

CANADIAN PATENT AGENT QUALIFYING EXAMINATION

GUIDE TO WRITING THE PATENT AGENT EXAM

PAPER C – PATENT OFFICE PRACTICE

These guidelines describe in a general manner the contents and criteria for the Patent Agent Examination - Paper C. Specific content and rating is the responsibility of the Examining Board, based on their considered judgement.

The actual contents of the Examination may change without notice and may differ from the contents of this general guidance document.

CONTENTS:

1.0 Introduction

2.0 Examination Content

2.1 Part A – Long Answer Questions

2.2 Part B – Short Answer Questions

3.0 Mark Distribution

4.0 Scoring

Appendix A - Examples of Examination Content Issues

1.0 Introduction

Paper C (Patent Office Practice) of the Patent Agent Qualifying Examination measures the basic competencies necessary for a patent agent to deal with rejections/objections raised during prosecution of a patent application in Canada and basic skills for patent agency practice. Candidates should adhere to the general layout of a response to an office action. Emphasis is placed on demonstrating a working knowledge of Patent Office practice.

The examination is four (4) hours in length.

2.0 Examination Content

The examination consists of two (2) parts:

PART A consists of a “long answer question” which tests a candidate’s ability to deal with rejections/objections typically raised in an official action/examiner’s report issued by a patent examiner of the Canadian Intellectual Property Office (CIPO).

PART B consists of “short answer questions” and tests a candidate’s general patent practice-based knowledge necessary to practice as a patent agent.

2.1 PART A – Long Answer Questions

What is tested and rated:

IN PART A, candidates are rated on two categories of competencies:

(1) Analytical competencies that require the candidate to exhibit understanding of the question-specific subject matter and the application of the Patent Act and Rules in addressing the issues – for example: reference citability, anticipation, obviousness, indefiniteness, ambiguity, support, etc., and;

(2) Knowledge competencies that require the candidate to exhibit understanding of general patent prosecution issues governed by the *Patent Act*, *Patent Rules*, the *Manual of Patent Office Practice (MOPOP)*, and case law – for example, designation of trademarks, incorporation by reference statements, and proper reference to external documents, proper claim dependency structure, etc.

Contents of PART A

Part A contains questions relating to specific patent office practice issues or scenarios. Questions elicit responses that require demonstration of the above two competencies.

INSTRUCTIONS TO CANDIDATES

You will be asked to prepare an appropriate response to each question/issue. Consider each question separately and independently of the other questions. Note that description and claim amendments together with arguments may be required to adequately address each issue. Case law may be cited if needed to support an argument or position.

Appendix A provides a list of examples of issues that may be tested.

Appendix A is **NOT** comprehensive.

2.2 PART B – Short Answer Questions

What is tested and rated:

For the short answers component, the examination tests knowledge-based issues that are not linked or associated with the long answers component. Consider each question separately and independently of the other questions. Case law may be cited if needed to support an argument or position.

3.0 Mark Distribution

PART A The long answer component represents 50-75% of the overall grade.

PART B The short answer component represents 25-50% of the overall grade.

4.0 Scoring

PART A

Candidates are awarded marks for:

- dealing correctly with key issue(s)
- dealing correctly with all other issues
- clarity of response/answers
- organization and appropriate presentation of arguments
- professionalism
- appropriate statutory or case law citation.

PART B

Candidates are rated on the correctness and clarity of the answer and appropriate statutory or case law citation, when appropriate to the answer.

APPENDIX A

Examples of Examination Content Issues

The following are examples of issues that may be tested.

Appendix A is NOT comprehensive.

| ISSUE |
|--------------------------------------|
| Prior Art – citability of references |
| Prior Art – Anticipation/Novelty |
| Prior Art – Obviousness |
| Case Law |

| |
|--------------------------|
| Basic claim structure |
| Statutory subject matter |
| Claim types |
| Preambles |

| |
|--|
| Elements |
| Steps (method/process) |
| Article of manufacture |
| Product-by-process |
| Use of workpiece or Environmental element |
| Negative limitations |

| |
|--------------------------|
| Claim support |
| Antecedent |
| Indefiniteness/ambiguity |
| Miscellaneous |
| Dependent claim errors |