

## **2013 PAPER P4**

### **SAMPLE ANSWER 3**

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 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;  
  
and the joining rods in the assembled fence each being located, in use, in the recesses in alternating fingers in the manner of a hinge pin, with its axis passing through the fingers of each fence section;  
  
Wherein the fingers of one hinge segment alternate with the fingers of the second hinge segment along the axis of the joining rod so that there is no plane perpendicular to the axis of the joining rod that contains fingers from both the hinge segments and wherein the grooves are no deeper than half-round.
2. The fence section of claim 1, wherein the grooves are half round.
3. The fence section according to claim 1 or 2, wherein the recesses in the fingers on the first edge of one fence section are coaxial with those in the fingers on the second edge of a fence section, so as to form a channel shaped to receive the joining rod.
4. The fence section according to any of claims 1 to 3, wherein there are two fingers on each hinge segment edge.
5. The fence section according to any of claims 1 to 4, wherein there are at least three fingers extending from each hinge segment edge.
6. The fence section according to any of claims 1 to 5, wherein there are at least four fingers extending from each hinge segment edge.
7. The fence section according to any of claims 1 to 6, wherein each vertical edge has the same number of fingers.

8. The fence section according to any of claims 1 to 7, wherein each vertical edge has a different number of fingers.
9. The fence section according to any of claims 1 to 8, wherein the fingers face in opposite directions.
10. The fence section according to any of claims 1 to 9, wherein the joining rod lies in the plane of the fence sections when assembled.
11. The fence section according to any of claims 1 to 10, wherein the fingers of at least one fence section have curved surfaces, allowing adjacent fence sections to pivot with respect to each other about the rod axis as a hinge.
12. The fence section according to any of claims 1 to 11, wherein the hinge segment is moulded together with the fence section as a single unit.
13. A fence comprising a number of fence sections, according to any of claims 1 to 12, hinged together at vertical edges of the fence sections, by a joining rod located in the recesses in the fingers of the hinge segments of the fence section, 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.
14. A fence according to claim 13, wherein the fence sections constitute portion of a fence supported solely by the joining rod.
15. A fence according to claim 13 or 14, wherein the joining rods are inserted into anchor blocks.
16. A fence according to claim 15, wherein the anchor block is flush with the surface of the ground.
17. A fence according to any of claims 13 to 16, 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.
18. A fence section as substantially described herein, with reference to Figures 1, 2, 3, 5 and 6.
19. A fence as substantially described herein with reference to Figure 3.

### DIVISIONAL CLAIM

1. A fence comprising a number of fence segments hinged together at vertical edges of the sections, the fence sections comprising:
  - features of original claim 1 (lines 4-10 of claim 10);
  - wherein a joining rod is located in the recess in the fingers of the hinge segments in the manner of a hinge pin, with its axis passing through the fingers of each fence section; wherein the joining rod is inserted into an anchor block.

### Basis

- Previous claim 1 and pg 6, lines 16-22.

Dear Sirs

I refer to the Examination Report dated 20 August 2013 and file herewith a set of amended claims (1 to 19).

I hereby request accelerated prosecution of this application. The applicant desires a quick grant of this application such that the patent can be used for commercial development of their business, which are currently pending.

Amendment and Basis

Claim 1 has been amended to incorporate the subject matter of previous claim 3 and to state that this has the effect of that "there is no plane perpendicular to the axis of the joining rod that contains fingers from both hinge segments". This is based on pg 5, lines 15-16. Although this states that this results due to "distribution" of the connecting fingers, it is clear from the Figures that this "distribution" is the alternation between fingers on different hinge segments specified in previous claim 3.

Claim 1 has also been amended to state that the grooves are "no deeper than half round". It is seen that the term "half round" is clear when read in conjunction with the description, which states that this means half-cylindrical (pg 5, line 10) or that the groove is not deeper than the radius of the joining rod (pg 5, line 32).

Claim 2 is a new claim, stating that the grooves are half round. This is based on pg 5, line 32.

Claim 3 corresponds to previous claim 2.

Claim 4 is a new claim, stating that there are two fingers on each hinge segment edge. This is based on pg 5, lines 33.

Claim 5 is a new claim based on pg 6, lines 4-5.

Claim 6 is a new claim based on pg 6, lines 5-6.

Claim 7 is a new claim, based on pg 6, line 6. It is implicit that the same number of fingers may be used if different numbers may be used.

Claim 8 is a new claim, based on pg 6, line 6..

Claim 9 is a new claim, based on pg 5, lines 33-34.

Claim 10 corresponds to previous claim 4.

Claim 11 corresponds to previous claim 5 with the word "connecting" deleted.

Claim 12 is a new claim based on pg 6, lines 10-11.

Claim 13 corresponds to previous claim 6, reformatted into a “fence” claim. Fences comprising the fence segments described in this application, connected by a joining rod are implicit from the application as filed and implicit in Fig 3.

Claim 14 corresponds to previous claim 7, reformatted into a “fence” claim.

Claim 15 is a new claim, based on pg 6, lines 21-22.

Claim 16 is a new claim, based on pg 6, lines 16-17.

Claim 17 corresponds to previous claim 8, reformatted into a “fence” claim.

Claims 18 and 19 are new omnibus claims based on the Figures.

### Clarity and Support

- Previous claims 6-8 (new claims 13, 14 and 17) have been reformatted into “fence” claims. The joining rod and more than one fence sections must be present in a constructed fence. Therefore the objections raised in this respect have been overcome.

