

**2019 FD3 – Amendment of Specifications
Final Mark Scheme**

<p>Claims Marks are awarded for the claim set as a whole including main, dependent and any divisional claims</p>	36 Marks
<p>Claim 1: Further detail in claim 1 to explain how the body has passageway means (implicit or explicit) such that a rope can be passed through the body so as to be protected by the convex/concave faces (5/5ff; 6/19ff); <i>support for rope can be explicit or implicit</i> Reduced maximum mark for lack of novelty/clarity, unsupported amendments, e.g.: <ul style="list-style-type: none"> - solely relying on 3-point contact Reduced maximum mark for unnecessary limitations, e.g.: <ul style="list-style-type: none"> - explicit inclusion of rope/line; looping over solid part - Limitation to one embodiment, e.g.: <ul style="list-style-type: none"> - Two separate passages; - Both pairs of faces convex/concave, or end faces plane and parallel (cl. 2). </p>	<p>26 marks</p> <p>Max 10</p> <p>Max 23</p> <p>Max 18</p> <p>Max 12</p>
<p>Subclaims, other claims</p>	Up to 10 marks
<p>Amendment of existing claims: <ul style="list-style-type: none"> - Broaden dependency of claims 3, 5, 6; - Make claim 4 dependent (<i>not merely deleting it</i>); - Deal with antecedent point (“line” claim 2) Add dependent claims to useful features, e.g.: <ul style="list-style-type: none"> - Rounded part between openings; - End faces 4, 5 flat; - Two passages 10; - Curvatures constant/ extend over 90% of height. - Material of chock; - Dependent claims suitable for correcting any deficiencies in candidate’s amendments to claim 1, e.g. explicit mention of passageway where (inadequately) implied in claim 1. No marks for method claim.</p>	<p>1</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p>

Letter to IPO:	35 marks
- Amendments made and support, including for broadened dependencies and association of features;	3+5
- Explain how claim 1 now defines the invention/ refers to rope/line;	2
- Explain how antecedent issue with claim 2 now solved;	1
- claim 4 no longer independent so unity objection removed;	1
- novelty of claim 1: rope not protected by face of body in D1 (5); no concave face in D2 (1);	6
- Inventive step of claim 1:	
o using structured approach (PS or Pozzoli)	2
o discussion of inventive idea and of prior art, e.g.	
▪ D1 – does not envisage 3-point contact while protecting the rope.	4
▪ D2 – all six faces convex, no inkling of inventive idea of concave face;	3
▪ Combination of D1 + D2 – does not arrive at (amended) claim 1; cannot be done anyway; D1 uses different idea, rounded portions 25 not considered as “concave faces” and would not be seen as having application to a chock as in D2	6
- Additional Novelty/IS of sub-claims, e.g. same curvature (otherwise by dependency).	2
Notes for client report:	29 marks
- Discuss necessity (or otherwise) for amendment, whether claim could be argued as it stands, why explanatory/defining material needed for claim 1;	6
- Explain choice of main amendment against alternatives:	8
o Why alternatives not chosen, e.g. second pair of convex/concave faces	
o Explain wording chosen (e.g. “passageway means” rather than “two channels”)	
- Explain action on claim 4	3
- New dependent claims, fallback positions	4
- Discuss likely path of application, need for (relatively) swift grant but broad protection, and possible further amendments if needed – difficult inventive-step argument that might not persuade Examiner.	4
- But plenty of time as far as this response is concerned – extension still available	2
- Miscellaneous – probably no need for divisional, method (e.g. 2-chock application) not patentable	2