

THE JOINT EXAMINATION BOARD

PAPER P6

INFRINGEMENT AND VALIDITY OF UNITED KINGDOM PATENTS

Tuesday 6th November 2012

10.00 a.m. – 3.00 p.m.

*Please read the following instructions carefully. Time Allowed – **5 HOURS***

1. You should respond to the instructions given at the end of the Client's letter.
2. Please note the following:
 - a. Enter the Paper Number (P6) and your Examination number in the appropriate boxes at the top of each sheet of paper.
 - b. The scripts are photocopied for marking purposes. Please write with a **dark inked pen** on one side of the paper only and within the printed margins, and do not use highlighters in your answer.
 - c. Do not state your name anywhere in the answers.
 - d. Write clearly, as examiners cannot award marks to scripts that cannot be read.
 - e. **Marks are awarded for the reasoning displayed and the points selected for discussion rather than the conclusions reached.**
 - f. You must number all the pages of your answer script. Once the exam finishes, an additional 5 minutes will be allowed for you to do this.
3. Under the Examination Regulations **you may be disqualified from the examination and have other disciplinary measures taken against you if:**
 - a. You are found with unauthorised printed matter or other unauthorised material in the examination room.
 - b. Your mobile phone is found to be switched on.
 - c. You copy the work of another candidate, use an electronic aid, or communicate with another candidate or with anyone outside the examination.
 - d. You continue to write after being told to stop writing by the invigilator(s). **NO WRITING OF ANY KIND IS PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED.**
4. **At the end of the examination assemble your answer sheets in order, number all the pages and put them in the WHITE envelope provided.** Ensure that the answer sheets placed in the envelope are not stapled or joined together in any way. Record the total number of sheets placed in the envelope as instructed. Any answer script taken out of the examination room will not be marked.

Document checklist:

Client's letter	(1 page)
Document A (GB2222222)	(5 pages)
Document B ("Rotabrolly" Leaflet)	(2 pages)
Document C (GB2111111)	(4 pages)
Document D (DE8099999U1 drawings)	(1 page)

This paper consists of 14 pages in total, including this page.

Client's Letter

A new medium-sized client (Bricolage UK Limited) writes to you as follows:

"Dear Sirs,

I need your advice concerning a competitor's product. For the past six years we have been selling our "Line Guardian" – the market leading weatherproof cover for rotary clothes lines, shown in our UK patent GB2222222 [Document A]. We sell both the described versions throughout the UK, via Mega Mart, a large supermarket chain.

Mega Mart told us that a couple of months ago they were approached by Rotabrolly Limited, a small company based in Manchester, offering to supply a product as shown in the enclosed leaflet [Document B]. Mega Mart declined the offer, because they were not convinced Rotabrolly have the resources to meet large orders or provide extensive after sales service. Mega Mart also told Rotabrolly that the Line Guardian is patented, so they are not sure that they can change suppliers. Last week we discovered that Rotabrolly have been selling their product through independent retailers for around two years, mainly in the Greater Manchester area. Here their product seems to be outselling ours, due to its ease of use and lower price. If this escalates, we are worried that it will seriously impact sales of our Line Guardian, one of our most profitable products.

Our company solicitor would like to threaten Rotabrolly and their retailers with legal action if they do not stop selling our product within one week, hand over or destroy their stocks, give us a detailed account of turnover and profits, plus a list of their customers, and enter into meaningful negotiations as to compensation for infringement and our legal costs. However he has heard that you sometimes have to be cautious over threatened patent enforcement action. Please advise what we should do.

Yours faithfully,

Jim Sunny

Managing Director, Bricolage (UK) Limited"

You have undertaken extensive searches, from which you have discovered that Rotabrolly applied for a patent for their product three and a half years ago, but the Intellectual Property Office raised lack of novelty and inventive step objections, citing GB2111111 [Document C] and "dome-type umbrellas", as shown in German Gebrauchsmuster 8099999 (whose drawings are provided [Document D], marked up with relevant details of the main components). The combined search and examination report (CSER) commented that such umbrellas "are known to nearly everyone". The public file confirms that no response was filed in answer to the CSER and the UK Patent Register shows the application as deemed withdrawn. Your searches found no more relevant material. GB2222222 is granted and in force. GB2111111 was terminated before grant. There are no equivalents to any of these patents in other countries.

Your task is to prepare detailed notes for a meeting with Mr Sunny, as to whether and to what extent GB2222222 is likely to be found valid, whether Rotabrolly Limited's activities infringe GB2222222, and any connected general advice as to the course that Bricolage (UK) Limited should take. Mention any further investigations that would be helpful to your assessment.

