

Patent
Examination
Board

Final Diploma

FD2 Drafting of Specifications

Specimen Mark Scheme

For first examination in October 2025

Specimen Mark Scheme provisional pending consultation

Guidance for FD2 Examiners

The assessment task set out in the question paper comprises four parts:

1	Introduction and Statements of Invention	23 marks
2	Specific Description and Abstract	22 marks
3	Independent Claims	24 marks
4	Dependent Claims	31 marks
	Total marks available	100

The FD2 syllabus contains Learning Outcomes which specify what candidates must know, understand and be able to do. These Learning Outcomes reflect the generic Learning Outcomes for the Final Diploma set out in the Programme Specification. The examination specifically tests candidates' ability to meet these Learning Outcomes.

1 The Levels of Response grids are used to determine the mark to be awarded for each task. Read the candidate's response for the task, referring to the Generic Criteria and QP-Specific Criteria.

What the levels mean:

- Levels 3 and 4: the candidate's response to the task meets, or exceeds, the standard of competence that demonstrates achievement of the learning outcomes.
- Level 2: the candidate's response to the task has not met the standard of competence that demonstrates achievement of the learning outcomes. A Pass in the examination can be achieved if a sufficient level of competence is demonstrated in the other tasks.
- Levels 1 and 0: the candidate's response to the task is significantly below the required standard of competence and the candidate cannot be awarded a Pass for the FD2 examination.

2 The QP-Specific Content is material that candidates may include in their answers, but is not exhaustive. Other responses that meet the task requirements may be acceptable. The QP-Specific Content is designed to help examiners to award an appropriate mark within the correct level.

3 The level should be first determined by starting at the highest level and working down until the level that best matches the answer is reached. Then the mark within that level should be determined.

4 A **best-fit** approach should be applied to determining which level to award for each part. Responses may contain both strengths and weaknesses and may be inconsistent in terms of the level achieved for different assessment criteria.

5 The four tasks should be marked separately and a mark awarded for each task, then the four marks totalled and transferred to the marks spreadsheet.

Learning Outcomes The successful candidate will:	Assessment Criteria The successful candidate can:	Task 1	Task 2	Task 3	Task 4
1. apply knowledge and understanding of patent law and practice	a. apply the law and practice governing patentable inventions to a given situation	✓	✓	✓	✓
	b. determine the prior art	✓			
	c. apply prior art to the lay client's idea to determine what might be patentable			✓	
2. critically analyse and evaluate information from a range of sources	a. incorporate the wishes and priorities of the lay client into the patent specification where possible	✓	✓	✓	✓
	b. analyse an invention for essential and inessential features	✓	✓	✓	✓
3. independently synthesise information and ideas to create a response to a problem	a. draft an independent claim(s) which is of sufficient breadth to cover the lay client's interest, contains all the essential features, and which is distinguished from the prior art			✓	
	b. draft a set of dependent claims with an appropriate hierarchy and which provide suitable fall back positions if independent claim(s) fail(s) during prosecution				✓
	c. draft a title and an appropriate description of the field of the invention and the prior art		✓		
	d. draft statements of invention appropriate to the claims explaining how they distinguish from the prior art	✓			
	e. draft a specific description of the embodiment(s) of the lay client's invention to provide support for the claims		✓		
	f. draft an abstract for use as part of a UK patent application		✓		
4. proficiently communicate the results of the analysis	a. apply the technical requirements of patent specifications	✓	✓	✓	✓
	b. set out the problem(s) to be addressed	✓	✓	✓	✓
	c. produce claims that are clear, logically structured and appropriately cover the relevant features			✓	✓
	d. present a specific description that is clear and detailed		✓		
	e. include relevant details in an abstract		✓		

