

Qualifying Examination Guidance

Knowledge and Experience for Final Diploma Examination FD2 Drafting of Specifications (P3)

Introduction

This guidance has been prepared to assist candidates in preparing for the PEB qualifying examinations. They are intended to be used to identify the knowledge and experience candidates should attain prior to sitting the examination.

Different candidates will have widely different opportunities for training and gaining experience, depending on the pattern of work in their firms or companies. Using these guidelines will help candidates to identify areas where the knowledge and experience gained in the workplace will have to be supplemented through tutorials, seminars, training courses, private study or other means.

It is unlikely that candidates with less than three years' experience in the profession, including at least a year acting mainly on their own responsibility, will have sufficient experience to address this paper.

Overview

This document should be read alongside the FD2 syllabus, which details what is expected of a candidate. This examination is a test of competence to understand a simple technical problem and, primarily, to draft claims for a new patent application that clearly define the invention and give the maximum potential for protection in view of the disclosed information. While the technical problem will differ from paper to paper, candidates will always be expected to draft GB claims, both independent and dependent; and to draft a specification, either whole or in part, made up of an introduction, prior art review, object, statement(s) of invention, specific description and abstract. The time allowed for this paper is 4 hours.

Guidance

Candidates should:

1. Have drafted 10 UK patent applications
2. Understand how to apply the significant case law on drafting specifications, especially claims, as indicated in the relevant sections of or as reported in:

- CIPA Black Book
 - Reports of Patent, Design and Trade Marks Cases
3. Be familiar with the principles of drafting descriptions, claims and abstracts for UK, European and International patent applications as indicated in:
 - The Patent Office Manual of Patent Practice
 - Fundamentals of Patent Drafting – Paul Cole, 2006
 4. Be competent in amendment practice as examined by examination FD3.
 5. Have attempted, and have had reviewed, at least 5 past FD2 papers under examination conditions.

Although FD2 tests candidates' competence in drafting for UK applications only, from a broader practice perspective the candidates are recommended to:

6. Have a basic knowledge of the principles of drafting claims for Europe, United States, Australian and Japanese Claims
7. Have prepared a patent application for use in one or more of United States, Australia and Japan
8. Have prepared EP or PCT patent applications.