Final Diploma

Patent Examination Board

FD4 Infringement and Validity

Tuesday 15 October 2019 10:00 to 15:00

INSTRUCTIONS TO CANDIDATES

1. The whole assessment task is to be attempted.
2. The total number of marks available for this paper is 100.
3. Start each part of your answer on a new sheet of paper.
4. Write your answers on alternate lines.
5. Do not state your name anywhere in the answers.
6. Write clearly, as examiners cannot award marks to answer scripts that cannot be read.
7. The scripts will be photocopied for marking purposes.
   a) Use only **black ink**.
   b) Write on one side of the paper only.
   c) Write within the printed margins.
   d) Do not use highlighter pens on your answer script.
8. Instructions on what to do at the end of the examination are on the Candidate Cover Sheet.
9. Any candidate script removed from the examination room will not be marked.
10. This question paper consists of **21 sheets**, including this sheet, and comprises:

    Assessment task (1 sheet)
    Client letter (1 sheet)
    Document A Client write-up (3 sheets)
    Document B EP patent application EP7654321 (6 sheets)
    Document C US1234567 (5 sheets)
    Document D DE2222222 (3 sheets)
    A spare set of Claims (Document B) to use in your answer if you wish (1 sheet).

Assessment task

Your client sends you the letter and documents listed on the Instructions to Candidates.

Your task is to prepare advice to your client on whether the attached granted patent may be enforced and defended.

You should prepare notes on which you would base your advice in which you:

a) Provide an opinion on infringement and validity, in the UK only.

b) Identify other patent-related legal issues pertinent to the facts presented.

c) Outline possible actions that may be taken to strengthen your client's legal position.

d) Summarise the opinions formed in a) to c) above.

Note the following:

a) You should accept the facts given to you and base your answer on those facts.

b) You should not make use of any other special knowledge that you may have of the subject matter concerned.

Total: 100 marks

Client letter

Dear Attorney

It was good to speak to you on the telephone the other day. I am now providing the information as promised, namely a write up of my invention (Document A) and a copy of the allowed patent application of TVBuilderSupplies Ltd (TVBS) (Document B).

Just to let you have the background again, about five years ago I contacted TVBS to see if they would be interested in my new DrainGate product, which is shown in Document A (Figure 1). The original inspiration for my invention came from a device that my mother had patented many years ago, which I attach as Document C.

I saw that there was an opportunity to alter my mother's invention and apply it to outerwear for builders. Many builders wear waterproof jackets during inclement weather. Typically, water will run off the clothing and soak the clothing of the legs (or will soak the legs if short trousers are being worn). This can be uncomfortable. My original concept was to provide a waterproof jacket with an integral gutter to capture the water and funnel it to a single drain point (Document A, Figure 1).

I thought that TVBS would be the most appropriate vendor to sell my DrainGate product and so I only contacted them. It transpired that TVBS did not want to enter into an agreement with me to sell my invention and so I abandoned the project.

Having thought more about it, I realised that manufacturing coats including my DrainGate invention was going to be prohibitively expensive for me. Accordingly, last year I revisited the concept to develop a new product ('the GutterGate'), which is shown in Document A (Figures 2.1 to 2.3).

Basically, the new invention is a kit which can be retrofitted onto any coat. This has proven to be a big hit. I have secured orders from a major supplier of builder's equipment as well as from several fire services who can see the value of the device for firefighters. I have ramped up manufacture to fulfil the orders, which are flooding in.

Much to my surprise, last week I received a letter from TVBS. The letter said that TVBS was about to be awarded a European patent for its invention 'as published' (Document B) and that it would commence proceedings against me for patent infringement as soon as the patent was granted.

I was flabbergasted as they have clearly stolen my idea. I have invested too much to cave in to them and I want to understand my options. I just cannot see how it is right that they can take my idea and then stop me from commercialising it.

Can you please let me have a note of my options that I can consider before our meeting next week. I have done a bit of research and understand that patents have to be new to be granted. My searching revealed an old German patent document. I attach a translation of the description of that document (Document D), which looks pretty close to me.

I look forward to hearing from you.

Yours

Roberta T Builder

Client write-up

DrainGate (disclosed in confidence to TVBS 01 April 2015)

An overcoat having an integral gutter which is shown in Figure 1.

The concept prevents soaking of the legs when working in wet weather, which is particularly beneficial when wearing short trousers.

The overcoat is a standard garment having a body portion (BP) to cover the wearer's body, typically having buttons, toggles or a zipper (Z) for fastening the overcoat about the wearer, and a pair of arms (A).

The overcoat is fabricated from a waterproof material, for example a plastics material which is impenetrable to liquid water but which may allow water vapour to pass from the body side to the outer side of the garment.

The lowermost portion of the body portion (BP) terminates in an integral gutter (G) that is fabricated from a semi-rigid plastics material and which is welded to the body portion (BP). Because the gutter (G) is formed of a semi-rigid plastics material (e.g. it may be made from PVC) it naturally forms a hoop around the garment which tends to keep the gutter (G) away from the body of the wearer. The weld prevents any ingress of water between the body portion of the overcoat and the gutter (G), ensuring that all of the water is collected in the gutter (G).

The gutter (G) is provided with one or more drains (D) to allow the water to flow away. The drain (D) is preferably located away from the front of the coat.

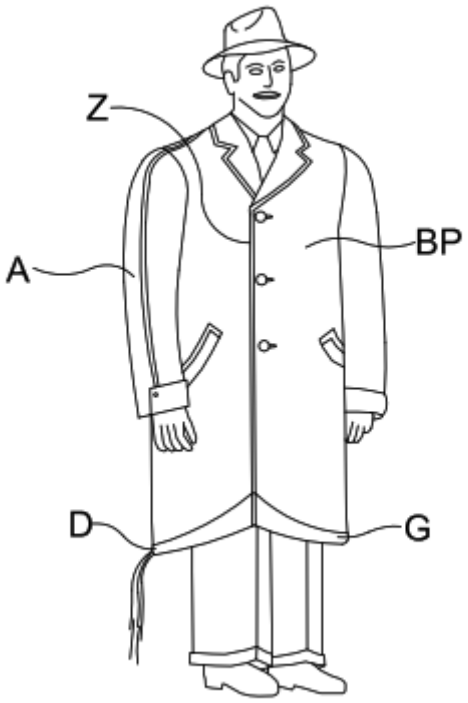

Figure 1

GutterGate (developed August 2018, first advertised and sold May 2019)

A kit for transforming outerwear shown in Figures 2.1, 2.2 and 2.3.

