2013 PAPER P2
SAMPLE ANSWER 1

This script is an example of an answer to the above examination question paper. The answer received a pass mark. It is a transcript of the handwritten answer provided by the candidate, with minimal re-formatting to improve readability.

We hope you will find it helpful when preparing for this examination, but please note it is not a model answer. You may also find the Examiners' Reports and the Final Examination Guidance Documents useful too. You will find these in the Examination Support area of the PEB website.

1) If the error was
   - obviously an error
   - and what was intended instead is also obvious.

   Then the error can be corrected.

   If this is not possible, then the specification can be amended, as long as the specification as filed contains basis for the amendment (ie the amendment does not add matter).

   The specification can be amended of the applicant's own volition be as many times as wanted between the search report and the first exam report – so we can amend now.

   Alternatively we could wait for the first exam report, in which case we can amend as part of a response to that exam report if it's an 18(3) report.

   If first exam is under S 18(4) then we have two months to amend.

   Since the application is already published, re-filing is probably not an option, as existing application would be prior art for novelty + inventive against re-filing.

   However, if we are within priority period (publication would have to have been early for this to be true) then we could re-file + claim priority.

   Since publication has already taken place, amendment won't be published until grant. However, this is unlikely to affect provisional protection since error is in description – not claims.

2) We should file EU registered designs covering the decoration only.

The decoration is new, and probably has individual character (it is new + eye catching)

The range was introduced four months ago in the UK. Presumably this means that it was not introduced anywhere before then – but check with client for any prior disclosures.

We can validly file EU registered designs within 12 months of disclosure – we appear to be within this period, and indeed have about a further 8 months!

However, we should not delay – file immediately. We need to file before UK competitor launch their product, since grace period only applies to disclosures as a result of disclosures made by designer.

Therefore, unless we are absolutely sure that competitor copied and can prove it, best to file immediately. Even if we can prove copying, best to save costs of having to do so.

Filing straight away also limits the possibility that anyone else will acquire third party rights.

We are told there is a range of crockery – if this means there are multiple different decorations then file to cover them all – there is a discount on fees for 2^{nd} + subsequent designs in some filing.

Also consider, eg. filing designs in both black + white and colour to bolster protection, if funds permit.

The immediate aim appears to be to stop competitor seeing soft furnishings mainly the design, so register just the decoration. Shape of crockery is not new anyway.

Registered designs will be infringed by designs producing same overall impression on informed user. Designs are rumoured to be identical so will infringe.

The design was produced by an employee of our client. The right to file registered designs will pass to client as first owner.

If there is any doubt over employment status, then get an assignment. Designs which are commissioned pass to commissioner in UK only – not EU.

Since the client plans to possibly export to EU countries, EU design probably best advice. However, immediate problem appears to be in UK so if funds are tight then UK filing may be useful. If so, we can claim priority within 6 months to get EU designs.

Once we have registered designs, we can enforce them. Action will be in UK court regardless of whether we have UK or EU designs. We can get injunction, and damages <u>or</u> account of profits, and delivery up of infringing articles.

Also consider an application for an interim injunction – ideally we want to stop launch. Balance of convenience appears to be in our favour, since other side have not yet launched, but we will have to give undertakings so will have to pay damages if we lose on infringement.

Of course, before going to court we could write to other side and ask them to stop. Since they apparently have an identical design our case is strong so they may wish to avoid court + sign undertakings.

Consider a search to see if other side have rights of their own – independent design & suppose is a possibility – but unlikely if it's really identical. If they have their own registration consider entitlement proceedings if they copied us.

At this stage our client has heard a rumour – can we get more information?

Ideally it would be good to have a sample alleged infringing product.

Due to lack of concrete information, hard to be certain about merits of infringement case – so if we can't discover more a good first step may be to just draw their attention to our registered designs – avoids possible unjustified threats action if our case turns out to be weak.

3.

GB1	20 June 2012.	Inv. Mrs Smith. A
	(August 2012) -	disclosure of A, B?
	(End of) 2012 -	started business Mrs Jones

No Priority Claim yet

GB2	20 June 2013	Inv. Smith / Jones A+B
	25 Sept 2013	aware of infringement? Early publication required.

Firstly, we should add a priority claim to GB2, to claim priority from GB1.

The usual deadline for this is 16 months from priority, ie. 20 October 2013.

