

**2025 FD3 – Amendment of Specifications
Provisional Mark Scheme**

Claims Marks are awarded for the claim set as a whole including main, dependent and any divisional claims	35 Marks
Claim 1:	25 marks
<u>Main Amendment:</u> U-shaped guide 75 is on second end (lower part) of tongs; when the tongs are closed the brush, on the upper part, overlaps/ lies horizontally next to the guide. Guide 75 includes a groove/recess/ indent 80 open in the transverse direction. Tidying the wording (“colouring/treatment” etc.). Broadening claim to <u>at least one</u> row of bristles. Reduced maximum mark for unnecessary limitations, e.g. receiving means 20 in two parts Reduced maximum mark for inadequate limitations, e.g. listing parts without adequate relationship/function Other amendments, if novelty established, e.g.: - Interchangeable brushes and/or guides (intended for divisional) - Arch-shaped bristles	23 2 16 16 12 11
Dependent claims	Up to 10 marks
Adjustment of existing subclaims (claim 4 dependent on claims 1, 2); claim 6 dependent on any preceding claim Add dependent apparatus claims to useful features, e.g.: - receiver 20 is tray 25 plus groove guide 75 - groove guide 75 detachable - kit of parts with interchangeable guides/brushes - shorter/longer bristles (arch) - restore plurality of rows - hinged version Dependencies of new claims should work with each other, otherwise maximum marks not available	2 3 2 2 2 1 1

Letter to IPO:	34 marks
- Amendments made and support: claim 1 (4); dependent claims (4);	8
- Patentability: method of cosmetic treatment not excluded	4
- Novelty and IS; NB. Arguments must tally with new claim 1:	
- Novelty of claim 1: D1 has both the brush and the “guide” (teeth) on the upper part. The groove 31 does not guide, or at least not in the transverse direction. The shoulder 10 does not guide once the tongs are closed. Discuss “tress cap” on p. 11	8
- Inventive step of claim 1:	8
o using structured approach (PS or Pozzoli); CGK includes foil technique (2)	
o discussion of inventive concept and of prior art (6), e.g.:	
▪ gentle pressure against hair, perhaps not the case in D1	
▪ can be wider than D1 which is all integral	
- Clarity	2
- Novelty/IS of dependent claims, e.g. by virtue of dependency, and/or specific points such as no hint of interchangeable parts in D1; wider tray/brush (as above)	2
- Clarity of presentation/argument	2
Notes for client report:	31 marks
- Discuss why claim 1 needs amendment, validity of Examiner’s objections.	5
- Choice of amendment of claim 1:	10
- Covers embodiment shown, follows client’s suggestion; clear distinction from D1;	
- letter implies invention more comfortable than D1;	
- “saucer” construction maybe new but is perhaps suggested by paddle version of known technique;	
- Arch shape of brush also a favourable feature but not essential;	
- Explain wording chosen.	
- Explain broadening of claim 1 (≥1 row of bristles; possibly removal of “flexible”)	2
- New dependent claims	4
- Discussion of usefulness of method claim	1
- Divisional to detachable brushes/guides may be useful for selling to other salons; brief discussion of why inventive despite Examiner’s comment at paragraph 4. Possibly also divisional to arched brush	4
- Miscellaneous: Timing of response; D1 expired so not a threat; prototypes only distributed for nine months so do not undermine application	5