1. Introduction and Statements of Invention (23 marks)

	Generic Criteria	QP-Specific Criteria:	Mark Range
Level 4	<ul style="list-style-type: none"> Includes: <ul style="list-style-type: none"> An accurate title. A statement of field defining the technical field of the invention. A clear prior art summary. Statements of invention for the independent claim(s). Statements of invention for most of the dependent claim(s). As a whole, the sections are each clear, well-written and consistent. The statements of invention are linked to claim language (describing what each claim feature does and the corresponding advantage). Any potential ambiguity in claim language (e.g., potentially unclear or broad terms) should be explained. 	<ul style="list-style-type: none"> The title accurately reflects the claimed subject matter (i.e. apparatus and method). The statement of field defines the technical field of the invention (e.g., wooden pallet inspection) without simply repeating/rephrasing the title. A prior art summary is provided that describes the prior art method of pallet inspection outlined by the client (i.e. stand on edge or end of face/visual check of other corner(s), use of wedge, note wedge being marked) and outlines the problem(s) addressed. Minimal amounts of text copied verbatim from the client's letter. <p style="text-align: center;">Title, statement of field, prior art summary maximum: 4 marks</p> <ul style="list-style-type: none"> A statement of invention for the independent apparatus claim, linked to the claimed features. [up to 3 marks] Statements describing what each dependent apparatus claim feature does and the corresponding advantage. <ul style="list-style-type: none"> Such statements should be included for at least three-quarters (i.e., 13) of the 17 dependent claim features (a-q) that are listed below. It should be noted that these dependent claim features need not also be included as dependent claims. [up to 9 marks] A statement of invention for independent method claim linked to the claimed method steps. [up to 3 marks] Statements for the various dependent method features s and t listed below. [up to 4 marks] The statements of invention should be logically ordered, preferably reflecting the order of the claims, and may include alternative features that are not claimed. Any potential ambiguity in claim language (e.g., broad terms or definitions not provided by the client) should be addressed to ensure fallback positions are available in the event of any future objection to such wording during examination. <p style="text-align: center;">Statements of invention maximum: 19 marks</p>	18-23
Level 3	<ul style="list-style-type: none"> May omit one or more of the title, statement of field, or prior art. The statements of invention may be incomplete in some areas, but are acceptable overall. 	<ul style="list-style-type: none"> As above, but one or more of the title, statement of field or prior art summary may be omitted or inadequate. Statements of invention should be included for at least half of the dependent apparatus claim (features a-q). Statements of invention should be provided for the apparatus claims as a minimum, but may be missing or incomplete for the method claims. 	13-17

	<ul style="list-style-type: none"> • May be some minor inconsistencies or issues with wording. 	<ul style="list-style-type: none"> • Overall, the statements of invention should explain and outline the advantages of most of the key elements of the pallet inspection apparatus as outlined by the client, preferably linking the apparatus and method features. 	
Level 2	<ul style="list-style-type: none"> • May omit one or more of the title, statement of field, or prior art. • Statements of invention are partially incomplete and/or may be inadequate in certain key respects. 	<ul style="list-style-type: none"> • May omit, or only include a brief, statement of invention for the independent apparatus claim. • May include statements of invention for fewer than a half of the dependent apparatus claim (features a-q). • Statements may omit advantages or repeat generic advantages. • May include isolated statements without linking together features. 	7-12
Level 1	<ul style="list-style-type: none"> • May omit one or more of the title, statement of field, or prior art. • Statements of invention are omitted or are so inadequate or limited in number that they provide minimal benefit. 	<ul style="list-style-type: none"> • Statements of invention may merely repeat claim language, without explaining the claim feature or giving any advantages. • May merely list generic advantages ("better apparatus for measuring the warpage of pallets") next to claim language with no specific link to the relevant feature. 	1-6
Level 0	No response or no response worthy of credit	No title, statement of field, prior art summary or statements of invention are provided.	0

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2. Specific Description and Abstract (22 marks)

	Generic Criteria	QP-Specific Criteria:	Mark Range
Level 4	<ul style="list-style-type: none"> A clear, well-written specific description that explains conceptually how the invention works. The specific description should describe all embodiments and variants described by the client, with appropriate use of reference numerals to refer to features provided in any drawings. An abstract should be included that clearly meets UKIPO requirements. 	<p>Specific Description:</p> <ul style="list-style-type: none"> Should include an explanation of how the invention works conceptually including a description of the describe structure, function and operation. Up to 6 marks for describing the device and fallbacks. Up to 8 marks for clarity as to the distinctions between the method, and for describing variants. Up to 3 marks for figure number (page/features) and summary description of the figures (with prior art identified as such). <p style="text-align: right;">Specific Description maximum: 17 marks</p> <p>The abstract is required and should preferably;</p> <ul style="list-style-type: none"> Include a title (consistent with main title) State technical field or main use, Describe main features of the device, Mention there is a method and give detail thereof. Include consistent use of reference numerals. Be consistent with claims, but not just a copy thereof. <p style="text-align: right;">Abstract maximum: 5 marks</p>	18-22
Level 3	<ul style="list-style-type: none"> The specific description may describe most of the key features and variants of the method, but may omit some more minor details or alternatives. The abstract may be omitted or be incomplete. 	<ul style="list-style-type: none"> As above, but the abstract may be omitted or it may be incomplete. As above, but the specific description may not describe certain (e.g., less important) features of the device or method. However, the apparatus and how it is used should be adequately described. 	12-17
Level 2	<ul style="list-style-type: none"> The specific description may only be partially complete (e.g., only describing some of the embodiments). 	<p>As above, but the specific description may only be partially complete (e.g., it may only describe the apparatus and not the method of using the apparatus).</p> <ul style="list-style-type: none"> The specific description may include some sections copied directly from the client's letter, but at least some rewording and references to the drawings features has been attempted. 	6-11
Level 1	<ul style="list-style-type: none"> Specific description has serious inadequacies, making it unfit for purpose. 	<ul style="list-style-type: none"> The specific description may be unintelligible, or it may merely be a cut-and-paste of the client's letter without re-ordering, re-wording or the addition of reference numerals. 	1-5
Level 0	No response or no response worthy of credit.	No Abstract and no specific description are provided.	0