The kit comprises a length of gutter (G') and a fixing device (E', E'') to secure the gutter (G') to an inner surface of an item of clothing, e.g. a coat.

The gutter (G') has, in cross section, a J-shape having an upper edge (B) and an upturned lowermost portion (C) to provide a water retainer (W). The upper edge (B) has secured thereto several portions of a first part of a fixing device (E'). As shown, the first part of the fixing device (E') is one half of a hook-and-eye type fastener (such as that sold under the trade mark Velcro), although it could be a popper half, zip portion or so on.

Also provided with the kit is a second part of the fixing device (E"). As described above, this second part (E") is a complementary portion of a hook-and-eye fastener. The second part (E") bears an adhesive (F) on a surface to allow it to be secured to an inner surface of a coat.

The gutter (G') is also provided with an integral drainage pipe (DP) to allow water retained in the water retainer (W) to be expelled towards the floor. The integral drainage pipe (DP) is located at the midpoint of the length of gutter (G'), away from both ends so that it is installed at the rear of the coat. Alternatively, it could be installed at any location, but the rear of the coat is the best.

To equip a coat or another item of outerwear with a gutter (G'), a user simply attaches the second part of the fixing device (E") to an inner surface of an item of outerwear and then secures the upper edge (B) of the gutter (G') to the second fixing device (E") using the first fixing device (E').

It is important to secure the device to the inner surface of the garment to ensure that there is no water ingress between the coat and the gutter (G').

The gutter (G') is fabricated from a flexible waterproof plastics material. The flexibility is beneficial to allow the kit to be sent in a small package when fulfilling mail orders.

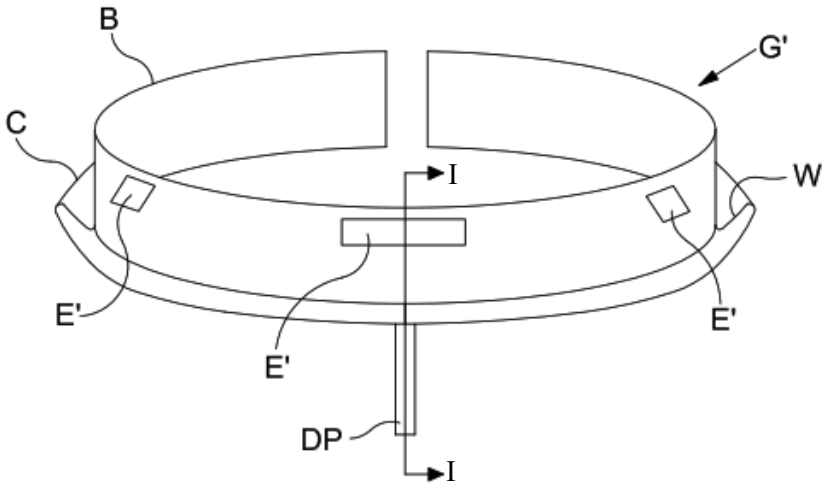

Figure 2.1

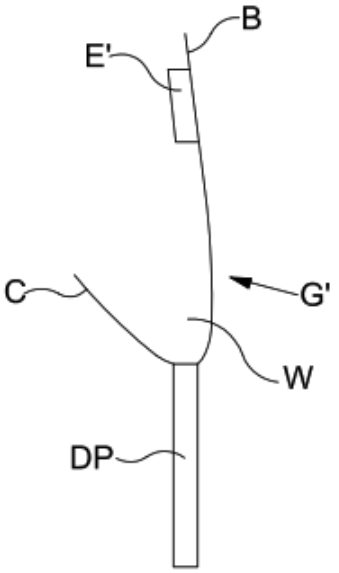

Figure 2.2
(View along line I-I for Figure 2.1)

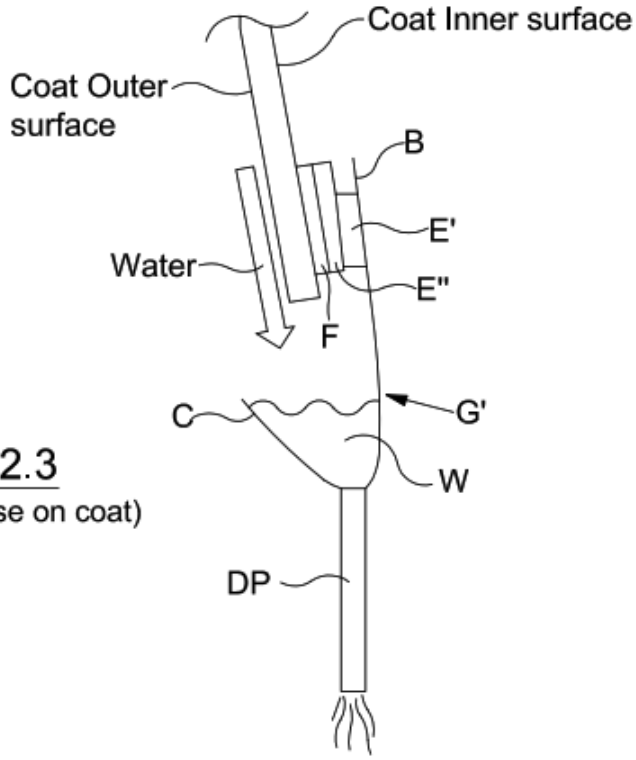

Figure 2.3
(Guttergate in use on coat)

EP patent application, published as EP7654321

Filed: 01 July 2016
Published: 01 January 2018
To be granted: 01 December 2019

This invention relates to garments for adults.