Cover for a Clothes Dryer

This invention relates to a cover for a clothes dryer, referred to hereinafter as a clothes dryer of the type specified, comprising an upright central support, support arms radiating outwardly from the central support and lengths of clothes line extending between the arms. Such clothes
5 dryers are generally used outdoors where laundry hung out to dry can become wet by rain. It is known to provide clothes dryers of the type specified with a waterproof cover formed of flexible plastics sheeting draped across the top of the arms and clothes line lengths, so as to prevent such wetting. However these covers can sag between the clothes line lengths and at least the outer ends of the arms usually slope upwardly so that ponding of rainwater occurs. This can
10 overload the dryer and may wet the user and the laundry as it is being taken in.

According to the invention there is provided a cover for a clothes dryer as set forth in claim 1. Some preferred features of the invention are set forth in the dependent claims.

Embodiments of a cover according to the invention for a clothes dryer of the type specified will now be described in detail, by way of example only, with reference to the accompanying
15 drawing, in which:

Figure 1 is a schematic perspective view of a three armed clothes dryer of the type specified, without a cover fitted;

Figure 2 is a schematic side illustration of the cover mounted in position on the clothes dryer, the rearwardly extending arm and corresponding components of the cover support frame being
20 obscured;

Figure 3 is an enlarged perspective view of a hub component of the cover, and Figure 4 is a schematic plan view of the cover and the clothes dryer, with some parts shown broken away to reveal underlying structure.

Referring now to the drawings, there is shown a clothes dryer 10 of the type specified, which
25 comprises an upright central support 11, from which three support arms 12 radiate outwardly. Lengths of clothes line 13 are strung between the arms 12 to enable clothes to be hung out to dry. For simplicity, only the outer lengths of the line 13 are shown, and then only in Figure 1, though in practice further lengths of the line will be provided which extend around and inwardly towards the central support 11.

A cover 14 for the clothes dryer 10 is adapted to be mounted removably on at least the radiating support arms 12 of the dryer 10. The cover 14 comprises a support frame 15 which is detachably mounted on the support arms 12 and the central support 11, and a top cover 16 which is arranged to be supported by the support frame 15. Together the support frame 15 and top cover 16 form the cover 14 for the dryer 10 which extends over the radiating support arms
30 12 of the dryer 10. The top cover 16 is provided with means for attaching the cover 14 to the
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radially outer ends of the support arms 12, such means comprising reinforced apertures 16a formed at the required positions in the outer periphery of the top cover 16, through which the radially outer ends of the arms 12 can be taken. The attachment can be completed by provision of tape ties or the like.

- 5 The support frame 15 comprises a central hub 17 (see Fig. 3 for detail) comprising a short support strut 17a which is mounted in/on the usual aperture in/on the upper end 11a of the central support 11, and resiliently deformable support elements 19 which extend radially outwardly of the hub 17 so as to overlie the support arms 12 of the dryer 10. The support elements 19 may comprise pliable plastics tubes connected by the hub to make a three legged
10 assembly, bent to curvature. The support elements 19 may be supplied to size, or may be cut down to size by the installer/user, when necessary. The dotted lines in Figure 2 show the tube assembly and skirt as they would be when fitted to a shorter armed dryer. Figures 1, 2 and 4 also show the usual shorter radiating support arms 23 of dryer 10, which are pivoted to the arms 12 and lock the arms 12 in the required V-shape.
- 15 The support elements 19 can be deformed so as to adopt an arch shape when their radially outer ends 20 are attached to suitable mounting positions 21 along the lengths of the arms 12 and the support strut 17a is braced against the dryer central support 11. The attachment of the outer ends 20 of the elements 19 to the arms 12 may take any convenient form, preferably by providing tape ties (not shown). The arched shape provided by the support elements 19
20 imparts a generally dome shape to the top cover 16, which thereby forms a protective weather cover for clothes which are suspended from the lines of the dryer 10. The arched top and sloping sides of the cover 14 provides good rainwater runoff which avoids ponding. To that end the top cover 16 is preferably made of a resiliently stretchable material and the reinforced apertures 16a are positioned such that the top cover 16 is stretched out wrinkle-free. For
25 example, top cover 16 may have a downwardly extending flange portion 24, above which are provided three reinforced holes of about half-inch diameter, into an appropriate one of which the outer ends of the arms 12 are entered, depending upon the size of the dryer. Even where the top cover 16 is relatively inelastic (e.g. when formed from lightweight plastics sheet) the resiliency of the support elements 19 can provide the necessary tensioning.
- 30 In order to provide further weather protection for the suspended clothes, the cover 14 also includes a skirt 22 which extends in use downwardly from the radially outer end of the support arms 12 far enough to protect the clothes from windborne rain. The skirt may be hung in the manner of a curtain from the outermost lengths of line 13 extending between the arms 12. For improved access to the clothes hanging space, the skirt 22 may be divided at the corners into
35 separate portions, so that each skirt portion may be drawn open or closed. Detachable fasteners may be provided for attaching the adjacent vertical edges of the closed skirt portions to each other.

