date of all the cited documents
- Make note of / highlight:
 - technical field and the purpose (for closest prior art)
 - any technical effects mentioned in the documents
 - any problems mentioned (for incentive to combine)
 - definitions of terms
- Features of the invention also disclosed in the cited documents:
Keep special note of the features of the already available claim
- In **input or writing screen**:
Check the effective date of each prior art documents is made

Step 6: Update feature chart

Update the feature chart - include the effect if possible

	Feature	A1 (effect)	
5	<i>spiral engagement portion</i>	“user is able to remove the cork by pulling the device”; §06	“to pull the cork out of the bottle”; §08
	<i>two different pitch sizes</i>	“strongly hold the cork without the extraction element originating too much pressure on the bottle's neck”; §10	
5	<i>coating on the spiral portion</i>	“reduce the friction and minimising resistance”; §17	friction reduction layer; §05
6	<i>Polybacchus coating</i>	“particularly good in extracting synthetic cork”; §18	Polybacchus – “particularly good”; §06

Step 7: Prepare novelty/inventive step attacks on the available claims

- Once your chart is complete (for the available claims), start your attacks
- For inventive step, use **problem-solution approach**
 - Give reasons for selecting the closest prior art document
 - Indicate the distinguishing features
 - Partial problems, if any
 - Technical effect and problem solved
 - Incentive to combine with the second document
 - Disclosure in the second document
- **Caution**

It will **not be possible to go back** to the first part after the break.
Make all attacks for the available claims before submission.

Part 2

Step 0: Download and print out relevant parts

- Download the documents for part 2
- Check which documents are **additional (different)**.
 - Print the client's letter
 - Print the new claims and any additional documents
- **Caution**
Once you start the exam, **check again** if you have the correct documents and claims but you will not be able to download again, only to copy from the exam paper

Part 2

Step 1: Read the client's letter (again)

Identify the **additional issues** pointed in the clients letter

- any added subject-matter issues
- any indication on the effective priority dates of different claims or embodiments/disclosure

Step 2 & 3: Study additional part of patent (if any) and new claims

- Study new part of patent, if any, and new claims
- Identify
 - effective dates of the new claims based on the information in the letter
 - added subject-matter of the available claims based on new information and/or additional part of the patent
- In the **input or writing screen**:
 - Write down the effective dates of the new claims
 - If an attack on added subject-matter is identified, make the attack
- **Caution:**
 - Do this process **again** for the new claims
 - Due to different effective priority date of new claims – some cited documents may become relevant

Step 3: Study the new claims

- Check your feature list and highlight the features of the new claims
- If the feature is not on your chart, include it

Claim	Feature	A1 (effect)
5	<i>spiral engagement portion</i>	“user is able to remove the cork by pulling the device”; §06
1	<i>two different pitch sizes</i>	“strongly hold the cork without the extraction element originating too much pressure on the bottle's neck”; §10
5	<i>coating on the spiral portion</i>	“reduce the friction and minimising resistance”; §17
6	<i>Polybacchus coating</i>	“particularly good in extracting synthetic cork”; §18

Step 4: Briefly check the cited documents

- Check the documents again for effective dates
- **Caution:**
 - Do this process **again** for the new claims
 - Due to different effective priority date of new claims – some prior art documents previously not relevant may become relevant

Repeat the steps 5 to 7 for new claims

- **Step 5:**
Study the cited documents again with the new claims in mind
- **Step 6:**
Update feature chart based on the new claims
- **Step 7:**
Prepare novelty/inventive step attacks on the new claims

Thank you
for your attention!