Many people wear protective clothing when going about their day-to-day business. For example, workers wear protective and waterproof clothes to mitigate the effects of weather (e.g. precipitation such as rain, snow and hail).

In most outerwear (and all those of the invention), the item of outerwear will be weatherproof (that is showerproof or waterproof) to ensure that the wearer remains dry even when exposed to precipitation. The trouble with weatherproof clothing is that liquids can run off the clothing at all angles and directions, which can make the legs, e.g. the trousers, of the user wet all over, which can be uncomfortable.

It is an object of the current invention to mitigate this problem.

Accordingly, a first aspect of the invention provides an item of outerwear in accordance with Claim 1.

Because the outerwear covers a major portion of the torso it is still effective, even when the outerwear, e.g. in the form of a coat, is not zipped up or otherwise closed. For example, the outerwear will protect the back and most of the chest of the user from rain falling in all directions around the wearer.

The provision of a gutter and the location of the drain means that water will flow from the outerwear in a known direction. Beneficially, having the drain at the rear of the outerwear ensures that the drain does not interfere with the working practices of the user.

The drain aperture preferably comprises a drain conduit, such as a hose, to further direct captured water away from the wearer.

In an embodiment the gutter and/or drain is movable (e.g. foldable) from a stowed position to a deployed position where it is operable to capture water. In a different embodiment, the gutter may be stored in a pocket of the item of outerwear to be deployed when the weather becomes wet, or the gutter is otherwise required for use.

In the different embodiment, one of the gutter and the item of outerwear has buttons and the other of the gutter and item of outerwear have button holes to allow the two to be secured together. Other non-permanent fixing means can be used. We prefer to use the minimum number of fixing points to ensure that the gutter can be fitted to the item of outerwear quickly in times of need. We have found that four to six buttons can be used.

The item of outerwear can be any item which is worn over day clothes. We prefer that the item of outerwear is a coat or jacket.

The invention will now be described by way of example and with reference to the accompanying drawings, in which:

Figure 1 is a front view of an item of outerwear according to the invention;
Figure 2 is a side elevation of Figure 1;
Figure 2A is a detailed portion of Figure 2;
Figure 2B is a view of Figure 2A with the gutter stored within the outerwear; and
Figure 3 shows a further embodiment with a gutter partially secured to a coat.

Referring first to Figure 1, there is shown a waterproof coat 1 having a body portion 2, a pair of arms 3 and a hood 4. The coat 1 has a liner to face the body of a user (not shown), an insulation layer (also not shown) and an outermost waterproof layer 5 to protect the wearer when the coat is subjected to rain. The coat 1 includes a zipper 6 to secure the coat 1 about the user.

The coat 1 has a flexible and body conformable hem 7. Along the hem 7 of the body portion 2 there is provided a gutter 8, which may be formed of a waterproof plastics material, such as polyvinyl chloride. In this embodiment, the gutter 8 is U-shaped and depends from the hem 7. The zipper 6 extends through the gutter 8 to facilitate securing and removal of the coat 1.

The gutter 8 has a rearmost drainage port 9 providing a spigot 9A to which is secured a down pipe or hose 10 to allow water collected in the gutter 8 to drain away. The hose 10 is push-fitted onto the spigot 9A.

In use, when the wearer of the waterproof coat 1 is hit by water, e.g. when it is raining or in another wet environment, the water will run down the waterproof body portion 5 to be captured by the gutter 8. In this way run-off water is prevented from flowing onto the user's legs. The water in the gutter 8 flows from the gutter 8 via drainage aperture 9 to the hose 10 to drain towards the floor. The hose 10, as shown, is positioned towards the rear of the coat 1 (i.e. away from the zipper 6) so that the hose 10 does not (or at least is less likely to) interfere with the actions of the user. Optimally, the hose 10 is located at a position opposite the zipper 6 when the coat 1 is closed to ensure that it is out of the way.

The coat 1 may find particular utility when a person is riding a motorcycle or by outside workers.

As shown in Figure 2B, the gutter 8 may be foldable about the hem 7 to the inside of the coat 1 to be stowed when not in use. The hose 10 may be folded over and the end of the hose 10 secured to the gutter 8 to ensure that it remains within the coat 1 when the gutter 8 is not deployed. Alternatively, the hose 10 may be removed from the spigot 9A of the gutter 8 and stored separately to be push-fitted on to the spigot 9A when required. The coat 1 may include an inner flap of material 11 to protect the wearer against the folded-in gutter 8. The flap of material 11 may be provided with a high-friction material 12, to engage the gutter 8 and help to retain it in its folded condition.

Alternatively, and as shown in Figure 3, a gutter 8' may be removably secured to a coat 1'. In an embodiment, the coat may have a number of buttons 13 provided around the hem 7', and the gutter 8' has a corresponding number of button holes 13'.

When it is desired to deploy the gutter 8' it is simply removed from where it is being stored (e.g. a pocket of the coat 1') and is buttoned to the hem 7' using the buttons 13 and button holes 13'. In an embodiment there are four buttons 13 and button holes 13, meaning that installation of the gutter 8' on the coat 1' is quick. If stored separately, for convenience's sake, the hose 10 is secured to the spigot 9A.

The gutter 8' may be provided as a continuous loop of gutter 8' or as a single length with two ends.

Claims

1. An item of outerwear, the item of outerwear having a body portion for covering at least a major portion of a user's upper torso and means to releasably secure the item of outerwear to the users torso, the item of outerwear having a lowermost edge which is configured to terminate over the user's legs, secured to the lowermost edge is an upturned portion for capturing fluids running down the body portion, the upturned portion having one or more drain apertures located at or towards the rear of the body portion to allow captured fluids to be expelled from the upturned portion.

2. An item of outwear according to Claim 1, wherein a drain conduit is secured to the drain aperture.

3. An item of outerwear according to Claim 1 or 2, wherein the upturned portion is deployable from a first condition in which the upturned portion is not able to capture fluids to a second condition where it is able to capture fluids running down the body portion.

