

LAW AND PRACTICE OF PATENTS

EXAMINATION PAPER 2025

Time Allowed: 3 Hours and 20 minutes

Answer **SIX** questions only. Any additional answers will be disregarded and **NOT** marked.

Candidates **MUST** answer Question Number 1 and Question Number 2.

In the event of a Candidate failing to answer Question Number 1 and Question Number 2 the examination paper of that Candidate will **NOT** be considered valid.

1. Marco is a keen amateur chef. Over the years he has found himself frustrated by the difficulty of keeping oven rails (i.e. the suspended rails on which dishes and trays rest when in an oven) clean, particularly at the locations where the rungs cross perpendicularly and food/fats typically accumulate and become baked-on. In an effort to get around this, Marco has designed and produced oven rails made from a single pressed sheet of metal where the gaps through which air is to circulate are simply cut out and so there are no intersecting joints.

On the assumption that Marco has not as yet taken any steps to disclose his concept into the public domain, he seeks your detailed advice as to the patentability thereof and whether he should seek a short-term or standard patent.

2. While making appropriate reference to relevant case law, explain each of the following concepts in the context of obviousness:

(a) The person skilled in the art (including the concept of the skilled team);

AND

(b) Common general knowledge.

3. Outline and discuss the jurisdiction and operation of Unified Patent Court.

4. Differentiate between **EACH** of the following:

(a) (i) Independent and (ii) dependent patent claims;

and

(b) (i) Product and (ii) process patent claims,

set out in each case the respective purposes of such claims and, in any area of science or industry of your choosing, provide examples of how these claims are worded and structured.

5. Set out the procedure to be followed in securing the restoration of a lapsed patent and set out the circumstances in which this is possible.

6. Explain the use and role of auxiliary requests in the context of opposition proceedings before the European Patent Office.
7. Describe the typical format and structure of a patent specification and outline the particular methodology that you would employ in drafting one.
8. Set out the advantages and disadvantages of seeking a declaration of non-infringement pursuant to section 54 of the Patents Act 1992.
9. Discuss the circumstances in which an Irish patent can be amended after grant and the means by which such an application can be brought.