

FD3 – Amendment of Specifications
FINAL Mark Scheme 2021

<p>Claims</p> <p>Marks are awarded for the claim set as a whole including main, dependent and any divisional claims</p>	35 Marks
<p>Claim 1:</p>	26 marks
<p><u>Main Amendment:</u></p> <p>Valve in pipe, [operable by user,] including tubular stem 6' which slides in pipe 13 to occlude/ expose supply from the side arm 10 via a port 6" in the stem (p5 last para; p7 last para).</p> <p>Reduced maximum mark for unnecessary or dubious limitations, e.g.:</p> <ul style="list-style-type: none"> - Include spring etc., include diameter of port - Strictly limited mark for severe issues (lack of novelty, unsupported amendments), e.g. relying on diameter of port as main amendment, relying purely on water/air distinction for novelty over D2 <p>Reduced marks for lack of IS/clarity, e.g. structure not linked to function (or no structure).</p> <p><u>Other amendments</u></p> <ul style="list-style-type: none"> - delete "hemispherical" 	<p>22</p> <p>max 19</p> <p>max 10</p> <p>4</p>
<p>Subclaims, other claims</p>	Up to 9 marks
<p>Deal with antecedent for stem 6' (claim 7; now probably present in claim 1)</p> <p>Amendment of existing subclaims (e.g. broaden scope of claim 6 to other couplings, broaden dependency of claims 7 and 8)</p> <p>Add dependent claims to useful features, e.g.:</p> <ul style="list-style-type: none"> - Detail of valve 6-9 (knob 7, spring, groove/rib) - Relative dimensions of port, side arm - solid hemispherical sealing member; oval cross-section - Kit with set of sealing members - Method claim - Sealing member removable - Split claim 2 (but observe dependency of new claim 3) 	<p>1</p> <p>2</p> <p>max 6</p>

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Letter to IPO:	37 marks
<ul style="list-style-type: none"> - Record as agent, file form [51/77] 2 - Amendments made and support, including for broadening (5); additional subclaims (3); 8 - Clarity objection dealt with. 1 - Novelty of claim 1: <ul style="list-style-type: none"> D1 – valve construction/location different; not operable (directly) by user. Query whether D1 valve controls flow of fluid. 4 D2 – valve constituted by stopper at top of tubular shaft, operated by trigger, as opposed to tube 6' sliding in pipe 13. 3 <p style="text-align: right; margin-right: 20px;">total 17: 3</p> <ul style="list-style-type: none"> - Inventive step of claim 1: <ul style="list-style-type: none"> o using structured approach (PS or Pozzoli); nearest prior art either D1 or D2; CGK includes rubber plunger Fig 3 of D2 but probably not D1 or D2 themselves; 6 o discussion of inventive idea and of prior art, e.g. <ul style="list-style-type: none"> ▪ D1 valve at bottom is a non-return valve for different purpose, access is not a problem in a sink so no need for a separate valve operable by user (other than the tap); D1 device cannot be used for unblocking toilets; D1 valve restricts water flow. 6 ▪ D2 is designed to use air; arguably not obvious to connect the device to a tap (& would lead to corrosion); invention achieves valve function with much simpler construction. 2 ▪ No real prospect of combining D1 + D2 1 - Additional Novelty/IS of sub-claims (set of stoppers?) 1 - Clarity of presentation 1 	
Notes for client report:	28 marks
<ul style="list-style-type: none"> - Discuss why claim 1 needs amendment, validity of Examiner's objections, e.g. whether D1 really anticipates; need novelty over D2 despite D2's use of air and its additional components. 6 - Choice of amendment of claim 1: client letter implies construction of valve is important; also must be operable by user; simpler construction (as compared to D2) needs to be brought out. "Hemispherical" not essential. 8 - Address client's comments: Explain action on claim 7; explain, in response to client's comment about D2 ball, that absence of ball in invention does not help in distinguishing over D2 3 - Possible alternatives/divisionals (set of stoppers?) 2 - New dependent claims, likelihood of success of response, fall-back positions, shape of stopper unlikely to be decisive, usefulness/not of method claim 5 - Miscellaneous: taking on representation as requested; Timing of response; status of PA documents, ... 4 	