3. Independent Claims (24 marks)

	Generic Criteria	QP-Specific Criteria:	Mark range
Level 4	<ul style="list-style-type: none"> Includes all necessary features. Includes no non-essential features. Clear, coherent, and well written. Includes appropriate number of independent claims. 	<ul style="list-style-type: none"> Must include two independent claims (device and method). Examples of suitable independent claims: A. A device for measuring the [warping or] deflection of a [wooden] pallet, comprising: a frame comprising a flat surface on to which [a face of] a pallet can be placed, a releasable securing means coupled to the frame and configured to releasably secure a [n edge and/ or] corner of the pallet against the flat surface, and a measuring means coupled to the frame and configured to measure deflection of a different [edge and/ or] corner of the pallet to that securable by the releasable securing means from the flat surface. [upto 19 marks] B. A method of determining the warp of a pallet comprising, comprising the steps of; (i) releasably securing a first [edge and/ or] corner of a pallet to a flat surface of a frame, (ii) measuring the deflection of a second [edge and/ or] corner away from the flat surface of the frame of the pallet to that releasably secured from the frame. Maximum: 5 marks 	19-24
Level 3	<ul style="list-style-type: none"> Provides acceptable coverage of the concept described by the client. May include non-essential features that do not seriously impact overall claim scope. May omit or not fully define all necessary features but would likely be recoverable during prosecution. Generally clear and well-written but may include minor grammatical errors and inconsistencies. 	<ul style="list-style-type: none"> As above, but may omit the independent method claim or may only include a method claim that is dependent on the apparatus claim. May include minor deficiencies in wording that lead to some minor ambiguities over the intended claim scope, but substantively covers the inventive concept outlined above. May include a suitably worded “in use” definition in the apparatus claim (e.g., when a [wooden] pallet is secured by the releasable securing means against the flat surface, the measuring means is configured to measure deflection of a different corner of the pallet to that secured by the releasable securing means from the flat surface). The independent apparatus claim may include no more than one feature that should be included in the dependent claims (as defined below). 	13-18
Level 2	<ul style="list-style-type: none"> Inadequate claim coverage. Omits features. Includes non-essential features. Arguably not novel. Arguably does not cover all described embodiments. 	<ul style="list-style-type: none"> As above, but the apparatus claim includes limitations that seriously restrict claim scope. For example: <ul style="list-style-type: none"> A pallet is included as a claimed integer in the apparatus claim. The apparatus claim is limited to only when the device is in use, e.g. that the pallet is rotated in any direction is included in the claim. Includes more than one feature that should be included in the dependent claims. 	7-12

Level 1	<ul style="list-style-type: none"> • Catastrophic claim limitations. • Omits essential features. • Not distinguished from prior art. • Does not cover all embodiments. 	<ul style="list-style-type: none"> • The apparatus claim is not novel. • All embodiments are not covered by the apparatus claim. • Includes multiple features that should be included in the dependent claims. 	1-6
Level 0	No response or no response worthy of credit	Nothing that resembles an independent claim.	0

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4. Dependent Claims (31 marks)

