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CLAIMS

A hair-colouring tool ~~suitable for use in~~ applying a hair colouring agent treatment preparations such as hair colouring and highlighting products to one or more selected strands of hair, the hair-colouring tool comprising:

a tong-like flexible handle (40) having two opposite ends, a first end (42) and a second end (44):

a brush (10) having ~~a plurality of one or more~~ bristle rows attached to the first end for receiving ~~a colour~~the hair treating colouring agent; and

a hair receiver (20) attached to the second end ~~for receiving selected strands of hair to be treated for highlighting~~, wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction~~laid transversely to the handle~~, in such a way that the hair-colouring tool can be closed so as to apply the ~~brush~~hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool ~~device~~ is drawn along the selected strands of hair.

A hair-colouring tool according to claim 1, wherein the tong-like handle (40) is made of plastic tubing.

A hair-colouring tool according to claim 1 or 2, wherein the brush (10) is integrally formed as part of the first end of the handle ~~portion~~.

A hair-colouring tool according to ~~any preceding claim~~claim 1 or 2, wherein the brush (10) is removably attached to the ~~distal~~first end of the ~~first~~ handle ~~portion~~.

~~— A hair-colouring tool according to claim 4, further comprising a plurality of replaceable brushes of different dimensions, wherein the brushes can be interchanged between, or during, hair treatment sessions to achieve differing hair treatment effects.~~

A hair-colouring tool according to ~~claim 1~~any preceding claim, wherein the hair receiver (20) is removably attached to the second end of the handle ~~portion~~.

A hair-colouring tool according to any preceding claim, wherein the handle is a continuous tubing.

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7. A hair-colouring tool according to any one of claims 1-5, wherein the handle comprises a first handle portion with the first end and a second handle portion with the second end, and wherein the first and second handle portions are pivotally attached to each other.

✓

8. A hair-colouring tool according to any preceding claim, wherein the one or more bristle rows comprises a central bristle and outer bristles, wherein the central bristle is shorter than the outer bristles, forming an arch shape of the bristle rows.

✓

9. A hair-colouring tool according to any preceding claim, wherein the hair receiver has a greater extent in the transverse direction than the handle by two or three times.

10. A hair-colouring tool according to any preceding claim, wherein the hair receiver further comprises a tray-shaped base with side walls.

✓

11. A hair-colouring ~~tool~~ ^{tool?} kit comprising the hair-colouring kit according to any preceding claim, further comprising a plurality of replaceable hair guide ~~portions~~ ^{portions} (75) ~~forming with grooves of~~ different indenting gap widths, wherein the different replaceable hair guides can be interchanged to treat different volumes of hair.

✓

12. A method for ~~treating hair~~, using ~~a the~~ hair-colouring tool according to any ~~preceding claim~~ ^{one of claims 1 to 11 or the hair-colouring kit of claim 12}.

13. A hair receiver (20) for use with a hair-colouring tool for applying a hair colouring agent to one or more selected strands of hair, wherein the hair-colouring tool comprises a tong-like flexible handle (40) having two opposite ends, a first end (42) and a second end (44), and a brush (10) having one or more bristle rows attached to the first end for receiving the hair colouring agent; and wherein:

the hair receiver is attached to the second end, wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction, in such a way that the hair-colouring tool can be closed so as to apply the hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool is drawn along the selected strands of hair.

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Response

Dear UKIPO Examining Division

Re: United Kingdom patent application number GB 2323232.3

I write in response to the Examination Report dated 15 May 2024 before the deadline of 23 January 2026, thus no extension is required.

✓

I also write to appoint myself as the agent of this application with Form PF51.

Amendments Explained

The preamble of claim 1 has been revised to direct the claim to a hair-colouring tool for applying a hair colouring agent to one or more selected strands of hair.

OK

Basis: P5, L4-6.

Claim 1 has also been amended to specify that a brush (10) having one or more bristle rows attached to the first end for receiving the hair colouring agent.

✓

^{6?}
Basis: P5, L8

A plurality of bristle rows is not an essential feature, and thus removing this non-essential feature from claim 1 is acceptable. One or more bristle rows is supported by ⁶
P5, L8.

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Claim 1 has also been revised to specify that a hair receiver (20) is attached to the second end , wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction, in such a way that the hair-colouring tool can be closed so as to apply the hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool is drawn along the selected strands of hair.

wording?

Basis: P6, L20-21; P6, L27-30.

