

Examiners' Report on Paper A/1990 (Electricity/Mechanics)

Paper A was marked on the basis that claims similar to those presented in Paper B would in principle be accepted as a fully satisfactory solution to the task set in Paper A. That is to say, the main claim could be directed to a furnace of the kind using inductively heated channels as known from the prior art document I but improved by locating the heated channels at the bottom of the furnace. The better candidates recognised that this modification of the furnace known from Document I provided a defensible broad protection for the client's invention whilst allowing for a good structure of appendant claims relating on the one hand to the disclosed specific means for effecting distribution of heat within the molten metal and on the other hand to the means for mitigating the undesirable consequences of the pinch effect.

A number of candidates restricted their claims to metal coating, or even specifically to zinc coating, thereby limiting protection quite unnecessarily. Others tried to characterise the client's invention by merely stating that the flow, or the rate of flow, or the effect of convection was controlled in an unspecified manner by unspecified means. Such claims as these were considered altogether too broad and indefinite. Of course apparatus features may legitimately be claimed in functional terms. Nevertheless unspecified means for performing in an unspecified manner a function which is itself not clearly defined is not a meaningful restriction.

Some candidates tried to characterise the invention in terms which were so broad as to be either virtually meaningless or simply not new. For example, merely stating that convection is controlled does not exclude mere provision of an on/off switch for the heating means. Thus, candidates would be well advised, when formulating a functional definition of the "means for" type, to take time to reflect upon the broad implications of the wording chosen.

.../...

It was noteworthy that some candidates did not take sufficient care with the sequence and appendancies of the subclaims, with the result that the requirement to establish a good fall-back position was not satisfied.

Many candidates wasted time by re-writing the claims into the description, whereas reference to these claims would have sufficed.

FORM, for use by individual examiners, in PAPER A (Electricity/Mechanics)

Schedule of marks

Category	Maximum possible	Individual marks awarded	Where grades awarded are not identical	
			Revision of marks/grade (if any)	Remarks*
Claims:				
- Scope of protection = independent claim or claims	22			
= dependent claims	12			
- formal requirements	4			
Description: (Title, field and prior art, problem and/or discovery, solution and advantages)	10			
TOTAL	48			
CORRESPONDING GRADE				

Translation of marks into grades:

0 - 11	Grade 7
12 - 17	Grade 6
18 - 23	Grade 5
24 - 29	Grade 4
30 - 35	Grade 3
36 - 41	Grade 2
42 - 48	Grade 1

* to be filled in if both the following requirements are fulfilled:

- (a) the grades awarded by the two individual examiners before their discussion differ by two grades or more;
- (b) the marks awarded by at least one of the two individual examiners have been changed during their discussion.

If remarks are to be filled in, they should briefly explain **why** the examiner has changed his marks.