

QUESTION PAPER REFERENCE: FD3

Response Letter

Letter to UK-IPO

In response to the Examination Report dated 16 July 2016, we file herewith new claims 1 to 13, to replace, without prejudice, as claims as presently on file.

Amendments

- Cl. 1 has been amended to refer to the alignment of the LEDs and holes once assembled. This amendment finds basis in line 6, P.5 of the description as originally filed.
- Cl. 1 has been amended to recite features relating to the anti-reflective sheet. Lines 28-30, P.8 clearly disclose a general anti-reflective sheet further improves visibility.

Basis may also be found in 1. 24, P.5; and lines 26-27, P5 which notes that the sheet is a “sandwiched...”.

Basis is also provided in lines 11-12, P.7.

Merely clarifying amendments have been effected in Cl.3. Therefore, no new matter has been introduced.

- 4 has been amended to recite each of the three elements are made up of a plurality of portions. Basis is form in lines 33-35, P.7 and lines 1-2, P.8.
- 5 has been amended in line with the amendments effected in cl.1. Basis: L. 6-7, P.7 notes that “semi-opaque” and “plastic material layer” are forms of the anti-reflective sheet 5.

New dependent claims have been introduced:

- Cl 6: L. 4-5, P.7
- Cl 7: L. 12, P.7
- Cl 8: L. 8, P.7
- Cl 9: L. 9-10, P.7
- Cl10: L, 4-6, P.8
- Cl11: L. 5-6, P.4 disclose a combination of all of the described embodiments of the casing within a device.

New omnibus Cl. 13 has been introduced.

Clarity

As noted above, C1 has been amended to refer to the assembled state when describing the spatial relationship between the LEDs and the holes. Accordingly, it is clear to a skilled person that the LEDs are not part of the claimed subject matter (“for” wording), and this limitation merely requires that once the casing is installed in the display, the LEDs of the display can be aligned with corresponding holes.

Novelty

Document D1

Ex. compares the “mask plate 2” of D1 with the “perforated plate” of cl.1 and the “aperture plate 42” with “risors” 43 of D1 with the “screen” of cl.1.

However, as implicitly noted by the Ex. in section 5 of the Examination Report, D1 has a “lens plate 3” disposed between the plate 2 and plate 42 of D1. The lens plate 3 of D1 cannot be compared to the “anti-reflective sheet”, as recited in new cl.1, as the lens plate of 3 of D1 is not “anti-reflective”. In this regards the Ex. is referred to lines 22-23, P.12 of D1 which notes “convex lens plate [is] made of a transparent elastic body”.

Moreover, L. 6-8, P.14 note that plate 3 should be made “as transparent as possible”.

No other layers are provided between plate 2 and plate 42 (see Fig. 2) ∴ D1 does not disclose the newly-recited feature of new cl.1.

(Note: the adhesives referred to in D1 are not disclosed as anti-reflective or even able to pass light).

Document D2

Ex. compares the light shields of D2 with the “fins” of cl.1. However, these shields are “above the display surface” (1.8, P.16 of D2). ∴ there is only one shield per display device. In other words, you cannot compared a combination of both devices of D2 with the single “casing” of cl.1.

Moreover, cl.1 requires that the screen is provided with a plurality of fins and an array of openings. The housing attached to shield of D2 does not define an array of openings.

New cl.1 requires an antireflective sheet sandwiched between a perforated plate and a screen. Ex. composes “frame 27” of D2 with the “perforated plate”.

However, “window 28” of D2 p132 is not sandwiched between “frame 27” and another plate. “Window 28” is the outermost window (see Fig. 1). ∴ “window 28” does not anticipate the newly-recited feature in new cl.1.

∴ cl.1 is novel over D2.

In view of the above, cl.1 is novel over the cited prior art. For at least their dependencies, the dependent claims are also novel.

Inventive Step

As is evident from the above, document D2 does not disclose a number of features of cl.1. ∴document D1 seems to be a more promising starting point and ∴will be taken as a the closed prior art document.

The technical effect of the anti-reflective sheet as defined is to “further improve message visibility” (I 29, P.8)

Moreover, as will be evident to a skilled person reading the present application, this sheet interacts with the pins to provide an improvement greater than if each is taken alone.

∴The OTB may be formulated as “to improve visibility”.

Turning to document D2, the skilled person is not motivated to dispose such a layer between the plate 2 and plate 42 as D2 does not teach any importance of such a position.

Moreover, the skilled person would not replace the lens plate 3 with a anti-reflective sheet as they are taught in D1 that the plate 3 must be as transparent as possible.

Moreover, neither D1 nor D2 disclose such a layer between a perforated plate and a screen ∴no possible combination of documents could possibly result in the subject matter of new cl.1.

∴cl.1 and all dependent claims are inventive.

Intention to file divisional

The applicant wishes to file one or more divisionals and ∴we request time is given for us to do so.

