

Sample Patent Knowledge Examination Answer Key

Questions:

1. A patent application has an independent claim including a value with a set range. A dependent claim has a narrower range. In litigation, the independent claim is deemed invalid in light of prior art. Which of the following statements is true regarding the dependent claim? **Correct Answer: B**
 - A. Invalidity of the independent claim has no effect on the validity of the dependent claim
 - B. The dependent claim may be valid if the narrower range results in a new and unobvious result**
 - C. The dependent claim is invalid as the narrower range is captured in the independent claim
 - D. The dependent claim is valid as long as an even narrower range exists in a further dependent claim
2. Which date was identified in *Free World Trust v. Electro Sante Inc.* as the relevant date for a claim construction analysis? **Correct Answer: B**
 - A. Date of filing
 - B. Date of publication**
 - C. Date of issuance
 - D. Date of alleged infringement
3. In which of the following situations may the *Saccharin* doctrine apply? **Correct Answer: B**
 - A. Importation into Canada of a product claimed in a Canadian patent
 - B. Importation into Canada of a product made outside of Canada by a process claimed in a Canadian patent**
 - C. Importation into the United States of a product made in India by a process claimed in a Canadian patent
 - D. Importation into Canada of a product made in India by a process claimed in an Indian patent

4. For which category must an application explain a principle of the invention and the best mode in which the inventor has contemplated the application of that principle?

Correct Answer: C

- A. An art
- B. A process
- C. A machine**
- D. A composition of matter

5. Which of the following actions should be taken to replace a drawing with a higher-quality version after a patent application has been allowed? **Correct Answer: A**

A. Submit a request for continued examination with the continued examination fee and the replacement drawing, before the final fee is paid

- B. Submit an amendment containing the replacement drawing together with the final fee by the deadline for paying the final fee
- C. Abandon the application for failure to pay the final fee, and file a request for reinstatement along with the final fee and the replacement drawing
- D. Pay the final fee by the deadline set in the notice of allowance, and then submit an amendment with the replacement drawing

6. A company wishes to file a patent on a medical method. In what jurisdiction would such a method be patent-eligible? **Correct Answer: D**

- A. India
- B. Canada
- C. European Union
- D. United States**

7. On January 1, 2022, a United States application is filed by an applicant. Six months later - on July 1, 2022 - the applicant files a Canadian application, intending to claim priority to the United States application. However, at the date of filing of the Canadian application, the applicant forgets to submit a request for priority. Which of the following dates is the last day the applicant can validly submit the request for priority?

Correct Answer: C

- A. Four (4) months after the filing date of the Canadian application (November 1, 2022)
 - B. Twelve (12) months after the filing date of the United States application (January 1, 2023)
 - C. Sixteen (16) months after the filing date of the United States application (May 1, 2023)**
 - D. The time period for requesting priority has elapsed
8. Which of the following features does a person of ordinary skill in the art (POSITA) have when reading disclosures? **Correct Answer: A**

A. A mind willing to understand and desirous of success

- B. An awareness of all prior art in the field of invention at the examination date
 - C. Creative and intuitive expertise
 - D. A precisely defined educational background and length of work experience
9. Which section of the application typically includes a mirror of the claim language?

Correct Answer: A

A. Summary

- B. Detailed description
- C. Background
- D. Field of the Invention

10. A Canadian start-up Company ABC, files an originating Canadian Patent Application directed to an innovative environmentally friendly technology. Company ABC becomes aware of a process used by Company XYZ that appears to include the combination of process steps claimed in the Company ABC's Patent Application. How could Company ABC expedite examination of the Canadian Patent Application in the most cost-effective way? **Correct Answer: B**
- A. Request expedited examination as a small entity
 - B. Request expedited examination in view of ABC's green technology**
 - C. Request expedited examination in view of XYZ's similar and possibly infringing process
 - D. Request expedited examination under Track One prioritized examination
11. A client filed a Canadian patent application on April 17, 2023, validly claiming priority to a US provisional patent application filed on December 8, 2022. Which of the following documents is citable for both anticipation and obviousness? Assume that the applicant of the below documents is unrelated to the client. **Correct Answer: A**
- A. A Canadian patent application that published December 8, 2021**
 - B. A US patent application that published March 21, 2023
 - C. A European patent application that published April 17, 2023
 - D. A Canadian patent application that published December 9, 2022
12. How many years of additional patent protection, starting from the expiry of a patent, can be obtained with a Certificate of Supplementary Protection (CSPs)? **Correct Answer: A**
- A. 0 to 2 years**
 - B. 3 to 5 years
 - C. 6 to 9 years
 - D. 10 to 12 years
13. The time for filing a divisional application, based on a parent patent application (an "original application"), expires at the occurrence of which of the following events on the original application? **Correct Answer: D**
- A. Submission of a request for examination
 - B. Receiving a notice of allowance
 - C. Payment of the final fee
 - D. Issuance of a patent on the original application**

14. Which of the following is required for an application for a patent to be classified as a divisional application? **Correct Answer: B**
- A. Examination must be requested not later than three months after the presentation date
 - B. The original application number must be submitted to the Commissioner not later than three months after the presentation date**
 - C. The application on its presentation date must contain one or more claims that differ from the claims of the pending or allowed claims of the original application
 - D. A terminal disclaimer must be filed not later than three months after the presentation date
15. A regular Canadian Patent Application is filed with a document in the Spanish Language that appears to describe a bicycle, and a document with the applicant's name. Which of the following are required by the Canadian Intellectual Property Office (CIPO) to secure a filing date for this Application? **Correct Answer: B**
- A. An indication of applicant's entity status
 - B. Applicant's contact information**
 - C. An English language translation of the Spanish document
 - D. Payment of the filing fee