ANSWER GUIDELINES TO QE 2011 PAPER A

Note: The answer guidelines contain a non-exhaustive list of points that examiners expect candidates to cover in the answer to this Paper.

General Instruction:

This paper seeks to address some specific issues important for drafting a patent specification for a client:

1) The client has identified retro-fitting of the door structure as one of the business opportunities relating to the invention.

2) The client has verbally informed the patent attorney that handles are not essential, which is not described in the invention disclosure.

3) The client has verbally informed the patent attorney of other optional feature not described in the invention disclosure.

Therefore, candidates should realise that:

- With regards to point 1, there should be an apparatus claim to a door structure (i.e. not just to a refrigerator) and to a method of retro-fitting a door structure to a refrigerator. This is to ensure that not only the "complete" fridge is protected, which could leave competitors fabricating and storing just the door structure and performing retro-fitting free to compete with the client in those important business opportunities.

- With regards to point 2, the main claims should not be limited to handles, even though this may generally be considered a broad term. It does not/unlikely covers "non-handle based mechanisms" mentioned by the client, particularly given that there is no "equivalents" principle in Singapore patent law.

- With regards to point 2 and 3, the additional information given verbally by the client needs to be added into the description of the patent specification. It is critical that an attorney does not just rely on the written description that may be provided by a client, but to include any other material provided by the client during a meeting/inventor interview.

Marking Schedule Outline
Main apparatus claim If not novel, e.g. just two element door structure, or "door being selectively transparent or opaque", points will be deducted. If only the "refrigerator" is claimed as a whole, points will be deducted. However, if two main claims, one for door, one for refrigerator, are drafted, no deduction. If handle is included, points will be deducted. Any other unnecessary feature, such as hinge arms, transparent compartments, seals etc, points

will be deducted.

If no definition of "closed" or "closed position" is included, points will be deducted (clarity issue).

Main method claim

The main issue for awarding points is the correct identification of "fitting the door to a refrigerator" as the relevant method claim, rather than e.g. "manufacturing the door". However if the latter is additionally provided, there are no reductions (unless total claim number exceeds 10, see example claims as below).

The claim can essentially be co-terminus with the apparatus claim, but should define actual method steps.

The method claim can also be drafted as "A method of fitting the door structure of any preceding claim to a refrigerator".

Any unnecessary feature, such as removing existing door, will lead to deduction in points.

Other claims

For each meaningful other claim, points can be awarded, one for the feature selected, one for appropriate wording. For example, if the feature is meaningful, but the wording is too restrictive or includes inappropriate terms such as "may", "preferably", lesser point is awarded. If the feature is not meaningful, e.g. specify materials, "looks like a conventional door" etc, no points are awarded, considering the express request to restrict claim numbers.

If no claim to a "refrigerator comprising the door structure" is provided, points will be deducted.

Independent claim to "method of manufacturing the door structure" receives lesser points, since it is not the most relevant method claim for this Paper.

Background

The main issue is to address Prior Art A in the background, without making the present invention not novel or obvious. The key point is to highlight that Prior Art A seeks to address a different problem and that the cover is specifically designed to not be removed when the door is in a closed position.

The other issue is to address Prior Art B, which is easier, but still needs to be associated with a disadvantage, which is not explicitly mentioned in the Paper. Candidates are expected to be able to identify disadvantages of prior art. Here, Prior Art B requires special material, special electrical interconnection, i.e. higher fabrication cost and complexity, reliability issues, etc.

Identifying the problem of energy wastage when opening conventional refrigerator door.

Identifying that just having transparent door as in a commercial fridge is not suitable for home fridge, i.e. unsightly.

Summary

For each claim language aspect/embodiment statement WITH advantage statement, points will be awarded.

Brief description of drawings/description

If no "example embodiment" language in brief description, no points awarded.

The main issue for the description is to incorporate the additional information provided verbally by the client, points will be awarded specifically to each for "non-handle" options, and "other means for arresting opaque cover member".

Amending "invention" language to "embodiment" language, points will be awarded. Each remaining "invention" results in point reduction (there are 5 occurrences)

Example Claims

Claims:
1. A door structure for a refrigerator, the door structure comprising:
   - a first substantially transparent door member , and
   - a second substantially opaque door member adapted to substantially cover the first door member;
wherein the second door member is adapted to be independently opened when the first door member is in a closed position in which the first door member abuts a frame of the refrigerator.

2. The door structure as claimed in claim 1, wherein the first door member comprises a first handle for simultaneously open the first and second door members, and the second door member comprises a second handle, for independently opening the second door member if the first door member is in the closed position.

3. The door structure as claimed in claim 2, wherein the first handle is disposed on the first door member in a manner such that it projects through an opening formed in the second door member when the first and second door members are in closed positions.

4. The door structure as claimed in any one of the preceding claims, wherein the first door member comprises one or more transparent compartments for storage of goods.

5. The door structure as claimed in any one of the preceding claims, wherein the door structure comprises a hinge mechanism adapted to enable independent opening of the first and second door members.

6. The door structure as claimed in claim 5, wherein the hinge mechanism comprises means for releasably arresting the second door member in a closed position.

7. A refrigerator comprising the door structure as claimed in any one of the preceding claims.

8. A method of fitting a door structure to a refrigerator, the method comprising the steps of:
   - fitting a first substantially transparent door member to the refrigerator , and
   - fitting a second substantially opaque door member adapted to substantially cover the first door member;

wherein the second door member is fitted to the refrigerator in a manner to allow independent opening of the second door member when the first door member is in a closed position in which the first door member abuts a frame of the refrigerator.

9. The method as claimed in claim 8, comprising providing the first door member with a first handle for simultaneously open the first and second door members, and providing the second door member with a second handle in a manner to allow the independent opening of the second door member if the first door member is in the closed position.

10. The method as claimed in claims 8 or 9, comprising fitting a hinge mechanism to the refrigerator, the first door member and the second door member in a manner to allow the independent opening of the second door member if the first door member is in the closed position.