2

First handle portion in claims 3 and 4 have been revised to first end of the handle and second handle portion in claim 6 has been revised to second end of the handle for clarity.

OK

Basis: P5, L8-10 ✓

Claim 4 has also been revised to correct the dependency to claim 1 or 2 for clarity.

✓

Previous claim 4 has been deleted and renumbered to claim 11.

New claim 6 has been introduced to specify that the handle is a continuous tubing.

OK

Basis: P6, L3

New claim 7 has been introduced to specify that the handle comprises a first handle

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portion with the first end and a second handle portion with the second end, and wherein the first and second handle portions are pivotally attached to each other.

✓

Basis: P7, L6-8

New claim 8 has been introduced to specify that the one or more bristle rows comprises a central bristle and outer bristles, wherein the central bristle is shorter than the outer bristles, forming an arch shape of the bristle rows.

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Basis: P6, L9-10 and L30-32

New claim 9 has been introduced to specify that the hair receiver has a greater extent in the transverse direction than the handle by two or three times.

✓ -

Basis: P6, L25-26

New claim 10 has been introduced to specify that the hair receiver further comprises a tray-shaped base with side walls.

✓ -

Basis: P6, L18-20

New claim 11 has been introduced to direct to a hair-colouring kit comprising the hair-colouring (kit), further comprising a plurality of replaceable hair guide (75) with different indenting gap widths, wherein the different replaceable hair guides can be interchanged to treat different volumes of hair.

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Basis: P6, L33 to P7, L3

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New claim 12 has been introduced to direct to a method for using the hair-colouring tool or the hair-colouring kit.

Basis: P5, L15-21

New claim 13 has been introduced to direct to a hair receiver (20) for use with a hair-colouring tool for applying a hair colouring agent to one or more selected strands of hair, wherein the hair-colouring tool comprises a tong-like flexible handle (40) having two opposite ends, a first end (42) and a second end (44), and a brush (10) having one or more bristle rows attached to the first end for receiving the hair colouring agent; and wherein the hair receiver is attached to the second end, wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction, in such a way that the hair-colouring tool can be closed so as to apply the hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool is drawn along the selected strands of hair.

hmm

Basis: claim 1; P6, L20-21; P6, L27-30.

It is submitted that no new matter has been introduced by way of these amendments and new claims. The applicant also reserves the right to reinstate any subject matter being deleted in this submission in a divisional application.

Cited document

D1 - GB 2222222, a full prior art for both novelty and inventive step

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Patentability objection

The Examiner asserts that previous claim 8 is not patentable because the claim is a method of treatment.

In response, amended claim 12 (former claim 8) has been revised to direct to a method of using the claimed hair-colouring tool or kit and is no longer a method of treatment (on human). It is submitted that amended claim 12 is not directed to an excluded subject matter and thus is patentable.

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Novelty

The Examiner also asserts that claims 1 and 3 are not novel in view of D1.

In response, amended claim 1 has been revised to require a hair receiver (20) attached to the second end , wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction, in such a way that the hair-colouring tool can be closed so as to apply the hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool is drawn along the selected strands of hair.

D1 discloses a tong-like device comprising application means at one of the ends of the tongs, and retaining means at the other end, for keeping the tress in application contact with the application means. P11, L19-22.

difference?

D1 also discloses a shoulder 10 and a stop 11 define a limiting means 9 disposed adjacent to the receiving means 13 and between the receiving means and the boss 7. P13, L20-22.

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With reference to Fig. 1 of D1, it is clear that the shoulder 10 and the stop 11 are provided in a longitudinal direction of the receiving means 13. Thus, D1 fails to disclose at least that a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, not to mention the arrangement of the U-shaped guide and the indenting gap in the closed position when the hair-colouring tool is in use.

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Accordingly, amended claim 1 is novel over D1. By virtue of dependency, the claims depend on claim 1 is also novel over D1.

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Inventive Step

A person skill in the art is a hair stylist, or a manufacture of hair accessories.

The person skill in the art possess common general knowledge include at home hair highlighting devices (P4, L10-14); highlight using a protective sheet or foil and a brush (P4, L13-19); a paddle or board (P4, L19-22); and a cap with holes (P4, L23-25) or what is called a tress-cap (P11, L10-14).

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The difference between the present invention and D1 is a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, not to mention the function of the U-shaped guide and the indenting gap.

