

Contents

Foreword	V
Preface	VII
Contributions	XI
Detailed Contents	XV
Abbreviations used	XIX
1 Introduction	1
2 Methodology	11
3 Interpretation and analysis of disclosures	115
4 State of the Art.....	119
5 Patentable and non-patentable inventions.....	125
6 Novelty.....	135
7 Inventive Step.....	149
8 Claims	159
9 Drafting independent claims.....	165
10 Drafting dependent claims	173
11 Drafting the introductory part of the description	183
12 Special Topics	187
Appendix 1: Template of Analysis Sheet	191
Appendix 2: Model solution of paper A 2013 Electricity/Mechanics	193
Appendix 2.1: Solution of paper A 2013 Electricity/Mechanics	194
Appendix 2.2: Solution de l'épreuve A 2013 électricité/mécanique.....	196
Appendix 2.3: Lösung der Prüfungsaufgabe A 2013 Elektrotechnik/Mechanik ...	198
Appendix 3: Model solution of paper A 2012 Chemistry	201
Appendix 3.1: Solution of paper A 2012 Chemistry	202
Appendix 3.2: Solution de l'épreuve A 2012 chimie	207
Appendix 3.3: Lösung der Aufgabe A 2012 Chemie.....	212
Appendix 4: Sample of EQE lined paper	217
Appendix 5: References to frequently required sources of information regarding the practice to be followed under the EPC.....	219
Appendix 6: Checklists	225
Appendix 6.1: Checklist for independent claims	226
Appendix 6.2: Checklist for dependent claims	228
Appendix 6.3: Checklist for the set of claims as a whole.....	230
Appendix 6.4: Checklist for the final check of the answer paper.....	231
Index	233

Detailed Contents

Foreword	V
Preface	VII
Contributions.....	XI
Contents	XIII
Abbreviations used	XIX
1 Introduction.....	1
1.1 Object of this book.....	1
1.2 Filing of European patent applications	1
1.3 Description of paper A	2
1.4 Study materials for the preparation for paper A	3
1.4.1 European Patent Convention (EPC).....	3
1.4.2 Official Journal of the EPO	4
1.4.3 Guidelines for Examination in the European Patent Office	4
1.4.4 Case law of the EPO Boards of Appeal	5
1.4.5 Regulation on the European qualifying examination for professional representatives	5
1.4.6 Examination Compendium	6
1.4.7 Recommended commentaries in English, French and German.....	6
1.4.8 Selected guides for the preparation of the EQE	7
1.4.9 EQE online forum of the EPO	7
1.5 Overall method for solving paper A	8
1.6 How to use this book.....	10
2 Methodology	11
2.1 Objective.....	11
2.2 Preliminary steps	11
2.2.1 Regulation on the EQE.....	12
2.2.2 Implementing provisions to the Regulation on the EQE (IPREE)	13
2.2.3 Instructions to the candidates.....	16
2.3 Detailed methodology for solving paper A.....	19
2.3.1 Step 1: Overview of the components of paper A.....	19
2.3.2 Step 2: Preliminary analysis.....	21
2.3.3 Step 3: In-depth analysis	26
2.3.4 Step 4: Determining the subject-matter to be claimed	49
2.3.5 Step 5: Drafting the independent claims	57
2.3.6 Step 6: Drafting the dependent claims	82
2.3.7 Step 7: Drafting the supplementary note	93
2.3.8 Step 8: Checking the claims	96
2.3.9 Step 9: Drafting the introductory part of the description	100
2.3.10 Step 10: Final check	108
2.4 Strategy for solving paper A	109
3 Interpretation and analysis of disclosures	115
3.1 Legal basis	115
3.2 Relevance to paper A	115
3.3 Interpreting features	115
3.3.1 Interpreting technical terms and expressions	116
3.3.2 Non-limiting features	116

