

## **2013 PAPER P4**

### **SAMPLE ANSWER 2**

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.

## **Claims**

1. A fence section for a fence to be made up of a number of such sections hinged together at vertical edges of the sections, the fence section comprising:  
  
a first vertical edge, incorporating an integral hinge segment which comprises at least two fingers facing in opposite directions which each have a groove no deeper than half round for receiving a joining rod; and  
  
a second vertical edge opposite the first edge, similarly incorporating an integral hinge segment having at least two fingers facing in opposite directions which each have a groove no deeper than half round for receiving a joining rod, the fingers of the second edge cooperating with those of the first edge of the adjacent fence section to form a hinge;  
  
and the joining rods in the assembled fence each being located, in use, in the grooves in the fingers in the manner of a hinge pin, with its axis passing through the fingers of each fence section.
2. A fence section according to claim 1, wherein the grooves in the fingers on the first edge of one fence section are coaxial with those in the fingers on the second edge of a second fence section, so as to form a channel shaped to receive the joining rod.
3. A fence section according to claim 1 or 2, wherein the connecting fingers of one hinge segment alternate with the connecting fingers of a second hinge segment along the axis of the joining rod.
4. A fence section according to any preceding claim, wherein the joining rod lies in the plane of the fence sections when assembled.
5. A fence section according to any preceding claim, wherein the connecting fingers of at least one fence section have curved end surfaces, allowing adjacent fence sections to pivot with respect to each other about the rod axis as a hinge.
6. A fence section according to any preceding claim, where the fence section in use constitutes a portion of a fence supported solely by the joining rod.
7. A fence section according to any previous claim, wherein the hinges between the sections allow the fence to follow a meandering or random course, or to enclose areas bounded by obtuse and right angles.

8. A fence sector according to any preceding claim, wherein the connector fingers are distributed, along the axis of the joining rod, so that there is no plane perpendicular to the axis of the joining rod that contains connecting fingers from the segments and the adjacent segment.
9. A fence segment according to any preceding claim, wherein the first vertical edge further incorporates a second integral hinge segment and the second vertical edge similarly incorporates a second integral hinge segment.
10. A fence comprising two fence sections according to any preceding claim and a joining rod, wherein a portion of the joining rod extends below the fence sections into the ground, to provide support to the fence sections through the hinge segments.
11. A fence according to claim 10, further comprising:  
  
an anchor block installed in the ground and configured such that the joining rod is insertable into the anchor block.
12. A fence according to claim 11, wherein an upper surface of the anchor block is substantially flush or coplanar with the surface of the ground.
13. A fence section substantially as hereinbefore described with relevance to the drawings.
14. A fence substantially as hereinbefore described with reference to the drawings.

### Proposed Divisional Claim

1. A fence made up of a number of sections hinged together at vertical edges of the sections, each fence section comprising:

a first vertical edge, incorporating an integral hinge segment which comprises at least two fingers which have recesses for receiving a joining rod; and

a second vertical edge opposite the first edge, similarly incorporating an integral hinge segment having at least two fingers and recesses for receiving a joining rod, the fingers of the second edge cooperating with those of the first edge of the adjacent fence section to form a hinge;

wherein joining rods are located in the recesses in the fingers in a manner of a hinge pin, with their axes passing through the fingers of each fence segment; and

wherein anchor blocks are installed so that their upper faces are substantially flush or coplanar with the surface of the ground, the joining rods beings insertable into the anchor blocks.

## Exam Report Response

Dear Sirs,

I request accelerated prosecution of this application. The applicant is currently engaged in discussions with distributors for their product and a granted patent covering the produce would assist in those discussions.

In response to the Examination Report, I enclose a new claimset. Basis for the amendments and for the new claims is as follows.

Claim 1 has been amended to recite that at least two fingers face in opposite directions (pg5 ln 33-34) and that the recesses are grooves no deeper than half round (pg 5 ln 9-10 and pg 5 ln 31). Consequential amendments have also been made.

Additionally, in claim 1, the limitation that the rods are held by 'alternating' fingers has been removed. Basis for this is found at page 5 lines 26 to 28, where it is explicitly stated that this feature is optional.

New claim 8 finds basis at page 5, lines 14-16.

New claim 9 finds basis at page 6, lines 6-7.

New claim 10 is based on previous claim 6, but now explicitly claims a fence comprising (at least) two segments and a joining rod. This amendment finds at least implicit basis in original claim 1, which recites that the fence sections are for a fence made up of a number (ie at least two) of such segments hinged together.

New claims 11 and 12 have been added with basis from page 6, ln 17-18 and 21-22. The skilled person would understand that claim 11 is not an intermediate generalisation because of the specific advantages discussed at page 6 ln 17-18 which arise from the features of claim 11 and the advantages discussed at page 6 ln 19-20 associated with the features of claim 12, which imply these features are not inextricably linked.

With regard to novelty, D1 discloses a fence composed of a number of fence sections. The fence sections are connected to one another at their vertical edges by snap-lock hinges 20. Each hinge includes two male members 22a and two female members 22b. As the Examiner identified, in the embodiment discussed in the penultimate paragraph, the section may be arranged with both female members on a single section. As such, for such sections, both vertical edges could have grooves for receiving a joining rod.

However, as discussed at page 14, ln 21-22, the width of the entry slots is less than the width of the pin, the groove must be more than half round to provide a 'snapfit'. Also, the slots both face the same direction, and are not opposed as required by the amended claim 1.

Amended claim 1 is therefore novel over D1 by virtue of these features.