MARKS AWARDED: 22/35

Claims

SPARE SET OF CLAIMS OF GB 1301301.3

Claims

1. A casing for a variable-message display devices, of the type comprising a box-like body for housing electronic circuit panels and an array of light-emitting elements, closed at the front by a perforated plate with an array of holes, in which] each of the light-emitting elements is aligned with a corresponding hole of the perforated plate, wherein the casing further includes a screen, arranged on
, in the assembled state,

the front of the perforated plate and provided with a plurality of horizontally projecting fins and an array of opening, the openings corresponding to the holes in the perforated plate, in order to allow the light from the corresponding light-emitting element to pass through the hole and the opening, **the casing further comprising an anti-reflective sheet sandwiched between the perforated plate and the screen.**

2. A casing according to claim 1, in which the box-like body includes a plurality of metal side plates connected to the edges of the perforated plate, in order to provide a tight seal.
3. A casing according to claim 1 or 2, in which the ~~[fins extend over each row of openings]~~ **horizontally projecting fins** ~~in the screen.~~ **defined**
4. A casing according to any preceding claim, in which ~~both~~ **each** the perforated plate, ~~and~~ the finned plate ~~[are]~~ **and the anti-reflective screen** made up of a plurality of adjoining mating portions.
5. A casing according to any preceding claim, ~~[further incorporating a sheet]~~ **wherein the anti-reflective screen is** made of a semi-opaque or translucent plastic material layer, for reducing the reflection of incident ambient light.
12. ~~a.~~ A casing substantially as described with reference to the attached drawings.

Additional Claims

6. A casing according to any preceding claim, wherein the casing is configured such that in the assembled state, each of the light-emitting elements is arranged behind each of the holes.
7. A casing according to any preceding claim, wherein the anti-reflective sheet is flat.
8. A casing according to any preceding claim, wherein the anti-reflective sheet is of uniform thickness.
9. A casing according to any preceding claim, wherein the anti-reflective sheet comprises a transparent sheet with an anti-reflective coating.
10. A casing according to claim 2, wherein the edges are upstanding side walls of the perforated plate which are slightly closer together than the metal side plates.
11. A display comprising the casing of any preceding claim, the display further comprising the light-emitting elements.

13. A display substantially as described with reference to the attached drawings.

MARKS AWARDED: 32/35

Notes to Clients

Notes for use in forming a letter to the client

Ex. objects cl.1 lacks novelty over D1. It may be assumed that D1 implicitly discloses a “casing” as the device is “for use outdoors”.

Moreover, “a casing” as the only novel feature might not be inventive over D1 + D2.

Ex. also objects cl.1 lacks novelty in view of D2. Ex compared the shields with the fins of cl.1. However, fins a. requires that a casing has multiple fins and array of openings → not true for a single device. Cannot compare both devices as “a casing” as excluded by wording of the cl.

However, we noticed a stronger attack based on D2.

Unit 23 ⇒ “perforated plate” (1. 18-19, P.16 note LEDs through sockets 24 ∴ may be holes are present?)

frame 27 ⇒ “screen [with fins]” and defining openings

∴ In view of this stronger attack based on D2, and in view of D1, we propose an amendment.

⇒ Note: we have not included our stronger D2 arguments in the UK-IPO letter, as it may be that the Ex. does not consider a unit 23 as a perforated plate 23. ⇒ still we think new cl.1 is novel and inventive over cited art.

D1 and D2 each have the LEDs inside the holes in their plates. ∴ it could be an option to recite that in the present invention LEDs are provided behind each hole. Maybe this improves visibility? However, not as strong technical effect as proposed amendment ∴ pursue in a divisional (see set 1).

As you noted that optical plate is of considerable importance (technically and commercially), we propose to amend cl.1 in such a way. As you noted, D2 does not disclose that window 28 in in between the layers ∴ we propose to recite that the sheet is “sandwiched”.

⇒ use your technical effect of sheet + fins being > (sheet) + (fin). Would this be known to a skilled person?

Note: Ex. may consider that “anti-reflective sheet” also includes a sheet which does not transmit light. However, in the context of the description, we consider such an interpretation to be unjustified.

As you just make casing at present, we propose to keep cl.1 directed to a casing (rather than a display device). This ensures that direct competitors (i.e. making casings only) will be infringing (once granted!). However, also include a dependent claim to the display device and the casing as this gives a further infringing claim for manufacturer of a complete display device (they would also infringe cl.1). However, if customers assemble the device, best not to go after them for infringement (in any case) as they are your potential customers.

⇒ Good choice to proceed to grant as the newly-introduced feature is not disclosed anywhere, and further (even if it was) there is no motivation for the skilled person.

⇒ We could not find any basis for reciting that the openings are a single slit, ∴ cannot file a divisional as it may add matter.

However, if you haven't disclosed this to anyone, we can file a new application (present application is published ∴ P.A. However, seems inventive in view of further P.A D1 + D2).

Divisional 2 aims to protect the tight seal which seems to be a fundamental advantage of the present invention (1. 25-28, P.4) ∴ should try to get independent protection. D1 nor D2 discloses that a perforated plate can be used to form the seal (no need for an additional sealing element).

⇒ Note new cl.1 also covers semi-opaque even though not optimum. ⇒ best to cover as competitors may use such a medium even though not the best.

Divisional (1):

1. <...original claim 1 ...>, wherein the casing is configured such that in the assembled state, each of the light-emitting elements is arranged behind each of the holes.
2. A display comprising the casing of claim 1, the display further comprising the light-emitting elements.

Divisional 2:

1. <... original claim 1>, in which the box-like ... original cl.2....>
2. The casing of claim 1, <... new cl.10>

MARKS AWARDED: 17/30