	Generic Criteria	QP-Specific Criteria:	Mark Range
Level 4	<ul style="list-style-type: none"> Most of relevant features described by the client are captured in dependent claims. The dependent claims are logically ordered, with appropriate claim dependencies. The preamble should be correct. 	<ul style="list-style-type: none"> At least three-quarters (i.e., 13) of the following 17 dependent apparatus claims a-q are included. These must include at least one claim in each of the five groups: <ul style="list-style-type: none"> Group 1 - Dimensions <ul style="list-style-type: none"> a. The frame is sized to accommodate a pallet wherein the upper and lower faces comprise a width and depth of 120cm each and the sides are [/ the faces are spaced apart by] a maximum of/ up to 20cm. [NB Claim language can refer to receipt of a pallet of these dimension, or the frame itself sized accordingly.] b. The frame is configured to receive 3 corners of a face of a pallet c. The frame is configured to receive all 4 corners of a face [/ the whole of one face] of a pallet Group 2 - Material <ul style="list-style-type: none"> d. The frame is formed from a substantially rigid material. e. The substantially rigid material comprises composite and/ or steel Group 3 - Frame Alignment (Alignment of the frame itself) <ul style="list-style-type: none"> f. The frame comprises alignment means for ensuring alignment of the frame [itself]. g. The frame comprises at least two alignment means. h. Where in each of the alignment means is a laser level and/ or spirit level. Group 4 - Releasable securing means <ul style="list-style-type: none"> i. The releasable securing means comprises at least 2 releasable securing means. j. The or each releasable securing means is located at a portion of the frame configured to receive a[n edge and/ or] corner of the pallet. k. The or each releasable securing means comprises a clamp [/ clamping means]. Group 5- Measuring means <ul style="list-style-type: none"> l. The measuring means comprises an upright. m. The measuring means comprises a [marker which acts as] visual indication [of deflection]. n. The visual indication can be [changed/ moved] by a user and secured in place. o. The measuring means comprises at least one wedge movable relative to the frame. p. The at least one wedge comprises at least one [threshold] marking. q. The measuring means comprises a laser level. <p style="text-align: right;">Dependent apparatus claims: Maximum 19 marks</p> <ul style="list-style-type: none"> Includes a method claim that defines the apparatus of the apparatus claims is used in the method of the method claims. For example, a method according to claim xxx, wherein the method steps are performed using the device of claims 1-q. NB, any suitable language tying the method to the device of earlier claims is acceptable. 1 mark 	24-31

		<ul style="list-style-type: none"> At least three-quarters of the following additional method steps are captured in one or more dependent method claim steps (either in multiple dependent claims, with the correct dependencies, or claims with multiple method steps). It should be defined as being possible to have either rotation, and/ or the pallet is turned over or flipped before being remeasured. Referring to the steps of an earlier method claim for any repeated steps is acceptable. The additional (dependent) method steps are: <ul style="list-style-type: none"> Releasing the pallet, Removing the pallet from the frame, and Either <ul style="list-style-type: none"> (a) rotating the pallet to permit a releasable securing of a different corner and/ or b) turning the pallet over [or flip] such that a lower face becomes an upper face before repeating the steps of (c) releasably securing the different [edge and/ or] corner of the pallet to the frame, and (d) measuring the deflection of a[n edge and/ or] corner of the pallet different to that releasably secured to the frame. <p style="text-align: right;">Maximum: 11 marks</p>	
Level 3	<ul style="list-style-type: none"> A majority of the relevant features described by the client are captured in dependent claims. The dependent claims are generally well ordered, with appropriate dependencies for most claims. May include errors and inconsistencies that do not seriously impact the fallback positions defined by the dependent claims 	<ul style="list-style-type: none"> At least half of the dependent apparatus claims a-q are included, with dependent claims in at least three of the five identified claim groups. Dependent method claims are included that at least cover the concept of rotating and/or flipping the pallet during measurement. Most claim preambles and dependencies are correct, with the claims being generally structured in an appropriate order. 	16-23
Level 2	<ul style="list-style-type: none"> Only some of the relevant features are captured in 	<ul style="list-style-type: none"> Fewer than half of the dependent apparatus claims a-q are included, or claims are included in only two or fewer of the five identified claim groups. Multiple features identified above may be combined into single dependent claims. 	9-15

	<p>dependent claims, leaving serious deficiencies in the potential fallback positions captured by the claim set.</p> <ul style="list-style-type: none"> The claim order may be incorrect or illogical. 	<ul style="list-style-type: none"> The dependent method claims may be omitted completely or may not cover the concept of rotating and/or flipping the pallet during measurement. 	
Level 1	<ul style="list-style-type: none"> Inadequate number or structure of dependent claims. May completely omit many significant fallback positions to the detriment of the client. 	<ul style="list-style-type: none"> As above, but only a small number of the dependent apparatus claim features identified above are included (less important features may be claimed instead) and claims may be omitted for multiple identified claim groups. The dependent method claims may be omitted completely. 	1-8
Level 0	No response or no response worthy of credit	No dependent claims directed to features identified above.	0

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