With regard to D2, this document discloses also a fence comprising multiple sections, albeit each section consists only of a single picket and two railings. On one side (left in Figs 3/5) the sections have two flanges having holes for a dowel and on the other side (right in Figs 3/5) the sections have four flanges each having a hole to align with the two flanges of an adjacent section. In use, the dowel is passed through the aligned holes to join the fence sections and to fix them to the ground.

D2 does not therefore disclose arms having 'grooves no deeper than half round for receiving a joining rod'.

Amended claim 1 is therefore novel over D2 also by virtue of this feature.

With regard to inventive step, the skilled person is skilled in the art of fence design, and particularly fences constructed in a modular fashion from multiple segments. Fences of the type disclosed in D1 are considered to be common general knowledge (pg 3, ln 8-10 – client's letter). The fence disclosed in D2 is not acknowledged to be common general knowledge, as it is a single, relatively recently published patent document. However, for the sake of argument, it will be considered as it does relate to the same technical field.

The contribution of claim 1 is that it provides a modular fence system where the segments of the fence may be easily replaced (pg 6 ln 22), as compared to D1, and which is more simple to manufacture (pg 5, ln 33) as compared to D2.

With regard to D1, the use of at least two opposed arms having grooves less than half round means that it operates in a fundamentally different manner. The invention thus defines a path for a rod to be vertically installed, rather than snapped. This avoids problems with snap-fittings where they deteriorate and snap off after time. The skilled person would not modify D1 based on that document alone to not use snap fittings as that is the only technique disclosed.

Furthermore, he could not combine it with D2 (if D2 is even considered CGK) in a way that would arrive at the invention. This is because even if the short pins 30 were replaced by a long, vertically-inserted bar as in D2, the skilled person would retain the more-than-half round holes as if he did not, they would not hold the pin as they are both on the same side.

With regard to D2, this document similarly does not disclose the claimed two-groove construction. It has been found that preformed holes are difficult to manufacture sufficiently precisely, which can result in waste during manufacture due to 'quality control'. By using two grooves, the arms can flex to facilitate minor deviations.

As mentioned above, the combination of D1 and D2 does not arrive at the claimed invention. Furthermore, there seems to be no obvious motivation for the skilled person to modify D2 in a way that could or would arrive at the claimed invention.

Amended claim 1 is therefore inventive over both D1 and D2.

In addition to patentability, the examiner raised objections regarding the clarity of claims 6 to 8.

Regarding claim 6 (amended claim 10) this claim has been amended to refer to a fence, rather than to a fence section, and it is therefore clear.

Regarding claim 7 (amended claim 6), this claim has been amended to refer to a singular fence section (ie as in claim 1) and to clarify that the claimed features relate to when it is in use in a fence.

Regarding claim 8 (amended claim 7), the Examiner objected that there was no antecedent basis for the fence sections. We disagree and note that claim 1 defines the fence section is for 'a fence made up of a number of such sections'. We therefore submit that the skilled person would have no difficulty in understanding that the sections referred to are the sections of the fence, when the section is in use in the fence.

The claims are therefore clear.

In view of the above, we submit that the present application is in order for grant.

Please note that the applicant is considering filing a divisional application and would appreciate notice prior to grant in order to do so.

Yours sincerely

Patent Attorney.

## Client Memo

Dr Mr F. Ence,

I have reviewed the objections by the patent office and the cited prior art, and I believed that the amendment of the claims was required. My analysis of the prior art is given in my letter to the patent office.

In view of the desire to expedite grant (for your discussions with the garden centres), I have filed a response which I hope will lead to grant, along with a request to expedite the prosecution. Although grant of this request is discretionary it is often allowed if a good reason can be presented, so I hope it will be allowed in this case.

With regard to the prior art, you asked why the examiner referred to D1, which uses integral hinge pins rather than a separate joining rod. This is because the claimed invention only covered a single fence section, and he identified that one alternative in D1 had two snap-fits on either side of the panel. As such, that 'could' have been used in the way we claimed and so was relevant.

As you will see, I have limited the invention to the two-groove construction that you highlighted in your letter. I agree that this is quite different from the prior art and may therefore be patentable.

You will see that I have also added that the arms face in opposite directions. This is because this arrangement seemed to me to be essential for the operation of the grooved arrangement, ie the fence sections would not stay attached otherwise. However, if there is some other way in which the grooves could work, please let me know as soon as possible.

You will see that I also made some minor amendments to claims 6 and 7 to address the Examiner's clarity objections. The objection regarding claim 6 appeared to be valid and although the objection regarding claim 7 was perhaps not warranted, I have also amended this claim to avoid further objection.

If the examiner maintains objections regarding any dependent claims, we can always delete them as this would not reduce the scope of protection or prevent us from reintroducing their features later, if required.

In addition to the two-groove feature, I also noticed that your patent includes a discussion of sunken anchor blocks, which provide a different advantage to the two-groove construction in that they allow the fence or parts of it to be quickly and easily lifted up to allow moving (over the top of the anchor blocks) and then replaced.

This does not seem to be tied to the two-groove construction (for example it seems that it could be used in combination with the D2 construction). If you think this might be of commercial significance, you may wish to consider filing a divisional application. I have attached a draft claim for you to consider.



The IPO should notify us before grant of this application but please let me know asap if you do not want to file a divisional to this second invention. Do be aware, however, that it will incur additional costs (and double the renewal fees after grant).

Yours sincerely

Mr. Hinge

Patent Attorney