By providing a U-shaped guide (75) with an indenting gap (80) at a transverse end of the hair receiver (20) for receiving the selected strands of hair to be treated, not to mention the function of the U-shaped guide and the indenting gap, the present invention allows the device when is in use and is closed, the brush 10 descends until it lies to one side (in the transverse direction) of the end wall or guide 75 opposite the indent 80; that is, it overlaps the guide, as seen in the transverse direction. The brush is thus applied to the strand of hair 30 as it passes smoothly through the guide and over the tray, encountering little resistance. With the comfort of application, the claimed tool enables at-home application of highlighting solution to the hair.

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D1 aims to provide a device that can go as far as the roots of the hair, and particularly, a device that can separate the tress from the rest of the head of hair before the treatment of a given tress and positioning it appropriately relative to the application means. P12, 6-8.

As D1 is not concerned about the at-home application, the person skilled in the art looking for a solution for at-home application would therefore not have regard to D1 at all.

Moreover, D1 teaches that at P12, L25-28 and with reference to Fig. 2 of D1, the boss 7 enters into the groove 6, thus guiding the folding movement of the second part 3 onto the first part 2. This ensures proper positioning of the application means 4 relative to the corresponding receiving means provided on the second part 3.

It is understood that when the hair enters into the groove, the hair is trapped, which can be painful. Even if the hair is not actually trapped, the resistance to pulling the hair through the device is quite high and makes the process uncomfortable.

Nonetheless, the person skilled in the art would have no motivation or suggestion not to guide the hair into the groove, otherwise the device cannot separate the tress from the rest of the head of hair before the treatment of a given tress as intended.

In addition, the shoulder 10 and the stop 11 of D1 may be considered as a guide for the device of D1. However, the shoulder 10 and/or the stop 11 are clearly provided in the longitudinal direction, not the transverse direction as amended claim 1 requires. The person skilled in the art would also have no motivation or suggestion to modify the position of the shoulder 10 and the stop 11 because the functions of the shoulder 10 and the stop 11 is to prevent a tress from sliding in the direction towards the articulation or film hinge A and limit the descent of the teeth into the groove 31 so that the hairs are not trapped. If the shoulder 10 and/or the stop 11 are modified in the transverse direction, it would not serve its intended purpose.

None of the common general knowledge teaches the claimed arrangement of the U-shaped guide (75) with the indenting gap (80), and thus, the combination of D1 and common general knowledge also fails to render amended claim 1 obvious.

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Accordingly, amended claim 1 is inventive over D1. By virtue of dependency, the claims depend from claim 1 is also inventive over D1.

Clarity

The Examiner further asserts that claim 4 is unclear.

In response, claim 4 has been revised to correct the dependency to only claim 1 or 2, thus claim 4 is clear.

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Conclusion

The amended claims 1-13 are now patentable and it is respectfully requested that an issuance of a clear examination report.

Patent Attorney

Ursula R Worthitt,

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Client’s notes

General remarks

- D1 is a full prior art because it was granted in 2001, thus has to be considered for both novelty and inventive step.
- To respond by 23 January 2026
 - If necessary, can request 2-month extension as-of-right by 23 March 2026. Can request retroactively.
- Have also filed PF51 to appoint myself as agent to take over the case from Mr Barber who should be the previous agent on record.
- Objections in this exam report
 - Patentability objection
 - The Examiner might be correct in asserting this objection because of how previous claim 8 is phrased thus revising the method claim is required.
 - Novelty and inventive step objection in view of D1.
 - The Examiner might also be correct in asserting these objections because D1 shows a similar tong-like device for hair with flexible handles 2, 3, with ends 12 and 15, brushes 30 and a receiver 13/31. Thus, it is recommended to revise claim 1 to distinguish the present invention from D1.
 - Clarity objection to claim 4.
 - This objection is also valid because previous claim 4 depends on all preceding claims, but claim 3 is directed to an integrally formed brush, thus conflicting. Need to revise the dependency of claim 4.