4. An item of outerwear according to Claim 3, wherein in the first condition the upturned portion is not secured to the lowermost edge.

5. An item of outerwear according to Claim 4, wherein the upturned portion, in the second condition is secured to the lowermost edge by a discontinuous fixing device.

6. An item of outerwear according to any preceding Claim, wherein the item of outerwear is a jacket or coat.

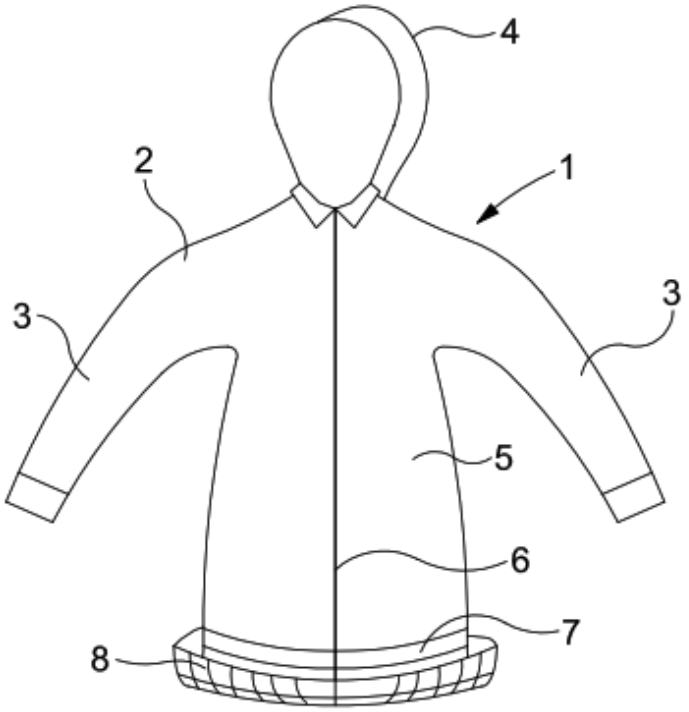

FIG. 1

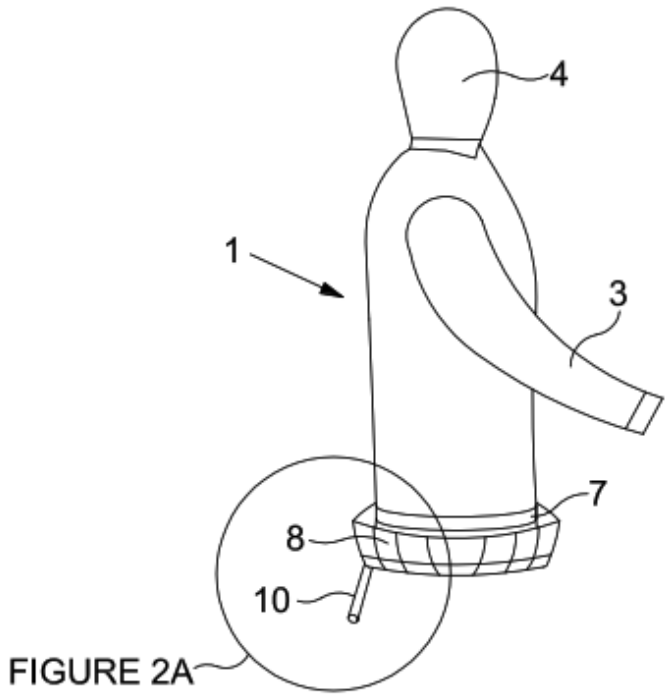

FIG. 2

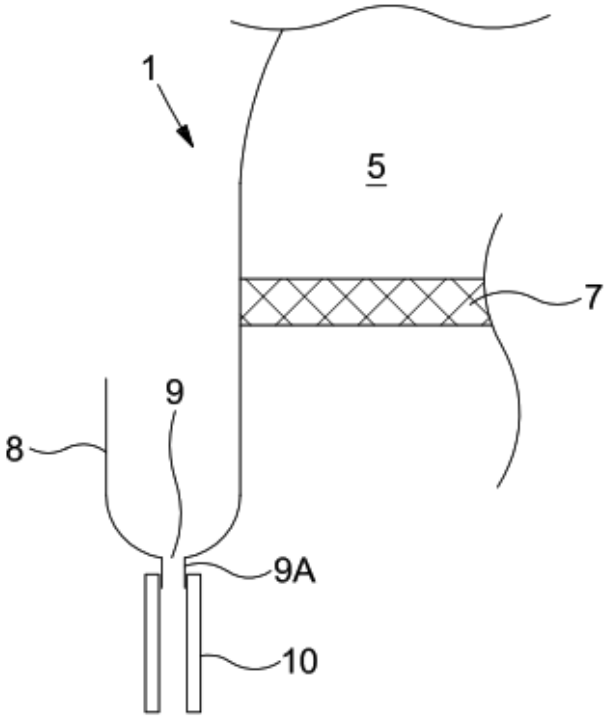

FIG. 2A

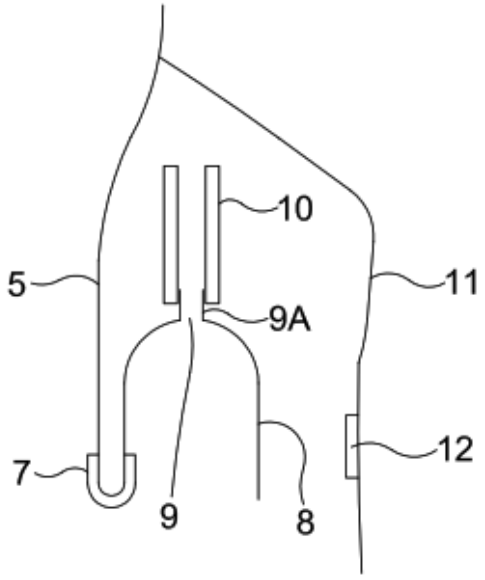

FIG. 2B

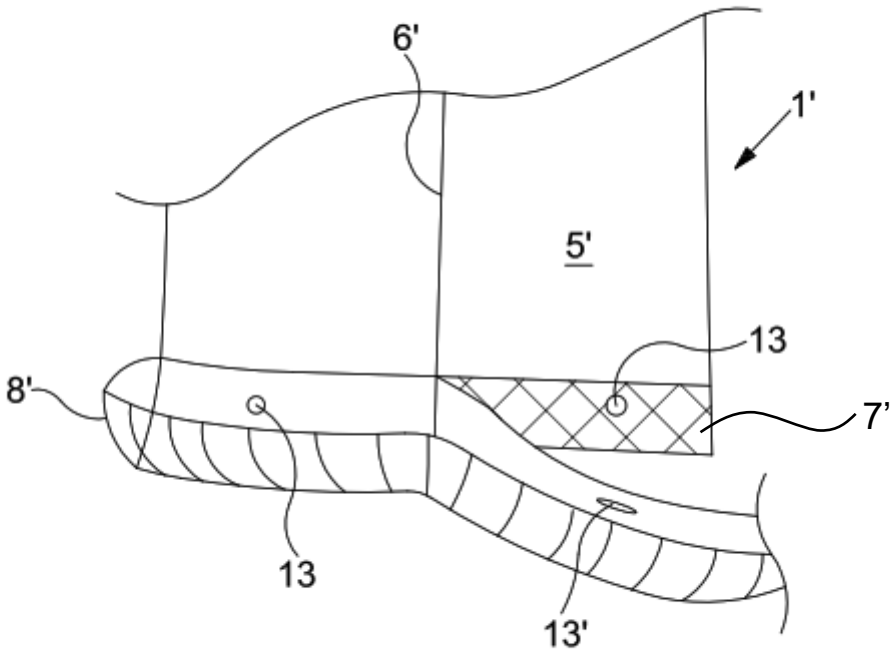

FIG. 3

Document C - US1234567

(published June 1980)

A main object of my invention is to provide a structure which will prevent dripping when such dripping is not desired by the wearer for any reason.

It is an object of my invention to provide an item of clothing whereby water which impinges on the wearer can be trapped and selectively discharged. The clothing preferably comprises water retention means. The water retention means may be configured to allow discharge of the water.

For example, if the wearer wears a clothing item outdoors when it is raining, for example to gather in clothes washing, and then wants to move inside for a short period of time it would be beneficial to have the water retention means not discharge water. Alternatively, if the clothing were to be hung to dry it may be desirable to allow the water retention means to discharge any captured or retained water.

As in the embodiment shown, the clothing may be used indoors, such as by a person washing dishes at a sink. The garment may be formed as an apron, as shown, from a water repellent material. Used as an apron, the gutters and spouts will prevent any water from dripping over the legs and feet of the wearer. The apron may be selectively configurable to provide water reservoirs so that no dish washing water will be dropped on to the floor.

A further object of my invention, therefore, is to provide a device for indoor or outdoor use in which the gutters may be changed into reservoirs and back from reservoirs into gutters and both entirely dispensed with at the pleasure of the operator.

These and other objects of my invention will be understood from the below.

Figure 1 is a perspective view of my improved garment in attached position on a person washing dishes in front of a sink with the gutters shown to form reservoirs to collect the drops; the spouts are upturned and fastened to provide reservoirs for catching splashes of water.
Figure 2 is a plan view of a garment comprising an apron equipped with my invention and spread out in open position.
Figure 3 is a sectional view taken along the line 3-3 of Figure 2, functioning as a gutter and spout;
Figure 4 is a sectional view taken along the line 4-4 of Figure 2, functioning as a reservoir.