However, priority claim must be made ‘before’ publication. We have requested publication, but it has not yet been published. If preparations for publication are not yet complete, then we can add priority claim to GB2. Act now, since we could get publication notice at any time.

Assuming we are able to add the priority claim, it will make the priority date 20 June 2012, as far as material disclosed in GB1 is concerned. Material disclosed for the first time in GB2 will not be entitled to the priority claim, and the priority date of that material is therefore the filing date of GB2, ie. 20 June 2013.

The question does not state who the applicants are on each application – check. However, in the meantime assume that applicants are the same as inventors.

GB1 has smith.

GB2 is Smith and Jones.

Since GB2 has all the applicants of GB1 (plus Jones), priority claim is okay.

The article in Quilters Weekly was clearly a public disclosure. It was probably also an enabling disclosure – we are told it was 'detailed',

The article was published after priority date for material disclosed in GB1, but before the priority date for material first disclosed in GB2.

The magazine article is therefore relevant to novelty + inventive step of claims not entitled to priority claim.

Check what the article disclosed – not clear whether it has the improvements made and first disclosed in GB2.

If magazine discloses improvements, then independent claims relying on improvements not patentable. However, we may still be able to get granted claims, relying on the GB1 disclosure of the general concept.

We should amend GB2 if necessary to take account of new prior art, to whatever extent it is relevant.

Also asses alleged infringing sewing machines – ideal case could be to come up with a valid claim which covers infringement.

If we think we can get a patent, consider requesting accelerated exam. Reasons required but launch of competing product is a good reason. Patent can be enforced once granted.

We should investigate the launch of the competing product further. In particular, important to know date when competitor first disclosed. Competitor product may be prior art to at least some of the material in our application.

If we think we can stop the alleged infringement, then put them on notice of application as planned. Damages can be backdated to publication if claim as published + as granted is infringed, unless they could not reasonably expect published claim to grant.

If there is a problem claiming priority from GB1 (for example, if preparations for publication are already complete) then can we proceed with GB1?

Did Mrs Smith file Abstract, Claims, pay filing + search fee? - check that.

If not, deadline was 20 June 2013.

2 month extension as of right available with additional fee – to 20 Aug 2013.

Now too late to request further discretionary extension.

Reinstatement therefore only way to further prosecute application – need to show that it was unintentional not to pay fees. A possible case – she forgot as she was 'busy'. She will need to show evidence of intent though – may be difficult. Arguably if she forgot about application she cannot have intended to pay fees.

Reinstatement request filed w/ form + fee. Need to take over representation of GB1.

If reinstatement successful then complete omitted acts in response to invitation.

Of course, if Smith did file Abstract, Claims, and fees then application is still alive + can be prosecuted. May wish to do appointment of agent to deal with it for her.

4.

GB2 files	6 March 2012	} ins David app enterprise
GB1 unbreakable bulb	18 June 12	} app. Goliath inv. David
Request search + prelim ex. GB1	12 June 12	
File EP1, US1		
Published GB 2	6 Sept 2013	

GB2 found in search – 2(3) art + destroys novelty

David appears to have disclosed the invention to Enterprise in breach of confidence.

Confidentiality of information needs to be established – seems likely to exist if David worked in research dept of company which files patents – but look at his contract – are there specific terms dealing with confidentiality?

Assuming it was confidential, the first disclosure appears to have been on or before 5th March in the Park newsletter. Check to see if this disclosure is enabling. If so, it is prior art for novelty + inv step on GB1 and GB2, and EP1.

If disclosure in newsletter not enabling, then not harmful to applications.

Has there been a breach of contract? May be able to get damages from David in contract law.

Check for other disclosures – especially anything pre-dating 6 Mar 2012.

It seems clear that Goliath are entitled to be applicant on GB1. Can take proceedings under S. 8 to get it transferred (or alternatively terminated + opportunity to file replacement). Since we will clearly win, may save costs by simply asking Enterprise to transfer application to us – take S. 8 proceedings if they don't agree.

GB2 appears to be impossible to successfully prosecute due to novelty destroying disclosure in GB1.

GB1 is not prior art for EP1. Therefore successful prosecution should be possible, assuming pre 6 Mar 2012 disclosure was not enabling. However, remove GB designation from EP1 and rely on GB1 for UK protection, since otherwise EP (GB) would be vulnerable to revocation based on GB1 2(3) prior art.