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Considerations for claim 1

- Subject matters in previous claims 2, 4-7
 - o These claims are deemed novel (no novelty objection towards these claims) by the Examiner. However, I think the subject matters recited in these claims may not be useful in distinguishing the present invention from claim 1. — ?
 - o The material used of the handle (claim 2) – too easy for a competitor to work around, also weak inventive step argument.
 - o The removably attachment arrangement of the brush/receiver (claims 4-6) - also weak inventive step argument.
 - o The grooves (= feature 80) defined in claim 7 – could be used, but further details are required (see below).
- Arch shape of the bristles
 - o Advantage: Comfort and uniformity of application are additionally promoted by the arch shape of the bristles.
 - o Could be used, but inventive step argument may be weak, can be useful fall-back positions thus included as new dependent claim (see new claim 8 below)

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- A tray-shaped base with side walls
 - o Advantage: the end wall 75 with the tray 25 helps apply highlighting solution and capture any excess.
 - o Could be used, but inventive step argument may be weak, can be useful fall-back positions thus included as new dependent claim (see new claim 10 below)
- Selected amendment for claim 1:
 - o a hair receiver (20) attached to the second end , wherein a transverse end of the hair receiver (20) comprises a U-shaped guide (75) with an indenting gap (80) for receiving the selected strands of hair to be treated, and wherein in a closed position, the brush (10) descends to another transverse end of the hair receiver (20) opposite the U-shaped guide and overlaps the U-shaped guide in the transverse direction, in such a way that the hair-colouring tool can be closed so as to apply the hair colouring agent to the selected strands of hair, whereupon the hair-colouring tool is drawn along the selected strands of hair.
 - o See the argument in response for the inventive step argument.

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Other amendments to claim 1

- The preamble of claim 1 has been revised for clarity.
 - o Because hair treatment preparation this term is not disclosed in the description, better use the same term in description, thus revise to hair colouring agent
 - o Suitable for use – “for” itself is interpreted as suitable for, thus no need to write suitable for use
- Claim 1 has also been amended to specify that a brush (10) having one or more bristle rows attached to the first end for receiving the hair colouring agent.
 - o Because the description says can be one or more bristle rows.
 - o A plurality means at least two, thus revising to capture an embodiment with only one bristle row.
 - o Amendment is fully supported by the description, thus this amendment is acceptable.

OK

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Other claim amendments

- First handle portion in claims 3 and 4 have been revised to first end of the handle and second handle portion in claim 6 has been revised to second end of the handle for clarity.
 - o Because we need to use the same term to refer to the same feature in the entire set of claims. Previously, the first/second end and first/second handle portion use interchangeably thus propose to revise for clarity.

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- Claim 4 has also been revised to correct the dependency to claim 1 or 2 for clarity.
 - o This is to address the clarity objection as explained above, not to depend on claim 3 which defines an integrally formed brush.

- New claims 6 and 7 define two embodiments of the handle - a continuous tubing and two-part handle.
 - o Unclaimed subject matter spotted in the description.
 - o Continuous handle might be novel over D1, but inventive step argument might be weak.

- New claim 8 specifies that the arch shape of the bristle rows.
 - o As discussed above, this could be a fall-back position.

- New claim 9 specify that the hair receiver has a greater extent in the transverse direction than the handle by two or three times.
 - o Advantage: in order to have a sufficient carrying capacity for hair product.
 - o More refine details of the hair receiver, not necessary to put in main claim now as this is the first examination report, but introduce as a dependent claim as a fall-back position.

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- New claim 10 specifies that the hair receiver further comprises a tray-shaped base with side walls.
 - As discussed above, this could be a fall-back position.
- New claim 11 is a kit claim that includes the tool itself with a plurality of replaceable hair guide (75) with different indenting gap widths.
 - Catch infringers who sell the tool with different sizes of guides
- New claim 12 (revised from previous claim 8, the method claim)
 - Patentability objection means the claim is directed to an excluded subject matter, which is a method of treatment on human/animal body.
 - Thus, propose to revise the claim to direct to a method of using the tool instead.
 - Because you mentioned that at-home applications of your device do not go well as planned, so the marketing focus might change to use the device in salon. If so, may be important to claim the use of the device.

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- New claim 13 is directed to a hair receiver (20) for use with a hair-colouring tool.
 - o Because you mentioned that you might be selling exchangeable brushes and receivers.
 - However the brushes may not be novel and inventive on its own.
 - Thus this claim is directed to the receiver instead, while the features of the claimed receiver is limited by its use with the hair-colouring too.
 - To catch infringers who are selling only the replacement parts.
- The total number of claim is 13 thus no excess claim fee is required if this set of claim proceeds to grant.

OK

Future actions

- Divisional application may not be a concern at this stage because all embodiments are covered in proposed claim 1.
 - o But if you wish to direct the main claim to another inventive concept, e.g., the tray feature, we may consider filing a divisional application.
 - o We still have time to decide when the application is pending, i.e., before the application is granted/refused.
- Please review the proposed response and let me know your comment.

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