As stated, an apron 10 is shown which can be used indoors and catches the drops of water splashed over the sink on to the wearer whilst washing dishes. As described below, the apron 10 is able to capture the water RU in gutters 11 to prevent the wearer's legs and shoes from being wetted. As explained below, it is possible to transform said gutters 11 from reservoirs for temporarily holding the dishwashing drippings.

The apron 10 has a chest and stomach portion 10A and a legs portion 10B. It has tie strings 10C, using which the wearer is able to tie the apron 10 around themselves. The apron 10 has a head aperture 10D to position over the wearer's head.

The apron 10 has the usual lower edge 12 and it is formed in one piece to provide, when worn, a split 13 at the rear of the apron 10. The one-piece apron 10 is shaped so that only a negligible portion of the wearer's rear is covered.

As shown in Figure 3, a spout forming portion 14 projects downwardly centrally of each side of the apron 10, preferably as shown of hemicircular shape and preferably also as shown, constructed as an integral part of the body portion 10B of the apron 10. The spouts 14 are typically formed in the initial cut of the garment, although, if desired, they may comprise separately attached pieces.

Along the bottom of the apron 10 are a first series of lower and upper vertically aligned cooperating male 15 and female 16 fastening means which are securable together to form the gutters 11. The lowermost portion of the body portion 10B is foldable (or folded) over itself and the male fastening means 15 is securable (or secured) to a corresponding vertically aligned female fastening means 16.

The male and female fastening means 15, 16 may comprise buttons and buttonholes, but it is preferred to employ cooperating male and female separable fastening elements 15, 16 for this purpose as they are easier to attach and more positive in their holding action. Preferably, six different sets of separable fastener units, each comprising a male element and a female element 15, 16, respectively, are employed, although fewer or more can be used.

Spacers may be provided to ensure that, when engaged, the male and female separable elements 15, 16 allow the formation of open top portions 17 of the downwardly inclined gutters 11 to allow for the collection of water.

The spouts 14 are formed between successive gutters 11 to allow water to drain from the gutters 11 at the side of the wearer.

To allow the spouts 14 to be converted for draining water held in the gutters 11, there is provided a second series of lower and upper vertically aligned cooperating male 18 and female 19 fastening means which are securable together.

The upper portion of the second series of separable fasteners 19 are located vertically above the first set of separable fasteners (16), whereas the corresponding lower portion of the second set of separable fasteners 18 are located below the first set of separable fasteners (15).