### Novelty

Claim 1 has been amended to state that the fingers of one hinge segment alternate with the fingers of the second hinge segment along the axis of the joining rod such that there is no plane perpendicular to the axis of the joining rod that contains fingers from both hinge segments. The grooves have also been specified as being no deeper than half-round. This combination of features is not disclosed in D1 or D2.

The fingers of the hinge segments of the sections of D1 are not alternating such that no plane perpendicular to rod axis contains fingers from both hinge segments. D1 requires the opposite – hinge element 22a on one hinge segment must be on same perpendicular plane to hinge element 24a in order for them to cooperate and link together two fence sections. D1 also does not disclose the recesses being half-round. The recesses in D1 are “circular openings 40, that have a circular cross-sectional internal dimension” (pg 14, lines 19-20). Therefore claim 1 is novel over D1.

D2 also does not have grooves that are no deeper than half-round since the grooves in D2 are “holes 17” – pg 16, line 30. Therefore, claim 1 is novel over D2. Claims 2 to 17 must also be novel by reason of dependency.

### Inventive Step

The skilled person is a designer and/or manufacturer of fence sections for making fences. The common general knowledge includes common picket fences and other types of normal fences. The skilled person would also be aware of the fence of D1.

The inventive concept of the presently claimed invention is to provide fence sections which can easily be constructed into fences, where it is easy to remove a single

section in the middle and easy to replace it, and it is also easy and economical to manufacture said panels.

The difference between claim 1 and D1 is that D1 does not have alternating fingers such that no plane perpendicular to the axis of the joining rod contains fingers from both hinge segments. The advantage of this feature is that a single section can easily be replaced if necessary by removing the joining rod and moving the fence section out of the plane of the fence. In D1, this is not possible because the fingers must be vertically aligned to snap-fit together. Thus, once one segment of fencing is placed into the ground, the second segment must also be pushed into the ground and also moved horizontally to snap fit the hinge connection.

The difference between claim1 and D2 is that the grooves of D2 are holes, whereas the grooves of the present invention are half-round or less. This has the advantage of making the fence panels easier to mould accurately and more economically since there is less waste as the fence sections of D2 cannot be used if the holes are too small.

This combination of features is not taught or suggested by the prior art. The fence described in D1 would not work if this combination of features was used since the fingers must line up in order to fit. The features would also not work in the fence of D2 because a complete finger is needed to provide something for the pins 12b to rest on to prevent the dowel falling all the way through the holes. Therefore claim 1 would not be obvious in view of D1 or D2.

### Conclusion

We submit that the application is in order for allowance. However, we request that notice is given before grant such that the applicant can file any desired divisionals.

Yours faithfully

X.

## MEMO

### D1

- I agree with your comment that the fence sections do not have separate joining rods. However, this feature is not defined in claim 1 and thus cannot be used to distinguish the claims over D1. Claim 1 merely states that the recesses are “for” receiving a joining rod. In patent lingo, this means suitable for the. The claims do not require that the actual joining rod itself is present. The final 3 lines of claim 1 require that the joining rod is present when fence sections are joined (ie. in use).
- Thus, I agree that claim 1 is not novel over D1. D1 discloses fence sections 10, which are suitable to make-up a fence which comprises a number of said sections hinged together at the vertical sections (see Fig. 2 of D1).

One fence section has two fingers (24a – upper and lower), which have recesses suitable to receive a joining rod (entry slots 42 + circular opening 40 – receive rod 30). Page 14, lines 37-39 state that the fence sections may have only female members (made up of fingers 24a) – therefore a second vertical edge has integral hinge segment having two fingers and recesses. Clearly, in use, the joining rods are located in recesses of alternating fingers in the manner of a hinge pin (see Fig. 2).

### D2

I also agree that claim 1 is not novel over D2. D2 discloses fence sections which join together by a hinge along the vertical edges (see Fig. 1 of D2). The fence sections have fingers (14, 16) on each vertical edge of the section. The fingers also have recesses (holes 17). These holes, in use, receive a joining rod (dowel 11) in manner of a hinge pin, with its axis passing through the fingers of each section to form a hinge.

Therefore, claim 1 must be amended to get a novel and inventive claim.

### Amendments

- I have amended claim 1 as enclosed. It seems to me that the alternate arrangement of the fingers combined with half-round grooves is novel and inventive over D1 since D1 requires the opposite to work.
- Amended claim 1 may be obvious over D2 the only difference is half-round grooves.

It seems to me that one hinge segment having two fingers with opposite facing grooves may be required in order to hold the joining rod and prevent it from falling over (proposed claim 9). Please let me know if you agree and I will amend the claims further.



### Divisional

The idea of using an anchor block such that the fence can be removed eg. to remove lawn and then replace in exactly the same place seems to be novel and inventive on its own, separate to the novel and inventive connection of the fence sections. If you agree, we could file a divisional application to this feature (see attached proposed claim). Please let me know ASAP if you want to file since it must be filed whilst the current app. is still pending and it may go to grant soon. I have requested the Examiner to delay this, but this is discretionary. Please note that a divisional app may further assist your ongoing negotiations. I have requested accelerated prosecution on the basis of your negotiations to try to get grant ASAP.

The deadline for filing a response is 20 December 2013. Please get back to me with your comments ASAP.