

**2020 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>	37 Marks
<p>Claim 1:</p>	26 marks
<p><u>Main Amendment:</u> Include [inbuilt] magnetic component effecting the retention on the tailpiece by attraction to a counterpart [steel?] part on or in the tailpiece. No need to include steel part explicitly. Reduced maximum mark for unnecessary or dubious limitations, e.g.:</p> <ul style="list-style-type: none"> - explicit inclusion of counterpart/ metal piece; - shape of foot (14) etc. <p>Strictly limited mark for severe issues (lack of novelty, unsupported amendments), reduced marks for lack of IS/clarity.</p> <p><u>Clarity amendments:</u></p> <ul style="list-style-type: none"> - Broaden to “violin family”; - Position of mute as applied to instrument (“configured to ...”, “... in use”) (3). - Tidy claim 1 (“... rest position”/“... not in use”) 	<p>19</p> <p>max 10/19 max 4/19</p> <p>3 3 1</p>
<p>Subclaims, other claims</p>	Up to 11 marks
<p>Amendment of existing subclaims (e.g. broaden dependency of 4 & 5) Add dependent claims to useful features, e.g.:</p> <ul style="list-style-type: none"> - magnet embedded in recess in centre of mute; - Flared foot of central leg 10; - Width of channels 9 - Shape of small “front” leg 4 <p>Add claim to kit including mute + counterpart/clip; version with counterpart in tailpiece No marks for method claim, or divisional, or for claim to clip on its own.</p>	<p>2</p> <p>2 1 1 1</p> <p>4</p>

Letter to IPO:	34 marks
- Amendments made and support, including for broadening to violin family, violin itself now not part of claim, counterpart not included in claim (4); additional subclaims/independent claims (4);	8
- Explain how violin not included in claim so objection 5 dealt with. Explain how claim 1 now includes claim 3 & reference to steel clip so objection 6 dealt with.	4
- Novelty of claim 1: D1 (no magnet) and D2 (no objection raised to D2) do not have a magnet, D3 is not a mute; D1 does not have counterpart "on" tailpiece.	7 (4+2+1)
- Inventive step of claim 1:	13:
o using structured approach (PS or Pozzoli); nearest prior art D1; CGK is pp 4/5, D2 possibly;	2
o discussion of inventive idea and of prior art, e.g.	
▪ D1 – uses elastic rather than magnet, constant force on mute.	4
▪ D2 – no retaining means at all;	1
▪ Combination of matter in D1 + D2 does not arrive at claim 1;	2
▪ Nor does D1 (or D2) + D3 suggest claim 1 – no appreciation of problem, magnet proximity effect not relevant for D3, which is a totally different application despite musical reference; would still need counterpart to be present.	4
- Additional Novelty/IS of sub-claims (flared-foot shape?)	1
- Clarity of presentation	1
Notes for client report:	29 marks
- Discuss why claim 1 needs amendment, validity of Examiner's objections, whether "Retaining means" covers elastic of D1, need to amend claim 1;	5
- Client letter clear as to the amendment needed but further wording needed (e.g. how magnet = retaining means, whether to include counterpart, violin family);	8
o Straightforward clear amendment needed; no need to cover tacky-pad version;	
o Possible alternatives (flared foot?) considered and discarded	
o Explain wording used against alternatives, for amendment chosen (e.g. "inbuilt magnet", location of magnet, "steel")	
- Explain action on claim 3 (now in claim 1)	3
- New dependent claims, fall-back positions – explicitly include clip?	5
- Plenty of time as far as this response is concerned – and extension still available	2
- Can't cover single-string mute	2
- Miscellaneous – probably no need for divisional, can't claim clip on its own, how to claim tailpiece version	4