GB1 is not prior art for US1. In addition, one year grace period applies from published prior art. Unfortunately, US1 has priority date pre America Invents Act, therefore 1 year period is calculated from US filing date – so newsletter disclosure is admissible as prior art and may be harmful if enabling.

In the UK, information disclosure statement should include newsletter.

For GB1, it was filed within 6 months of disclosure in breach of confidence. Therefore should be able to take advantage of that + make newsletter disclosure irrelevant.

Cannot take advantage of confidential disclosure provision for EP1, because <u>filing date</u> was not within 6 months of disclosure in breach of confidence [ie newsletter]

5.

Oct 2013 – ex MD off work

March 2013 – ex MD died

<u>When</u> did Bob find the papers?

5 a) Granted patent.

Filing date 8-Oct-2008

Granted 17-Apr-2013

First renewal fee (for 5th year) was due 3 months from grant (17-July 2013). In fact, can be paid without extra cost until end of month – 31-July 2013.

It can be paid with additional fees for a further 6 months, ie until 31-Jan-2014

So we should pay the 5th year renewal fee with additional fees – file the form + pay fee + additional fees.

If we can't get Bob's instructions by the end of this month, additional fee will increase – ideally pay <u>this month</u>.

6th year renewal fee is due by end of Oct 2013 – 31-Oct-2013.

So we should also pay this fee – no additional fees needed since we are within the first due date. In fact, if we can’t get instructions in time for 31 Oct 2013 then the additional fee is zero for the first month – until 30 Nov 2013.

After that, 7th year renewal due by 31-Oct-2014

We can’t pay this fee until 3 months before due date – so seek instructions next year.

5 b) Application

S 18(3) Report – deadline 7th Aug 2013.

The deadline can be extended by two months as of right (and free of charge) upon request.

Therefore the deadline is 7th Oct 2013 (ie. TODAY).

We could file a response today, including a request for the two month extension of time.

Alternatively, we could request an extra discretionary extension of time – but we must request it today. This is a better option because we can get client's instructions.

We should request the extension by email or fax as online filing and follow up with a telephone call to the examiner – we need a response today.

The extension will probably be granted in the light of the ex MD (and current MD's father's) death, and given that we cannot get instructions from Bob today.

The examiner will probably give us a 1 month extension (until 7 Nov 2013). In that time we should seek instructions and prepare a response dealing with all outstanding issues in the 18(3) report.

Check and diary the compliance date of this application – 4½ years from priority or 12 months from first exam – whichever is longer.

If the compliance date has already posted, or will pass by the time we get instructions and file response, then we need to extend it – as of right extension for 2 months, but there is a fee for this. Again, further discretionary extension is possible if requested within 2 month period after un-extended compliance period.

If for some reason we can't get an extension of the 18(3) report response period, file a response today requesting a 2 month extension as of right. We could partially respond, for example requesting the opportunity to bring description into conformity with clerks later. That way we guarantee another opportunity to amend when we can get instructions.

If the compliance date is upon us then this strategy is not a good one though.

6. It seems to be clear that Eric is the inventor.

Eric made the invention in the course of his duties. Although packing was not his normal duty, it seems clear that those duties were specifically assigned to him.

However, Eric's invention will only pass to our client under this provision if inventions were expected to result from their duties. Since the duties were packing – not research, it seems unlikely that this is the case.

If Eric's position is so senior that he has a special obligation to further interests of employment, then expectation of invention is not required. Not clear whether this is the case – we should check. Salesmen can be quite senior in some companies, but also can be quite junior.

Since no clause in a contract can make the position any less favourable to the employer, what it says in his contract does not make any difference.

On the facts, it seems most likely that Eric is the first owner of the invention.

Therefore advise the client to obtain an assignment from Eric. They should negotiate an agreeable price. If the compensation given to Eric to get the assignment proves to be inadequate, then he can subsequently claim further compensation under S 40.

It is worth checking that Eric is really an employee within the meaning which causes S. 39 to apply – although there is nothing to suggest that he isn't.

Invention appears to be new, and may be inventive (it has advantages – less bulky) ∴ file application. Should name Eric as inventor. Client can be applicant if we get assignment before filing (or alternatively if on the facts the client is 1st owner under S. 39).

One outstanding question relating to the S. 39 issue is <u>when</u> Eric developed invention.