Because of the relative vertical positions of the second series of separable fasteners (18, 19) with respect to the first series of separable fasteners (15, 16), water is not able to drain from the gutters 11 when the second series of separable fasteners (18, 19) are engaged.

The gutters 11 may be selectively changed at the pleasure of the wearer into the reservoirs for holding a relatively small amount of water at each side of the apron 10, but of an ample size to catch all the drippings normally present in washing dishes.

While the first (15, 16) and second (18, 19) series of separable fasteners may comprise buttons and buttonholes, they could be provided as a male popper element (e.g. 15 or 18) and a female popper element (e.g. 16 and 19). The position of the male and female elements may be reversed if desired.

It is apparent that I have provided a garment which may be worn indoors or out of doors, and in which the device may be used to provide the downwardly projecting gutters 11 inclined downwardly to spouts 14 at each side of the apron 10 to discharge the drippings away from the shoes and lower garments of the wearer or may be changed into the reservoirs at the pleasure of the wearer to prevent the drippings from dropping on the floor.

The spouts 14 may be shaped so as to further extend from the apron 10 and so as to better direct water from the wearer.

It is apparent, therefore, that I have provided a novel type of garment which may be worn when the wearer is being wetted by water and which will positively prevent the water from falling over the lower garments and shoes of the wearer or which may, at the wearer's pleasure, be configured as required.

[CLAIMS OMITTED]

