

FD3 – Amendment of Specifications
FINAL Mark Scheme 2017

Claims Marks are awarded for the claim set as a whole including main, dependent and divisional claims	34 Marks
Main claim:	24 marks
- Whole sidewall exposed in open configuration (p5 lines 31-32; p7 Lines 16-17) OR - Holder sidewall of wire mesh (p5, lines 15, 31) OR - Other reasonable amendments For each alternative: - Alter wording: shroud movably mounted wrt holder (p4 line 27) Reduction for unnecessary limitations, e.g.: - Shroud is solid/ has no apertures; - Shroud is longer than reach of squirrel; - Feed holder is of mesh; - Metal mesh	20 15 Up to 13 4
Subclaims, other claims	Up to 10 marks
- Amend shroud to at least 250 mm/25cm (p[8 line 25)	2
Add dependent claims to useful features, e.g.: - Length of shroud \geq holder + spring (p8 lines 16-19) - 1 to 1.5mm space (p8, line 28-29) - Shroud has sleeve 23 sliding on rod (p7 line 12) - Helical spring between the rod and the surface of the sleeve (p7, lines 29 to 31) - Sloping roof (p7 line 4) - Wire diameter about 2mm, Mesh size 5 to 8mm (p6, line 22) - Predetermined weight (c. 500g, p8 line 11) - Shroud has no apertures (p9 line 3)	Up to 8 marks

Letter to IPO:	31 marks
- Explain amendments (2 marks) and their support (5 marks)	7
- Refer to/explain clarity point: location of shroud	2
- Discussion in relation to amendment or correction of claim 6	2
- Novelty of claim 1 over D1 (4 marks) and D2 (1 mark)	5
- Inventive step of claim 1:	
o using structured approach (PS or Pozzoli)	2
o discussion of prior art, e.g.	10
▪ D1 does not solve squirrel problem, is more aimed at birds; squirrels could in principle reach down to extract seeds	
▪ In D1 it is essential that the shroud has apertures since otherwise the holder can never be exposed (also pin/slot 38/40)	
▪ D2 does not have moving parts	
- Additional Novelty/IS of sub-claims	1
- Form 51	1
- Extension of time limit	1
Notes for client report:	35 marks
a) Explain validity of current claims in light of examination report	5
Explain what is done in the draft and why (total 20 marks)	
- Explain choice of main amendment against alternatives, including	
- Strengths and weaknesses when compared with other potential alternative routes, including why alternative routes not chosen and possible benefits of those routes	10
o For example, compare amendment to “whole sidewall exposed” versus “mesh”	
o Mesh (and solid shroud) probably essential in practice but can it be done otherwise?	
o Likewise length at least 25 cm probably essential, but maybe does not need to be in claim 1	
o Client’s aim to solve squirrel problem	
- Reference client’s plans	5
o Plastic mesh is covered by preferred claim 1 so all well; we cannot claim it explicitly because no basis but this does not prevent client producing the variant.	

<ul style="list-style-type: none"> - Explain detail of choice of wording for main amendment and implications, including, for example, amendment to “whole sidewall exposed” versus “essentially whole sidewall surface”. 	5
b) Justify adding dependent claims/discuss further backup positions	5
c) Other points, including <ul style="list-style-type: none"> - Extension of term/Timing of response - D1 expired - Confirmation of takeover of representation - Discussion of whether or not divisional appropriate/necessary 	5