We are told he "had the idea" when packing (specially assigned duties) but that he "subsequently" developed + made prototype = when was this subsequent work done. By Eric at home? Or did client then assign Eric to specifically develop the invention, in which case his special duties may have had an expectation of invention. Need more details here.

8. UK application

Filed 7-9-09

When is the deadline for putting the application in order for grant?

Later of 4½ years from priority (7-3-14) and 12 months from receipt of first 18(3) report.

The first 18(3) report must have been sent on or before January 2012, so the compliance date is 7th March 2014.

The latest date for filing a further divisional is 7th Dec 2013 (three months before compliance).

Any divisional filed after 7th Sep 2013 must have all formalities completed on filing.

Compliance deadline may be extended by 2 months as of right (file format pay fee) – would make new date 7-5-14. Divisional deadlines above would as a result come 2 months later.

We should file a further divisional to protect invention (iii). Late divisional so all formalities due on filing.

Request accelerated examination of both GB2 and new divisional GB3. Reasons must be given. Activity of Bottles Ltd is a good reason and accelerated processing will probably be allowed.

Since the prior art appears to have no more relevance for intentions (ii) and (iii) than it does for (i) (indeed, it should be less relevant to ii and iii since it relates to wine), patents should grant to inventions ii and iii. Expedite the process by ensuring GB3 is in order for grant on filing. If there is anything making GB2 not in order for grant then amend before examination report.

Although we are told there is no basis to claim the bottle sleeve per se, there may be at least arguable basis for a claim to "use of the handle sleeve with bottles".

This is worth investigating – possibility for a further divisional.

Search fee must be paid on filing GB3, but a refund should then be obtainable because it was searched on GB1.

On the granted patent, the first renewal was due by end of Sept. 2013 (30 Sep 2013).

Check if this has been paid. If not, pay it. It is possible to pay by end Oct 2013 (31 Oct 2013) with no additional fee (extra fee for first month later is zero). After that, can still validly pay with extra fees until 31 Mar 2014.

This assumes that there was no late grant. Not told grant date, but late grant seems unlikely since application was put in order for grant in response to 18(3) dated Jan 12.

If there was late grant then first renewal is three months (to end of month) from grant date.

Either way, diary the next fee (6th year) for 30 Sep 2014.

Renewal fees on divisional applications will be due three months (to end of month) from grant – ensure they get paid. (Though six month grace period available for these as well).

EP application

Filed May 2010.
Priority 7-Sept-2009.

Only one invention was searched. ∴ further inventions can only be protected by divisional applications.

EP2 divisional filed in response to Dec 2010 exam report.

17 December 2010 examination report is deemed received 10 days later – 27 Dec 2010. Receipt of non unity objection triggers 2 year deadline to file divisionals – expired 27 Dec 2012. We are therefore now too late to file a further divisional. Invention (iii) therefore cannot be protected at EPO.

EP1 granted in August 2011. Opposition was filed, presumably within 9 month deadline ending May 2012. Are the proceedings still pending? If not, check what the result was. Have we responded to all deadlines in opposition in time?

Regardless of the opposition, validation must occur in most countries to put patent into force – check this occurred and in which countries. No validation required in GB, FR, DE, which are the countries Bottled Ltd is going to launch in. However, renewal fees must be paid.

We overcame the inventive step objection in the UK – so in principle opposition should be arguable.

On pending application EP2:

Exam + des fees due, as well as substantive response to search report, is due 6 months from publication of search report, ie by 2-Nov-2013.

Further processing is available to give 2 months extra from receipt of notification of loss of right, but expensive (50% of exam + des fees) so best to meet deadline of 2-Nov-2013.

We have the same objection as was successfully overcame in the UK – try the same arguments.

<u>General</u>

Although there is no basis to claim the bottle sleeve, it appears to have been disclosed, therefore, any new filing (ie non divisional in EP/UK) would not be novel.

Take over representation of any applications we are not already agent of record on.

Check the date of the prior art – presumably it is before 7-9-09 or the UK/EP examiners would not have cited it for inventive step – but check.

PACE request can be made on EP2 to speed up prosecution & get grant. As of right – no reasons needed + no cost.

UK/PO will revoke GB patent if it conflicts with EP (GB). This can be avoided if GB designation removed from EP before grant. Check what has been done on Ep1 – was designation removed? If not, GB1 may be revoked. However, this will not be done whilst opposition proceedings are pending, or if they result in revocation of EP.

