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FD3	1 of 11	62%

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Spare set of Claims

CLAIMS

1. A bracket for adjustably supporting a paint can having a bail handle pivotally connected to bail sockets protruding from opposite sides of the can, on a ladder including a pair of spaced apart side rails and a plurality of barsrungs connected to and extending between the side rails in vertically spaced apart relation, the bracket comprising:
 - 1 a pair of parallel support arms (12) horizontally extending in use and spaced to receive a paint can between their free ends (30),
 - a cross member (22) connected to and extending between the support arms, each support arm having an upwardly open slot (28) adjacent the free end for pivotally receiving a bail socket of the paint can so that the paint can is supported on the arms and can swing about an axis passing through the bail sockets,
 - a downwardly open hook formation (40) formed in the shape of a stepped socket at the rear of the support arms for support of the support arms on a bar-rung of a ladder, and
 - 4 a ~~pair of~~ stabilizer legs (80) ~~each~~ connected to and extending downwardly from the support arms respectively for abutment against the next lower bar-rung of the ladder, in order to stabilize the support arms against downward rotation about the bar-rung on which the hook means is supported
 - 15 wherein the downwardly open hook formations each comprise a first socket portion and a narrower and deeper second socket portion further wherein the first socket portion is configured to engage a ladder step; and the second socket portions is configured to engage a ladder rung or leg support.
2. A bracket according to claim 1, wherein the upwardly open slot (28) includes a generally semicircular bottom portion of a diameter such that the bottom portion is configured to be substantially filled by a generally circular paint can bail socket received therein. 1
3. A bracket according to claim 1 or 2, wherein the free ends (30) of the support arms define a pair of curved horns (32) having interior surfaces facing one another and opposite exterior faces, each exterior face having a protrusion

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thereon for engagement with the adjacent bail to restrict pivotal movement of the bail (18) of a paint can (14) supported on the arms.

~~4. A bracket according to any preceding claim, further comprising a cross member (86) connected to and extending between the stabilizer legs (80) at positions below the support arms.~~

Cont...

5.4. A bracket according to claim 1, wherein the open bottom hook formation is adapted for receiving either a ladder rung of generally circular cross section and/or a ladder step having a generally horizontally extending rectangular cross section.

6.5. A bracket according to claim 5, wherein the bracket is integrally formed as a unitary piece.

NEW CLAIMS

6. A bracket according to any preceding claim wherein the stabilizer leg is positioned relative to the downwardly open hook formations such that the downwardly open hook formations are configured to be parallel to and in flush engagement with a ladder step on which it is placed in use. 1

7. A bracket according to any preceding claim wherein the cross member is in the form of a tool support shelf. 1

8. A bracket according to claim 7 wherein the cross member is provided with a plurality of holes of varying sizes, for supporting tools. 1

9. A bracket according to any preceding claim wherein the support arms comprise a cutout or hole.

10. A bracket according to any preceding claim wherein the bracket comprises a further stabiliser leg. 1

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11. A bracket according to claim 10, further comprising a cross member (86) connected to and extending between the stabilizer legs (80) at positions below the support arms.

12. A bracket according to any of claims 1-9 wherein the stabiliser leg is centrally situated.

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MARKS AWARDED: 26/34

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[Instruction to Candidate: Save your Answer document to your computer as a Word document. Convert the Answer document to a PDF. Check and then Upload the PDF-ed Answer document to the PEBX system.]

UKIPO RESPONSE

[Request for accelerated prosecution enclosed] ✓

Amendments

Claim 1 has been amended to recite that the downwardly open hook formation is 'formed in the shape of a stepped socket' with first and second socket portions configured to engage a ladder step and a ladder rung / leg support, respectively.

This change finds basis at P7L14-17 of the specification. The more detailed geometry at p7l18-25 described regarding the hook formation has not been included, as this is specific to that particular implementation and not a generally-applicable feature. In addition, the language regarding dimensions (narrower/deeper) is modified from the specification to avoid unclear relative terms – the first and second socket portions are defined relative to each other, which is clear.

In addition, mention of rungs has been replaced by 'bars' in claim 1 (and elsewhere) which finds basis at p7l14 and also p4l4 – the specification clearly discloses use with all these horizontal member or bar types.

Claim 1 has been further amended to require only a single stabilizer leg which finds basis at p9l3-5. This is a generally applicable feature, and isn't inextricably linked to any other feature in the description. ✓

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CLAIM	COMMENT	BASIS
2	'Configured to' language added	Old claim 2
3		Old claim 3
4	'And/or' added reflecting changes to claim 1.	Old claim 5
5		Old claim 6
6		P8I11-13
7		P6L4
8		P6L7-9
9		P8L18
10	Reincorporates the limitation of old claim 1.	Old claim 1
11	Repositioned for dependency, as claim requires a pair of legs.	Old claim 4
12	Optional feature of single leg embodiments	p9I3-5

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Clarity

By inclusion of 'configured to' language in new claim 2, the paint can is clearly excluded from the claimed subject matter. Claims are clear.

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Novelty

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(New) Claim 1 is novel over D1 because D1 fails to disclose a downwardly open hook formation formed in the shape of a stepped socket. The analogous structure of D1 notch 16 is a simple notch (as apparent from Figures 1 and 3) and there is no disclosure of a stepped geometry as required by claim 1. Claim 1 is novel over D1.