The support frame 15 may also be constructed, if desired, without provision of any central support strut 17a. It is possible to construct the support frame 15 sufficiently sturdily, that it can provide the necessary support for the cover 16 solely via the attachment of the resiliently deformable support elements 19 to the outer ends of the support arms 12 of the dryer 10.

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CLAIMS

1. A cover for a clothes dryer of the type specified, the cover being adapted to be mounted removably on the dryer; in which the cover comprises a support frame which is detachably mountable on said support arms, and a top cover which is arranged to be supported in use by the support frame so as to form a cover for the dryer which extends over the radiating support arms of the dryer, the top cover being provided with means for attaching the cover to the radially outer ends of the support arms.
2. A cover according to claim 1 in which the support frame comprises a central support hub, and resiliently deformable support elements extending radially outwardly of the support hub so as to overlie the support arms of the dryer.
3. A cover according to claim 1 or 2 in which the support elements have releasable fastenings, at their radially outer ends, for fastening them to the support arms, the elements being deformable into an arched shape when they are attached to the support arms so as to impart a generally dome shape to the top cover.
4. A cover according to any preceding claim and further comprising a skirt which extends in use downwardly from the radially outer ends of the support arms throughout a length sufficient to protect the clothes from wind-borne rain.
5. A cover according to claim 4 in which the skirt is arranged to be drawn open or closed in the manner of a curtain.
6. A cover according to any preceding claim in which reinforced holes are formed at the required positions in the top cover and skirt (where present), for engagement by the outer ends of the support arms.