It doesn't really matter if protection for invention (ii) is via GB or EP (GB) – but definitely keep GB going until end of EP opposition period in case EP is opposed + revoked.

EP (GB) gets client slightly longer term – 20 years from filing.

Infringement

Action can only be taken on granted patents.

Unclear what granted patents we have (was GB1 and/or EP1 revoked) – so check.

Presumably, all three claims were published around 18 months from priority, around 7 March 2011 – check exact date. Damages can be backdated to publication.

We do not have a claim to the sleeve per se, so our claim is in 'contributory infringement'. For infringement of a UK patent, this needs us to show that the sleeves were offered in the UK, to someone else in the UK. The sleeves relate to an essential aspect of the invention – that seems clear.

Are the sleeves 'staple commercial products'?

It appears that they may be, if they can be used for bottles not covered by patent (eg. shampoo bottles?)

If so, then Bottled Ltd must be inducing infringement to be caught under the contributory infringement provision. This could be the case, if, for example, they sell the sleeves as 'suitable for wine bottles' (or whatever kind of bottle we end up having a patent for).

Actual uses of the sleeve will probably be using it privately + not commercially – therefore they are not primary infringers. However, it is not necessary to show actual primary infringement to succeed against Bottled Ltd for contributory infringement.

If we have a granted patent and can therefore act immediately, then we should send a letter before claim to Bottled Ltd and ask them to sign undertakings saying they will not sell, and delivery up any infringing items.

If they do not comply, take action for contributory infringement. Can use Patents County Court or High Court.

IPO opinion is also an option, may help our position in a commercial settlement, if it's positive.

Before we go after Bottled, it would help if we had further information about what they are doing / planning to do.

Eg. where are they manufacturing? Or are they buying the sleeves from elsewhere (importing or buying in UK/EU?)

It would be most efficient to go after the ultimate supplier of the sleeves in the jurisdiction where we have rights.

We may need to coordinate with French + German lawyers to prevent launch in all three jurisdictions.

They have not launched yet – so consider getting an interim injunction. Balance of convenience probably in our favour. However, cross undertakings required – costly if we lose.

Prospects of success? There is a validity question over the patent, and maybe arguments on “staple product” / inducing infringement – so case arguable but not clear cut.

EP examiner thinks not inventive. UK examiner disagrees – validity may be borderline.

Borderlines

Bottled Ltd's products are apparently "copies".

Therefore may be able to take action in UK/EU unregistered designs.

If patent publication did not disclose the appearance of the products and we are within 12 month grace period from our own disclosure, we could also get registered designs – vital to file immediately before the launches, unless we can prove copying.

9. GB1 filed on 5 October 2012

Apparently claims were filed.

Check in abstract was filed.

Filing + search fees apparently not paid (could not afford them).

Presumably priority was not claimed – but check.

The deadline for paying fees (+ filing abstract, if needed) was 5th October 2013.

Since this date fell on a Saturday, it rolls over to the next working day, which is today.

We need to file request for search, and pay filing + search fees. File abstract if needed.

We can get a two month extension on this (file form + pay fee, request extension within 2 month extension perid) in case we cannot get instructions today (client wants a meeting tomorrow).

However it would be preferably to complete actions today to avoid extension fee, if we can get instructions.

We must take over representation of GB1 in order to do above on client's behalf.

We can then prosecute this application as normal. However, we cannot add the new oil reservoir. The application will publish in around 6 months.

Check if formal drawings are required [by 15 months from priority – 5th Jan 2013]. After formalities exam, we will know if they are – for now – diary date.

Was statement of inventorship filed? Check but probably not required – presumably applicant was same as inventor.

GB1 already has claims 1-3. We could also amend to add claim 4 to lubrication of vibrations means – we have basis for this.

As application is not searched yet, we need comptroller's permission to amend – amendment not available as of right.

After that, we should receive search report within around 4 months. Request sub exam within 6 months from publication.

Disclosure – Boy in Wales

This disclosure is not relevant to the patentability of GB1 because it is after the priority date of that application. It is also not relevant to patentability of any claim in any application entitled to priority date of GB1.

However, it is relevant disclosure for any claim having priority date after boy was seen on beach.

Although nobody except our client apparently saw the boy, his actions were in a public place. As such, they were disclosed to the public. Indeed, our client's place in this scenario was as a member of the public.