3

The remaining dependent claims 2-12 are novel at least by virtue of their dependence on novel claim 1.

1

Inventive step

Using Windsurfing-Pozzoli ✓

The person skilled in the art (PSA) is a designer of accessories for painters. In particular, they are interested in painting on ladders. ✓

The PSA's CGK includes existing paint can-holding devices/methods for ladders such as S-hooks, stiles and support trays as described in the background of Doc B (p4l5-22). ✓

The inventive concept of claim 1 is to provide a bracket for supporting a paint can on a ladder with a stepped hook means/formation for engaging a bar which allows a single bracket to be effectively used on most types of ladder bars p7l13-14. ✓

2

Starting from D1, the difference between the inventive concept and D1 is that D1 does not anywhere disclose such a stepped hook formation. The analogous structure of D1 notch 16 is not stepped in any way and indeed D1 teaches that the notch should fit snugly p15l20, which teaches away from providing a multi-purpose hook formation which may well be wider than the bar which it engages.

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In addition, D1 teaches that the notch should be widened to fit wider rungs or steps p15l22-23 (i.e. a specialised single-purpose notch), providing an alternative teaching to a multi-bar type hook. The PSA would not go against the teachings of D1, nor is a stepped hook formation suitable for many types of bars part of the CGK. Thus, starting from D1 the PSA would not arrive at the subject matter of claim 1.

Claim 1 is inventive over D1.

The remaining dependent claims 2-12 are also inventive at least by virtue of their dependence on inventive claim 1.

As a further remark, claim 3 is inventive in its own right. The inventive concept of claim 3 is to provide protrusions on the bracket, which maintains a bail handle below the top of the can, out of the way of the painter p6l23-24. D1 provides no equivalent teaching and is silent regarding the paint can bail. Without any teaching regarding securing the bail, the PSA would not be motivated to provide any securing means, let alone protrusions. Thus claim 5 is not obvious and is inventive over D1.

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CLIENT NOTES

- There does not appear to be basis in the specification for broadening the field beyond ladders to holding lamps in shafts and other spaces where weight and portability are important. There is no clear disclosure of applications beyond supporting paint cans on ladders. Amendments must have basis in the specification as filed – so we can't broaden.
- Regarding the adapter of Doc D, need to **obtain copy of claims first** and check whether the claims cover the adaptor. If they do, producing the adaptor in the UK would be an infringement of D1 (i.e. not OK) and client would be liable (potentially damages, accounts of profit etc.). If not covered, probably OK to produce the adaptor, but advisable to check for FTO regarding this issue generally – carry out a further patent search?
- Broadly the examiner's analysis of (old) claim 1 seems to be reasonable. As you state, the resemblance between the two devices is apparent (even from the figures). Therefore, we need to amend.
- I considered a number of options for a main amendment into claim 1:
 - The tool/brush tray feature on the cross member – this is certainly novel over D1. However, it may be challenging to argue that this is inventive over D1 as it would seem a fairly easy modification to extend the spacer 14 and provide the necessary holes etc.
 - The further (lower cross member) of claim 11 (old claim 4) is certainly novel, but may be challenging to argue inventive step for: as stated in the exam report, it is arguably quite a minor

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modification. In addition, it requires a pair of legs, which is overly narrowing (see below).

- New claim 4 at first appeared to cover the idea of a use of the bracket with a wide range of ladder types. However, the 'OR' wording means that D1 reads onto it.
- The bail-securing protrusions of claim 3 - this would be a simple amendment with clear basis, which would render claim 1 novel and inventive (see I/S section of response); however, this does not seem to relate to a main concept of the invention and is a 'side issue' (as per your letter). As a result, it might be overly narrowing.
- I decided to amend claim to the stepped geometry with first and second socket portions configured to engage a ladder step and a ladder rung / leg support, respectively. This appears to be both novel and inventive over D1 and is not a commonplace modification known from the CGK (presumably? - CHECK). Furthermore, the amendment delivers a major benefit of facilitating use of the bracket with a wide range of ladder types.
- I considered inserting the requirement for a stepped socket only, however the further detail regarding the first and second socket portions appear to be essential features of the stepped socket to achieve the stated effect. Please let me know if there are alternative arrangements possible, falling outside the proposed claim?
- I broadened claim 1 to remove the requirement for a pair of stabilizer legs – there are embodiments which would work with a single stabilizer leg, as

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described in the spec. Old claim 1 unnecessarily excluded these, despite basis in the specification.

- As you note, plenty of time to respond, but given investor situation we should file the response ASAP with a request in writing for accelerated prosecution at the UKIPO, by reason of the situation with the investor.
- Inform the investor of the accelerated prosecution.
- After filing the response, it will be reviewed and hopefully a notice of allowance issued, relatively soon.
- Can't see any need for divisional filing, as new claim 1 covers all embodiments.
- As a fall-back position, in case the examiner does not agree with our arguments, I would consider the bail-securing protrusions of claim 3.
- I have inserted some new claims from basis in the spec:

CLAIM	Advantage provided	BASIS
6	Provides secure engagement between the bracket and a step ladder.	P8I11-13
7	Allows tools (e.g. brushes) to be supported near the user – convenient.	P6L4
8	Reduces bracket weight and also allows secure storage of tools	P6L7-9
9	Weight reduction	P8L18

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12	Single leg reduces bulk and weight and central position provides stable arrangement (I presume? check)	p9l3-5
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MARKS AWARDED: 14/36

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