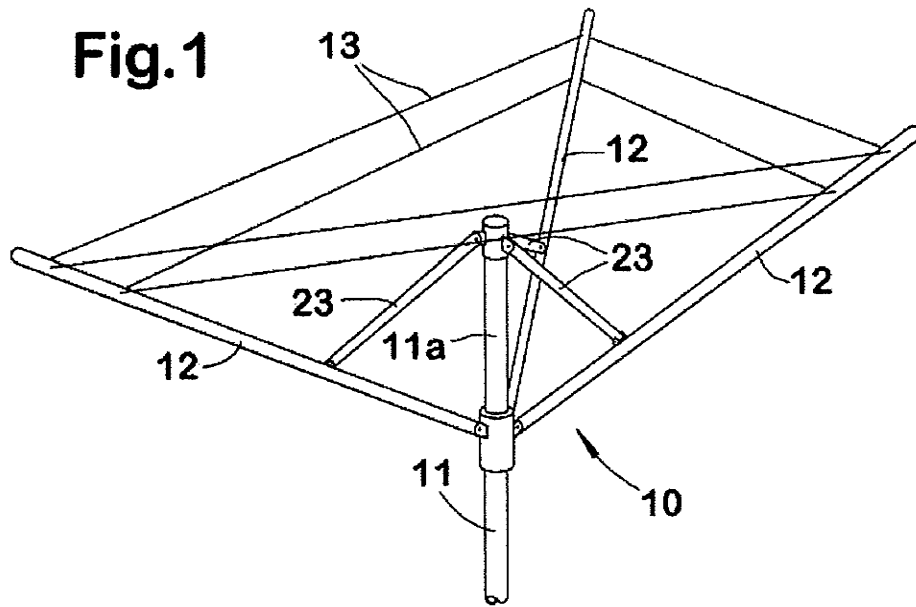


Fig.2

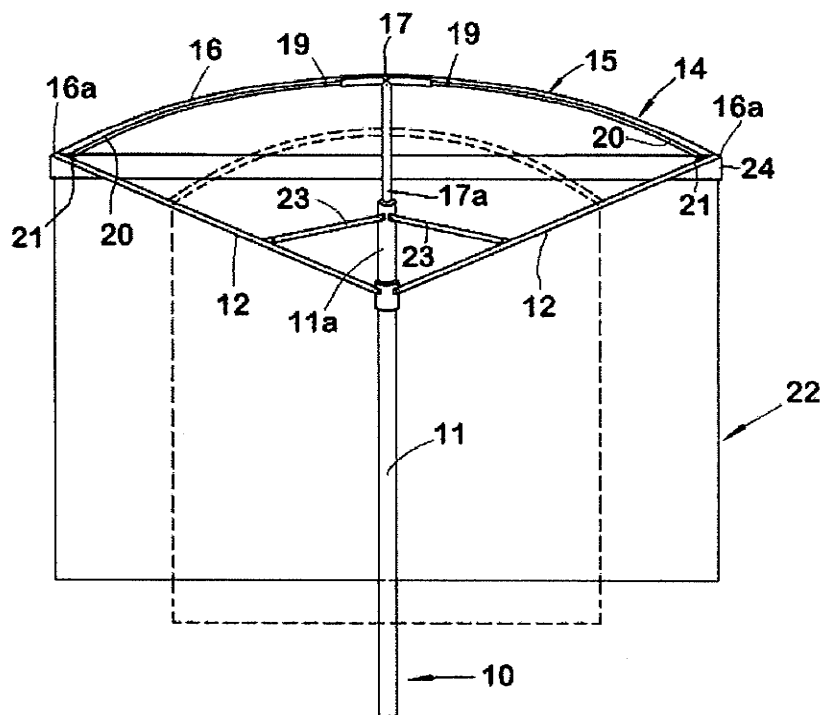


Fig.3

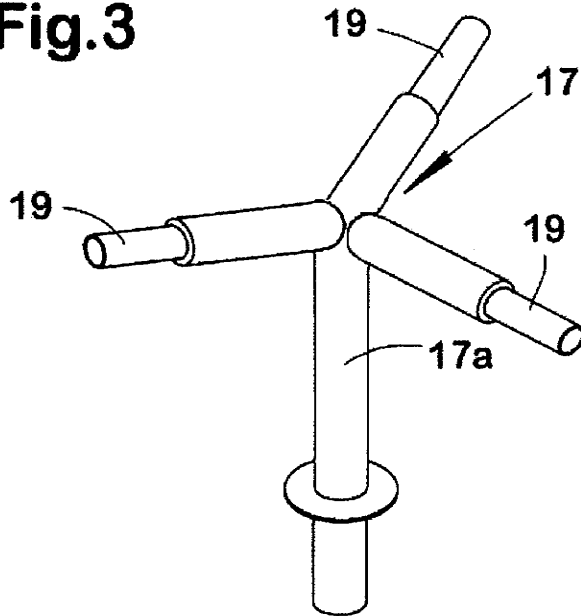
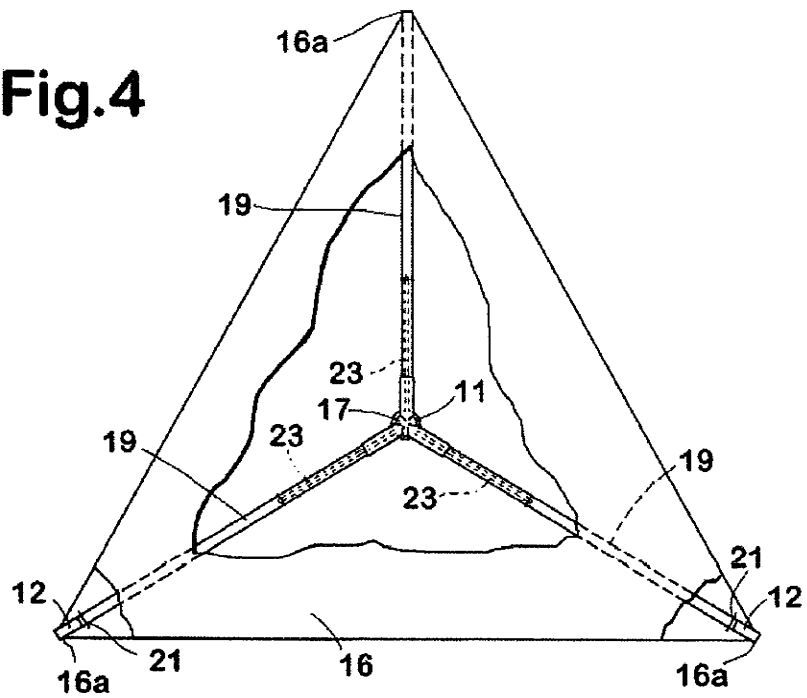