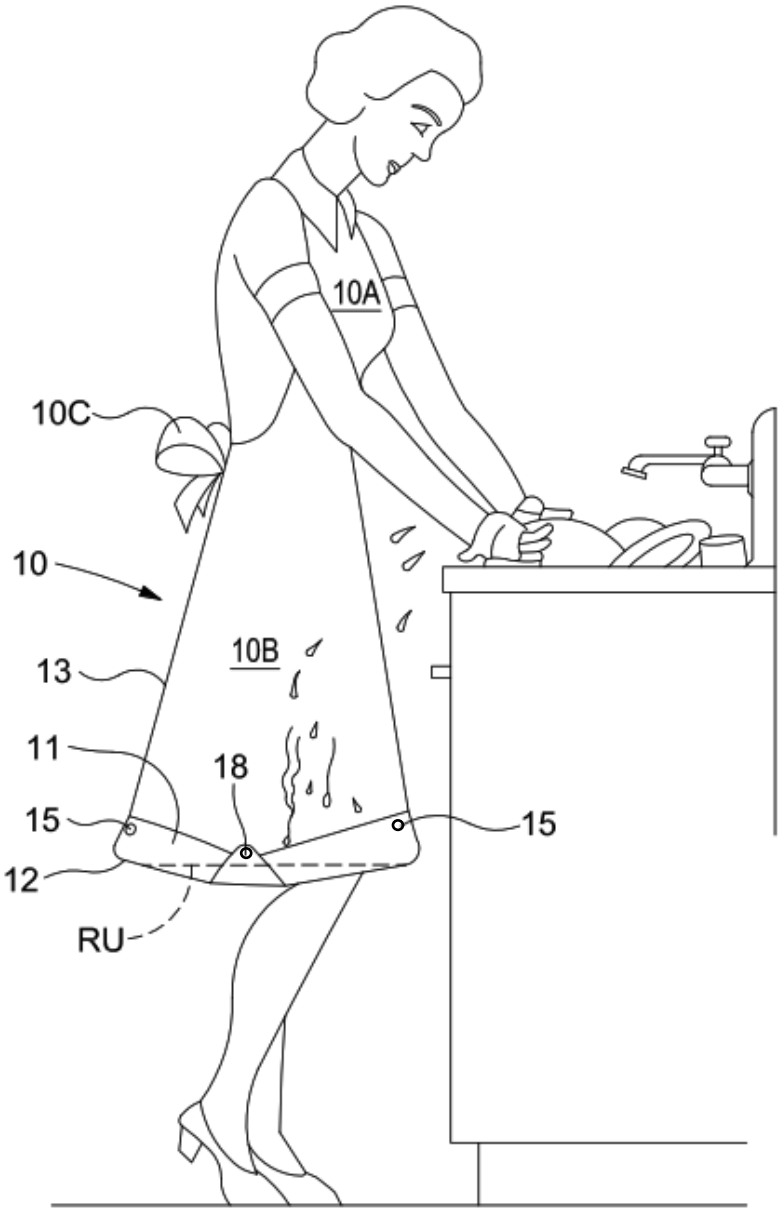

FIGURE 1

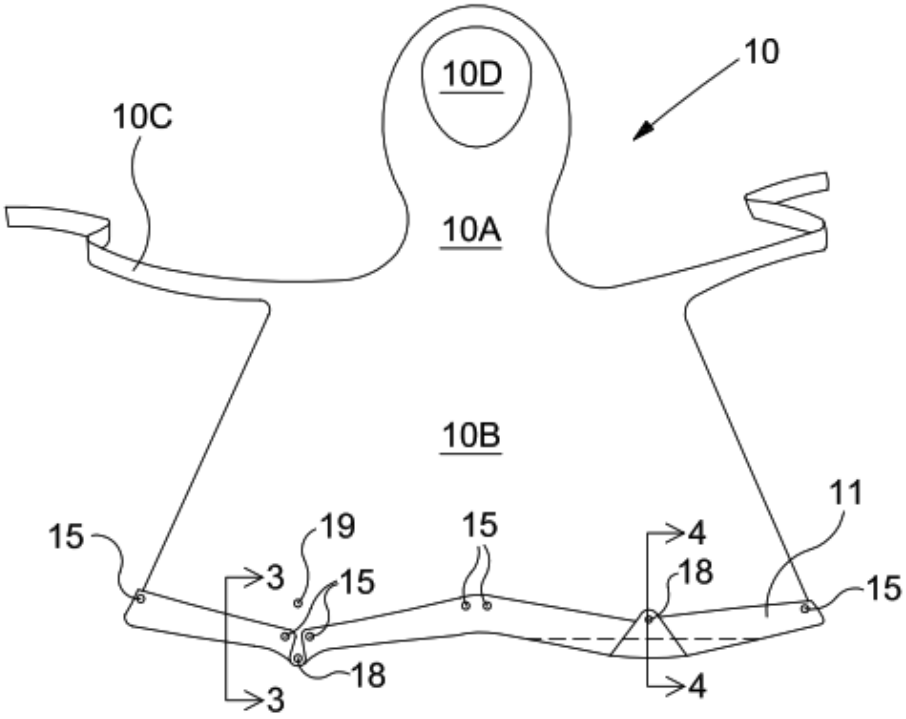

FIGURE 2

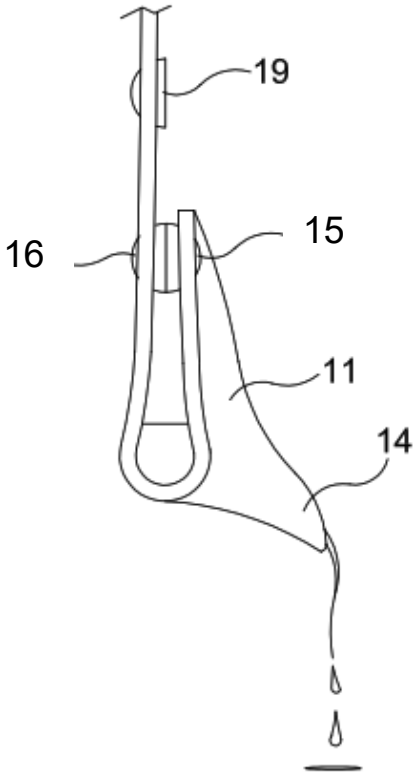

FIGURE 3

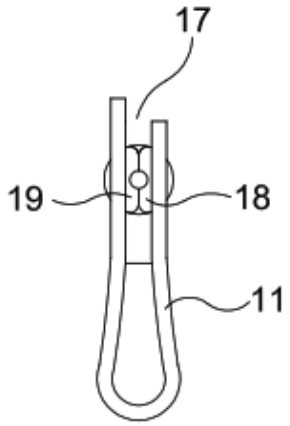

FIGURE 4

Document D – DE2222222

(published May 2010)

This invention pertains to cycling wear. More particularly, it is directed to improvements whereby raindrops trickling down a cycling coat are collected and diverted for drainage, away from the wearer's legs.

It is known that cyclists require lightweight equipment to reduce the load that they carry. It is also known that it is desirable to shield cyclists from bad weather.

A cycling coat is known which is a one-piece garment which is pulled over the head of the user and is provided with arms.

A considerable portion of accumulating raindrops run off the bottom edge of such coats, to slosh against the legs. An unpleasant, cold and clammy sensation often follows, as a consequence of any leg coverings soaking up this moisture.

For cyclists, even when it is not raining, water from the roadway can be flicked onto the back of the cyclist through action of the tyres. The cycling coat is therefore useful even when it is not raining.

It is therefore a main object of this invention to provide a cyclist's coat with a runway at the bottom edge, to collect rainwater trickling down the outside of the coat, and channel it off, to spill to the ground away from the legs.

A further object is to provide a runway which will not collapse or flatten out while functioning, nor unduly stiffen the bottom edge of the cycling coat. This prevents the runway from being crushed during use even when a cyclist adopts a hunched position when cycling.

Other objects and advantages will be made apparent from the following description and drawings, wherein:

FIG. 1 is a cycling coat with the invention at the bottom edge.
FIG. 2 is an enlarged fragmentary view of the bottom portion of the cycling coat of FIG. 1, along the line 2-2, showing one form of the runway fabricated integrally with the coat.
FIG. 3 shows an embodiment of an attachable runway.

Essentially, the invention is an enclosed runway or duct, at the bottom edge of the cycling coat, with a slanted weatherside having a series of openings for collecting the raindrops sliding down the surface of the coat and leading them off for drainage through a large downwardly facing aperture at the rear of the coat. The runway may be a folded extension of the coat material itself or a separate article of manufacture for attachment to the coat. In the various figures of the drawing, the cyclists coat proper is designated by the numeral 100, while the runway is indicated by 110.

Referring to FIGS. 1 and 2, a folded extension of the coat 100 forms the runway 110. The runway is essentially comprised of an outwardly slanting weatherside 120, a bottom section 130, a leg side 140, and a closure seam 150 at the top. A series of openings 160, in the weatherside, permit raindrops 170, trickling down the coat surface to enter and collect into a rivulet 180, for later discharge to ground via apertures 210. The openings 160 are shown as being circular, although elongated or other shapes may be used as desired.

Two or more rows of openings 160 may be used, each displaced with respect to the other, so that if a raindrop 170 misses entry to the runway 110 via the top row it will be caught by a hole in a row below.

To obtain inclination of the weatherside 120 and a channel for disposing of the collected rainfall, the sides of the runway 110 are distended or separated by various means. FIG. 2 indicates the use of a threefold ply in the material at 190, held together by a seam or stitching 200, at the bottom section. Alternative methods to stiffen the bottom section may be used to maintain the shape of the runway 110. The lowermost section may be scalloped to impart flexibility to the runway.

With respect to the openings 160 in the weatherside of the runway 110, there are practical limitations in the selection of size. If openings 160 are too small, the surface tension and velocity of fall will cause the water drops 170 to pass right over the openings 160. If too large, there is a risk in getting the edge of one or more openings 160 snagged on some object and tearing a section of the runway 110. A recommended lower limit for holes is 12mm diameter, with an upper limit of 25mm. On this basis, a number of rows of holes 160 may be used.

In place of holes, slots on the order of 1 to 1.5 cm wide by 1.5 cm in length have also shown good results. They may run parallel with the bottom edge of the coat 100, in two or more overlapping rows, as in the case of holes. Alternatively, they may be on a bias, at angles from 30 to 45 degrees to the bottom of the runway. Combinations of slots and holes can also be used to secure decorative designs.

The dimensions of the runway 110 may vary considerably. As a general idea of what is involved, a particular embodiment of the invention had dimensions as follows: 2–3cm height; with entry holes 160 in two staggered rows and a diagonal hole pitch of 12mm.