Anyone <u>could have</u> watched the boy, even if they <u>did not</u> watch him. Therefore, was public disclosure. Also enabling disclosure of putting a beach ball on a vibrating toy.

The disclosure would appear to anticipate Claim 1 of the client's application, if that claim 1 were included in a new application not entitled to priority of GB1.

Although there is an argument that the boy did not disclose an "exercise device", it appears that he disclosed all the structural features of one. Even if the disclosure is not strictly novelty destroying, may be obvious to use said ball + toy as an exercise device.

Claim 2 appears novel in the light of the boy on the beach disclosure, again may be inventive step issues though – replacing beach ball with gym ball is really just using a larger inflatable ball – an obvious way to adapt the invention to suit an advert.

There appears to be nothing in the boy's disclosure to anticipate claim 3 or new claim 4, or attach either on inventive step.

Of course, the client is under no obligation to tell the UK IPO about the boy on the beach.

<u>Prior art GB2</u>

Available as full prior art (novelty + inventive step) against GB1 and also against any new application.

GB2 does not explicitly disclose an exercise device.

GB2 does show that lubricating a vibrating mechanism is well known.

Although exercise device not disclosed, a pillow is clearly a compressible body, and a vibration means is included. Arguably, the arrangement does provide exercise, even if only unintentionally.

Therefore may be a novelty attack, strictly, on claim 1.

Does not disclose gym ball – so does not anticipate claim 2. Does not include integral vibrator + compressible body, so does not anticipate claim 3.l

Claim 4 (new claim, lubrication means) may lack novelty when dependent on claim 1, since GB2 discloses lubrication means.

If boy on the beach is prior art (ie claims in a new app do not have priority of GB1) then combination of disclosures may have inventive step implications – features of lubrication, vibration, inflatable ball all disclosed between the two disclosures.

However probably neither disclosure is common general knowledge in the field of exercise devices – therefore cannot combine them.

<u>Further application</u>

We can file a new application (GB3). This is the only way to introduce the new matter relating to the oil reservoir.

If we file the application today, we can claim priority from GB1. Although GB1 was filed on 5^{th} October 2013, that was not an open day at the UK IPO for receiving applications claiming priority. Therefore we can validly file today within the priority deadline.

Claims 1-3 are identical to priority applications. Therefore they are entitled to priority date of GB1.

Claim 4 (new claim, lubrication device) also has basis in priority application, ∴ entitled to priority date.

Any matter added (ie. newly devised special oil reservoir) will not be entitled to priority date – priority date of that matter will be filing date of new application.

It seems that the oil reservoir invention may really be a separate invention, having nothing which makes it particularly useful for use with a gym ball. We could therefore consider an independent claim covering just a vibrator with the new lubrication system.

That said, the client wishes to minimise costs and is interested in exercise balls – so dependant claim, or indeed just description of the improvement at this stage, may be more appropriate.

There may be a problem if we are unable to get instructions to file today. There is no guaranteed way to extend the priority deadline. There is also no particular evidence that the client intended to file before the deadline, since she has asked for a meeting tomorrow. A restoration of priority may therefore not succeed – the client needs advice today.

If the client gives clear instructions to file today but we can't draft it in time, then a restoration of priority might in principle succeed – but not really worth the risk – just need to draft it now.

We should file a full application – search, claims, abstract, fees, since the deadline for doing so is 12 months from priority – ie. today.

Summary of advice

Continuing with GB1 is an option, as is filing a new application GB3.

If we file GB3 and validly claim priority from GB1, then no need to continue with GB1 – save costs by letting it lapse.

Client seems generally short of funds – these may be multiple inventions here. Put in basis for independent claim to lubricating system, but maybe no claim yet as we don't want a plurality objection / divisionals. Discuss the options with client – she may be willing to pay additional search fee on independent claim to investigate patentability.

We need to see client today – priority deadline + also GB1 fees deadline without extension costs.

Other

GB1 as presumably not published and client has not disclosed (but check).

One option is therefore to file GB3 without priority claim – then we don't have to do it today.

Problem with that strategy is it brings all claims priority date forward 1 year +. Boy on beach disclosure is then relevant (implications discussed above).

If we did this, I would advise keeping GB1 pending as it has our earliest priority date.

Finally, although the boy was seen after the priority date of GB1, there is the possibility that his actions are evidence that in fact this trick may be well known to many small children.