Fig.4



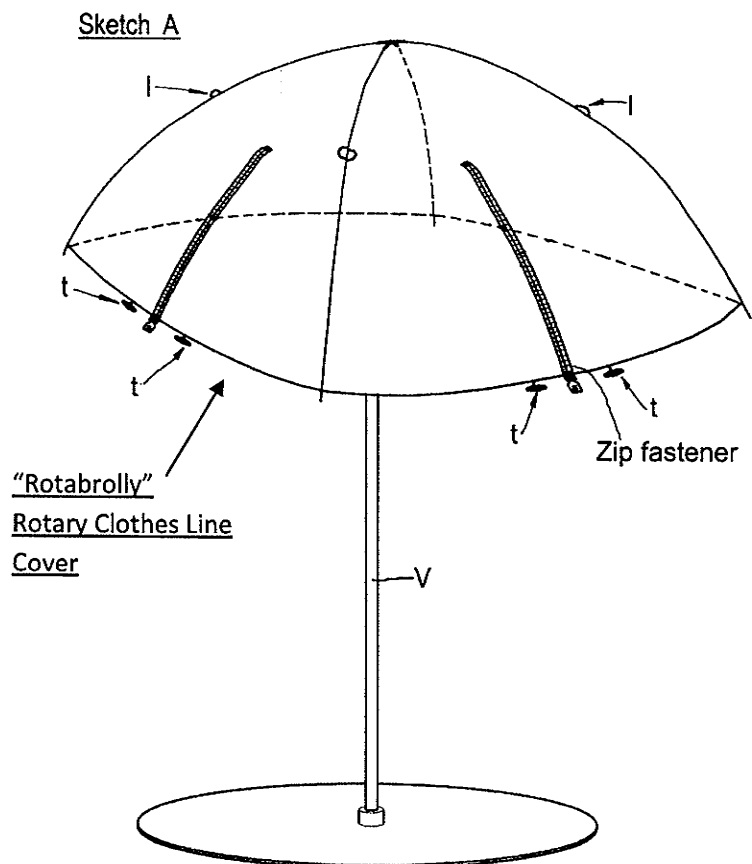
Rotabrolly Leaflet (Document B)

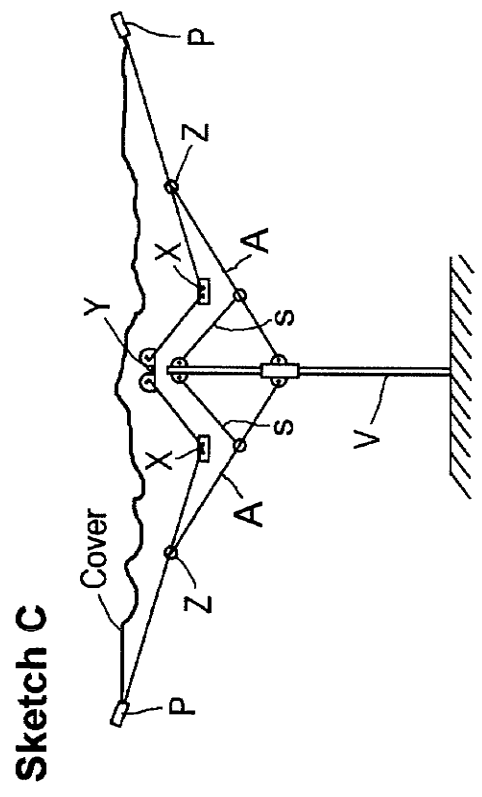
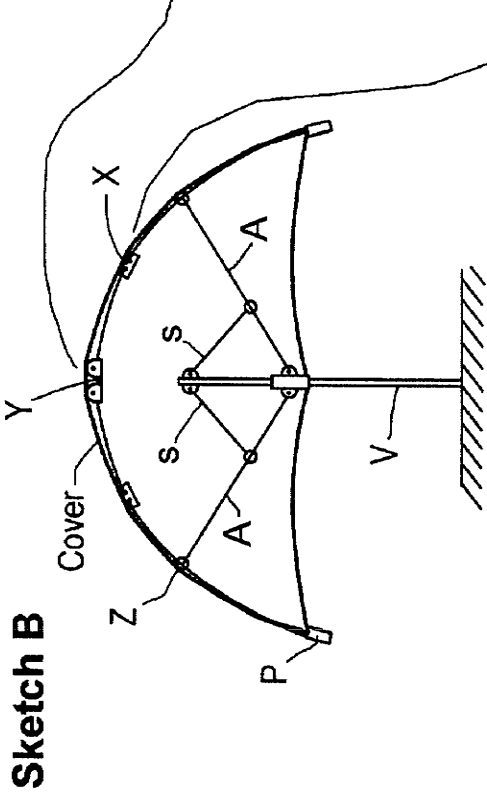
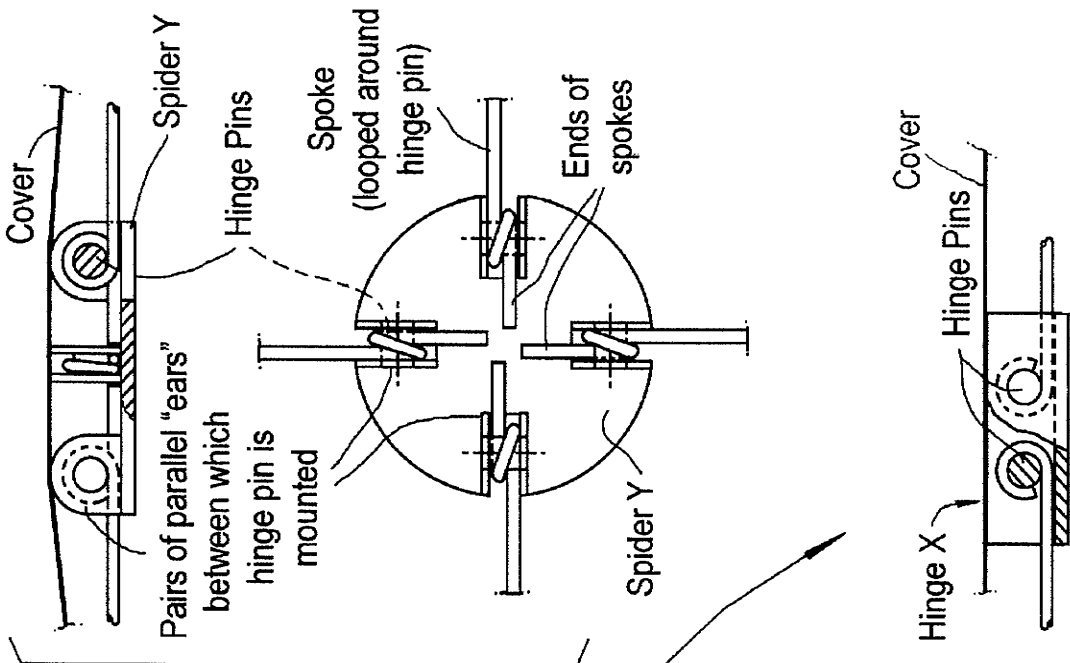
The Rotabrolly™ cover is made from panels of waterproof textile material which are sewn together and stretchable over a number of stiff wire spokes to form a dome shape. See sketch A, showing the cover fully unfolded and fitted to a clothes line. The clothes line has a vertical centre pole V and a number of support arms A (not visible in sketch A) between which a washing line is strung in a spiral pattern. We make 3, 4 and 6 spoke covers to fit clothes lines with 3, 4 or 6 arms. Each panel has a zip fastener extending from its outer edge, part-way up the centre line. Individual zip fasteners can be undone and the resulting flaps tied back using toggles *t* and loops *l* to access the line within the cover, for hanging out or taking in the washing.

