

FD3 Amendment of Specifications

FINAL Mark Scheme 2024

Claims Marks are awarded for the claim set as a whole including main, dependent and any divisional claims	34 Marks
Claim 1:	22 marks
<u>Main Amendment:</u> Hook formation 40 is a stepped socket with wide and narrow parts fitting a ladder step and a ladder rung (p7 second paragraph to line 17). For full marks, the language of the claim must be consistent, e.g. as regards steps/rungs/bars. Broadening claim to include single stabilizer; NB. remainder of that paragraph must also be adjusted (4); ensure wording covers both “rungs” and “steps” (2). Reduced maximum mark for unnecessary limitations, e.g. including all the detail from the page 7 paragraph, lines 17ff: Other amendments, if novelty established, e.g.: - arms have protrusions 38 (claim 3) - shelf with holes (shelf/backstop alone not new – see D1 p 15/10)	16 6 12 max 8 max 5
Dependent claims	Up to 12 marks
Adjustment of existing subclaims (e.g. claim 2 limited to 2.5cm diameter, or delete reference to diameter); claim 4 crosspiece 86; claims 5, 6 dependent on any previous. Add dependent apparatus claims to useful features, e.g.: - pair of stabilizer legs (assuming claim 1 broadened) - detail of stepped formation; - support shelf 22 and cross plate 24, with holes for tools - cutouts 90, pref. tapering - spacing of arms 12 matching diameter of 5ℓ can (18-19 cm) - other dimensions - formed from single sheet	3 9

Letter to IPO:	30 marks
- Amendments made and support: claim 1 (4); subclaims (4);	8
- Novelty and IS; NB. Arguments must tally with new claim 1:	
- Novelty of claim 1: D1 has only one downwardly facing notch 16, though it can be wider or narrower (14/22)	6
- Inventive step of claim 1:	8
o using structured approach (PS or Pozzoli); CGK includes S-shaped hooks, side brackets (2)	
o discussion of inventive concept and of prior art (6), e.g.	
▪ D1 recognises that adjustment is needed for fitting to step ladders as opposed to extension ladders but does not contemplate adaptation within one device (p 14/22). Accurate fit desirable (7/19)	
- Clarity: specify dimension in claim 2 or delete reference to diameter	2
- Novelty/IS of sub-claims, e.g. by virtue of dependency, and/or specific points such as buttons	2
- Clarity of presentation	2
- requesting accelerated prosecution	2
Notes for client report:	36 marks
- Discuss why claim 1 needs amendment, validity of Examiner's objections.	4
- Choice of amendment of claim 1:	total 9
- Covers embodiment shown, follows client's suggestion; clear distinction from D1;	
- letter implies the shelf and buttons are useful but not vitally important;	
- wording.	
- Explain broadening of claim 1 (both aspects); or explain why one or both <u>not</u> broadened;	4
- New dependent claims, clarify claim 2, likelihood of success of response, fall-back positions, e.g. including further detail of stepped formation;	6
- Use for lamps in narrow shafts: cannot mention specifically but seems to be covered;	3
- D1 has expired so would not prevent client making the adapter (though clearance search might be advisable);	3
- Miscellaneous: Timing of response; request speedy processing to assist investment, though no formal route available. Divisional to shelf? Apparently possible. Divisional to button? – less likely to succeed so prosecution probably slower; not apparently of importance to the client.	7