The runway 110 is formed after the length and cut of the cycling coat has been determined. The entry and drain holes 160 are punched out and, if required, the shape maintaining means 190 added. The runway may be seamed shut at 150 by stitching, cementing or welding as desired, depending upon materials and equipment available. The particular joining method does not comprise a part of the invention, and it is to be understood that any joining process may be used which is suitable for the materials selected.

The runway 110 may be made as a separate item and attached to a cycling coat 10.

FIG. 3 illustrates a runway 110' constructed as an extrusion, with stiffening added along the bottom in the form of extra material 220', to maintain a ballooned cross-sectional shape to the runway. The entry holes or slots 160', are formed in a separate operation, such as by punching. The edge of the coat 100 is slipped in-between the weatherside 120' and the legside 140' flaps for attachment by seam 150', or attached to the outside of the weathertside flaps 120', where it is glued.

FIG. 3 indicates the manner in which the accumulated water 180', within the runway 110', is channelled off to drainports 210', provided at the sides or rear of the coat 100. Drainports 210' may be located substantially in line with the shoulder blade areas to provide less chance of the bottom edge of the coat 100 contacting the wearers legs. To prevent discharge of water at other than these drainports 210', the ends of the runway 110' are closed off at the front of the coat, and preferably at the back.

The drainports 210' are shaped so as to encourage water to be expelled outwardly and away from the cyclist's coat 100. This is beneficial because it ensures that water does not simply dribble from the coat 100 on to the user's legs. As shown in FIG. 3, the drainports 210' are slightly distended.

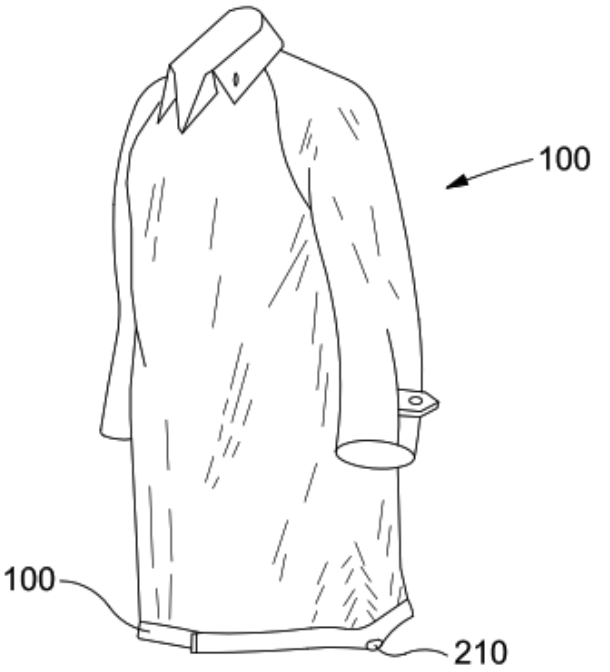

FIG. 1

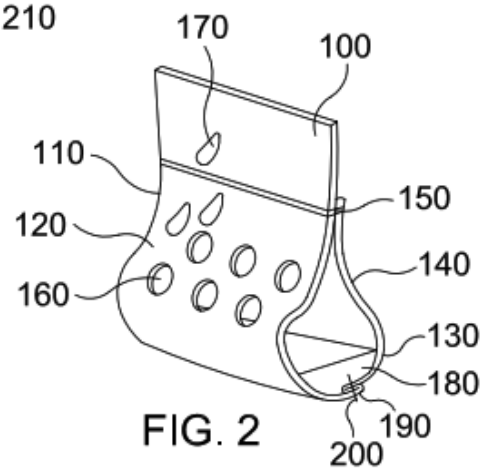

FIG. 2

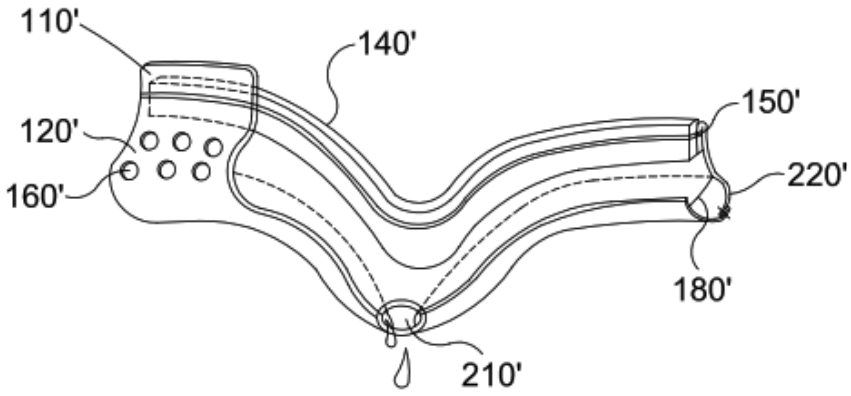

FIG. 3

Spare set of claims

Claims

1. An item of outerwear, the item of outerwear having a body portion for covering at least a major portion of a user's upper torso and means to releasably secure the item of outerwear to the users torso, the item of outerwear having a lowermost edge which is configured to terminate over the user's legs, secured to the lowermost edge is an upturned portion for capturing fluids running down the body portion, the upturned portion having one or more drain apertures located at or towards the rear of the body portion to allow captured fluids to be expelled from the upturned portion.

2. An item of outwear according to Claim 1, wherein a drain conduit is secured to the drain aperture.

3. An item of outerwear according to Claim 1 or 2, wherein the upturned portion is deployable from a first condition in which the upturned portion is not able to capture fluids to a second condition where it is able to capture fluids running down the body portion.

4. An item of outerwear according to Claim 3, wherein in the first condition the upturned portion is not secured to the lowermost edge.

5. An item of outerwear according to Claim 4, wherein the upturned portion, in the second condition is secured to the lowermost edge by a discontinuous fixing device.

6. An item of outerwear according to any preceding Claim, wherein the item of outerwear is a jacket or coat.