The inner ends of the spokes are hinged to a "spider" *y*, so that they are all connected together at the top of the dome. The spokes each have a hinge *x* part-way along their length and a pivoting clamp *z* outward of the hinge *x* for securing the spoke to a corresponding arm A of the clothes line (see sketch B). The outer end of each spoke is received in a pocket *p*, sewn into the bottom end of each seam between the textile panels.

The cover can be conveniently folded away while still fitted to the clothes line, as shown in sketch C. To do this, undo all of the zip fasteners at once, and pull the hinges downwardly, so as to collapse the central part of the dome. The spokes will collapse about the hinges *x*, so that the textile covering is no longer under tension. The individual sections of the spokes relax into their unstressed, straight shape. You can then fold the rotary clothes line up in the usual way. As the line supporting arms A move towards the vertical position, the majority of the cover is folded up in between these arms and the stays *s* by which the arms are connected to the vertical support pole *v* of the rotary line. Only the tips of the spokes beyond the clamps *z* and the corresponding skirt portion of the cover fabric will stick up beyond the tops of the arms. The folded clothes line and cover can be covered by an extra-long sock-type outer cover (sold separately) to keep them clean and dry and prevent the line from tangling when not in use.

25





Improvements relating to clothes dryers

This invention relates to covers for clothes dryers of the type having at least three arms extending radially from a central post to support clothes lines; the arms of such dryers
5 are generally rotatably mounted and foldable so that they take up little room when the dryer is not in use.

While such dryers represent an advance over conventional single clothes lines, particularly for use in confined areas, they still suffer from the disadvantage of allowing washing hung thereon to become wet if it rains. It is an object of the invention to
10 provide a cover for a clothes dryer to protect washing from rain.

In its simplest form a cover according to the invention takes the form of a polygonal sheet of flexible, waterproof material, having as many sides as the dryer has arms, a pocket being provided at each corner for receiving the end of an arm so that the cover is held in place.