3.3.3	Identical features	116
3.3.4	Generic versus specific features	116
3.3.5	Features incorporated by reference	117
3.3.6	Implicit features	117
3.3.7	Finding mandatory and optional features	117
4	State of the Art	119
4.1	Legal basis	119
4.2	Relevance to paper A	120
4.3	State of the art	120
4.4	Examples from past papers	121
5	Patentable and non-patentable inventions	125
5.1	Legal basis	125
5.2	Relevance to paper A	126
5.3	Patentable inventions	127
5.4	Non-inventions according to Art. 52(2), (3) EPC	128
5.5	Exceptions to patentability under Art. 53 EPC	129
5.6	Non-technical features	129
5.7	Industrial application	130
5.8	Examples from past papers	130
6	Novelty	135
6.1	Legal basis	135
6.2	Relevance to Paper A	137
6.3	Analysis of novelty	137
6.4	Parameters	139
6.5	Novelty of selection inventions	139
6.5.1	Selection of chemical substances or groups of substances from generic formulae comprised in the state of the art	140
6.5.2	Selection of sub-ranges from broader ranges comprised in the state of the art	140
6.5.3	Overlapping ranges	141
6.5.4	Multiple selections	141
6.6	Novelty test	141
6.7	Examples from past papers	142
7	Inventive Step	149
7.1	Legal basis	149
7.2	Relevance to Paper A	150
7.3	Outlines of the problem and solution approach	151
7.4	The meaning of the requirement of inventive step in Paper A	154
7.5	Examples from past papers	154
8	Claims	159
8.1	Legal basis	159
8.2	Requirements according to Art. 84 EPC	159
8.3	Provisions regarding the form and content of claims	160
8.4	Kinds of claims	161
8.5	Clarity and interpretation of claims	162
8.6	Support of the claims by the description	163
8.7	Combinations of independent claims in different categories	163
8.8	More than one independent claim in the same category	164
9	Drafting independent claims	165
9.1	Legal basis	165
9.2	General principles	165
9.3	Drafting independent claims	166
9.4	Things to avoid when drafting independent claims	169

9.5	Relevance to Paper A	170
9.6	Examples of independent claims	170
10	Drafting dependent claims	173
10.1	Legal basis	173
10.2	General principles applicable to dependent claims	173
10.3	Relevance to Paper A	175
10.4	Examples from past papers	176
11	Drafting the introductory part of the description	183
11.1	Legal basis	183
11.2	Outlines	183
11.3	Relevance to paper A	183
11.4	Drafting the introduction	184
11.5	Checking the introduction	185
12	Special Topics	187
12.1	Generalisations in independent claims	187
12.2	How to achieve the broadest possible protection	187
12.3	Separate applications	188
12.4	Drafting a supplementary note	188
12.5	Examples from past papers	188
Appendix 1:	Template of Analysis Sheet	191
Appendix 2:	Model solution of paper A 2013 Electricity/Mechanics	193
Appendix 2.1:	Solution of paper A 2013 Electricity/Mechanics	194
Appendix 2.2:	Solution de l'épreuve A 2013 électricité/mécanique	196
Appendix 2.3:	Lösung der Prüfungsaufgabe A 2013 Elektrotechnik/Mechanik ...	198
Appendix 3:	Model solution of paper A 2012 Chemistry	201
Appendix 3.1:	Solution of paper A 2012 Chemistry	202
Appendix 3.2:	Solution de l'épreuve A 2012 chimie	207
Appendix 3.3:	Lösung der Aufgabe A 2012 Chemie	212
Appendix 4:	Sample of EQE lined paper	217
Appendix 5:	References to frequently required sources of information regarding the practice to be followed under the EPC	219
Appendix 6:	Checklists	225
Appendix 6.1:	Checklist for independent claims	226
Appendix 6.2:	Checklist for dependent claims	228
Appendix 6.3:	Checklist for the set of claims as a whole	230
Appendix 6.4:	Checklist for the final check of the answer paper	231
Index		233