

## Publication Report on the Categorisation Committee

Last year's test resulted in most candidates not achieving a passing mark in the categorisation case study exam and the committee this year aimed at a passing rate of closer to fifty percent for the categorisation case study exam. The form of last year's main question for the categorisation case study exam required the candidates to identify all of the independent claims as the first sweep and then answer detailed questions for each claim so found in the second sweep. There were three independent claims and any candidate who did not find all three of the independent claims would then not be able to score points from the missed claims; most candidates found only one independent claim, thus missing two-thirds of the possible points resulting in the inability to score even close to a passing mark. This year we did not create questions that were so heavily dependent upon answering an initial question and thus made this year's questions independent of each other and each was clearly stated.

In addition, there was an additional question about claims and one bonus question that would allow candidates to gain points for correct answers, but not be penalized if they did not answer the question or answered it incorrectly.

The multiple-choice short answer general theory questions were scored automatically and checked by the committee members, and the second part of the exam with open questions was marked individually. The committee was asked if they knew anyone in the candidate pool and no one knew any candidates that they marked. Each candidate's responses were graded independently by two graders and if the scores were more than 10% different, the two graders discussed the results, and the scores were adjusted if agreement could be reached. If agreement could not be reached or if the adjusted scores remained 10% different, the candidate's answers were graded by a third grader and then the three scores were averaged.

### General Theory Exam

This exam consisted of ten multiple choice and open questions of varying complexity and different subject areas, though all candidates answered the same questions in the allotted 30 minutes. A total of 26 points could be gained if the questions were answered correctly, with each question having between two and four points.

### Categorisation Analysis Case Study Exam

The exam involved six publications relating to can holders, each with its own considerations. For example, an American patent's claim read directly on the disclosed invention in the fact pattern, but the issue date made it clear that the American patent had long expired. Determining that the American patent claims were relevant to the proposed can holder but was expired would then lead to the correct categorization of the document as being not relevant from a patent infringement risk perspective and to provide an explanation for the categorisation. The candidates were also asked to categorise the US patent as being relevant or not relevant in other jurisdictions where the can holder would be manufactured or sold including Australia, Canada, and the UK. Candidates were also asked to identify the independent claims of the European patent publication provided as one of the six publications and we were pleased to see that most candidates answered this correctly.

We are very pleased to see that the results of this year's categorization case study exam resulted in most candidates receiving a passing grade even though the questions were not watered down or made simpler; we simply revised the format of the question!