15 In a more sophisticated form the cover additionally comprises a supporting framework which is securable to the arms. The cover then has an umbrella-like appearance with the sheet sloping downwards from the centre.

Although the invention may be carried out in many different ways, some embodiments thereof will now be described, by way of example, with reference to the accompanying
20 diagrammatic drawings in which:

Figure 1 is a vertical section through a cover according to a first embodiment fitted on a dryer;

Figure 2 is a plan of a cover according to a second embodiment fitted on a dryer;

Figure 3 is a part-sectional side elevation of the cover of Fig. 2, and

25 Figure 4 is a detail section along the line IV-IV of Fig. 2.

Fig. 1 shows the top portion of a dryer post 10 surrounded by a slidable collar 12 from which extend three arms 14, two of which are shown, each arm 14 being supported by a strut 16 hinged thereto at one end and at the other to a fixed ring 18. Between neighbouring pairs of arms extend parallel lengths of clothes line (not shown).

A triangular cover 20 formed of heavy gauge polyethylene is fitted with a pocket 22 at each corner for reception of the outer end of an arm 14.

To fit the cover 20 the collar 12 is slid up the pole until the arms 14 are fully extended. Each pocket 22 is then fitted over the end of a corresponding arm 14.

- 5 As the cover 20 is of a size that it has to be stretched slightly to fit it, it is under slight tension when fitted and is thus held firmly in place, the centre of the cover 20 being supported by the top of the pole 10. When not in use the cover 20 is readily foldable to facilitate storage.

10 As shown in Figs. 2 and 3 the cover 24 comprises three panels 26. Each panel 26 is disposed between two spines 34 and is held in position by virtue of the fact that, as shown in Fig. 4, a thickened region or bead 36 formed at the edge of each panel border is captively received in a channel 38 formed in the side of each spine 34. The spines are springy and flexible so that the cover can absorb/resist gusts of wind.

15 A series of four struts 40, 42, 44 and 46 extends below each spine 34 for supporting it above the clothes dryer. A clip 48 is provided at the junction of struts 40 and 42 for clipping to the dryer strut 16 and a clip 50 is provided at the junction of struts 44 and 48 for clipping to both the end of the dryer strut 16 and the arm 14. Any other suitable securing means such as clamps or releasable securing straps can be used in place of the clips. To provide extra protection against driving rain the spines 34 may extend
20 beyond and downwardly of the ends of the arms 14.

It will be noted that the inner vertex of each panel 26 is cut away so that the panels together define a central air circulation vent 52. It will be appreciated that the term "sheet" as used herein includes a sheet made up of a number of panels joined together.

A rectangular cover to fit a four-armed dryer is similarly constructed.

25 [Claims omitted.]

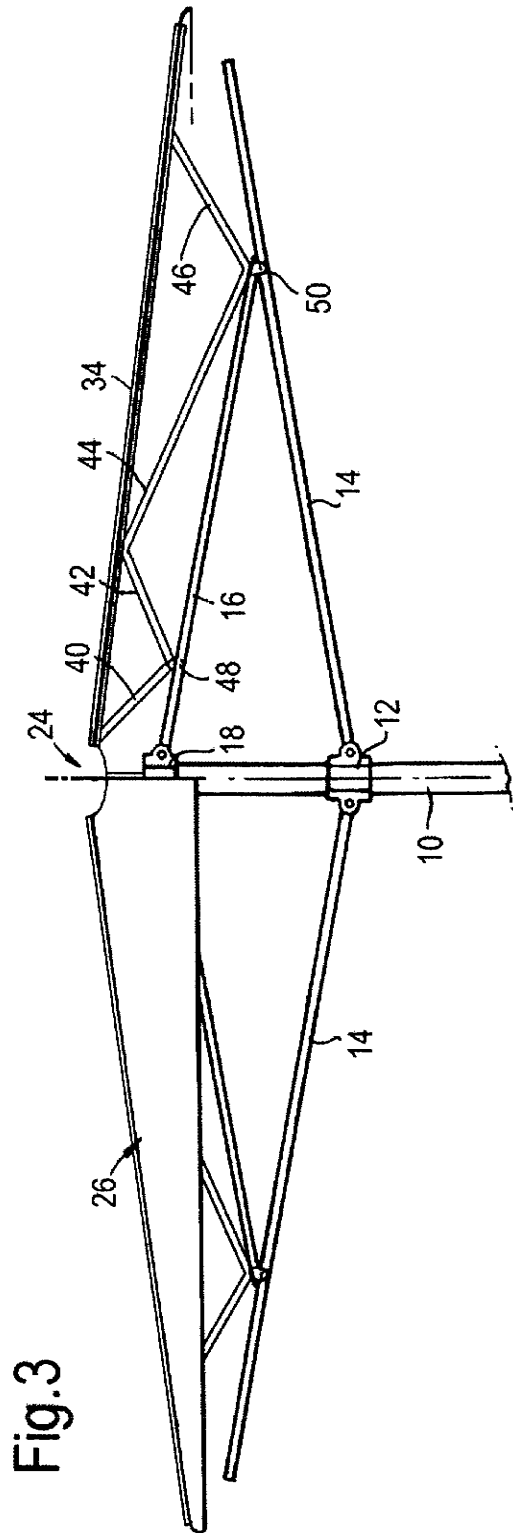
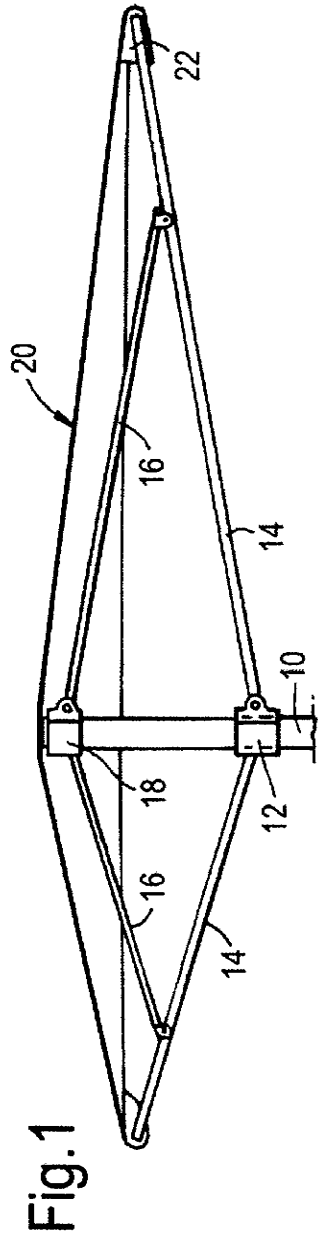


Fig.2

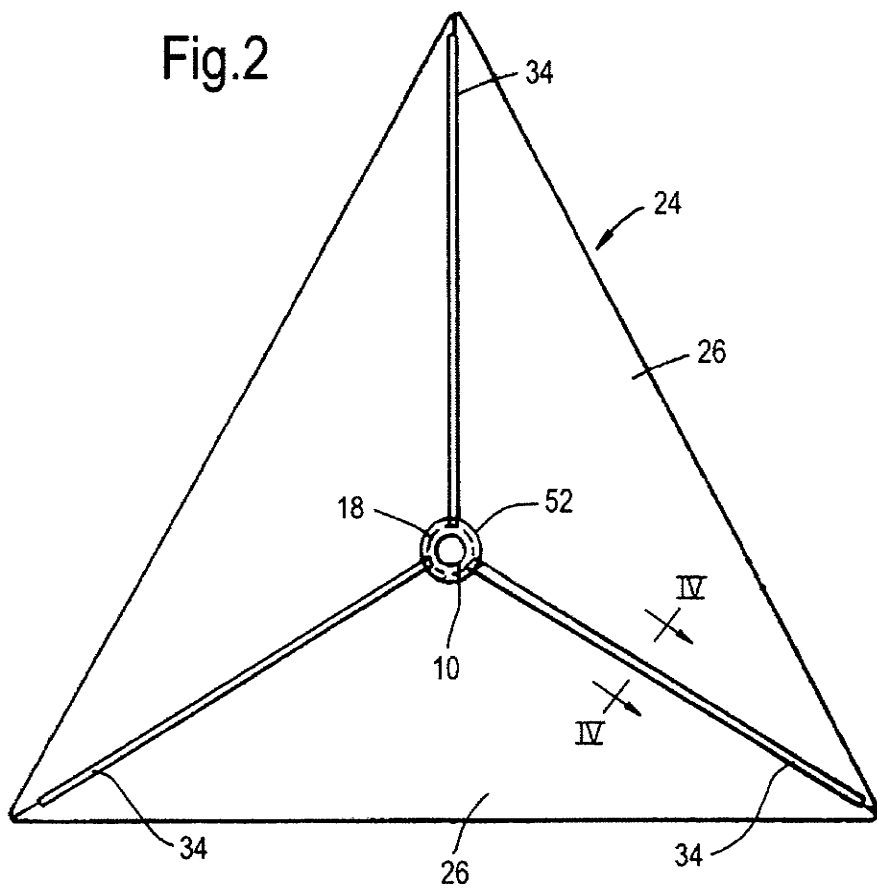


Fig.4

