

Answer guidelines to QE 2005 Paper B

Note: The answer guidelines contain some points (non-exhaustive) that could be covered in the answer to this Paper.

Prior Art Analysis & Arguments

1. Claim 1 is not new over D1, nor over D2
2. Claim 2 is not new over D2; novelty over D1 is questionable, step formed between base and body is not in the body itself and step at rim of vessel does only questionably enable the vessel to be stacked on a saucepan.
3. Claim 6 is not new over D1, nor over D2
4. Claim 3 & 4 objections are incorrect, since D2 is relevant regarding novelty only (see below)
5. Claim 5 inventive step is questionable – weak
6. Claim 7 is to be deleted (“Omnibus claim“)

Arguments

1. Support of new claim in claim 2 and description, page 3, lines 8-16
2. New claim 1 (see under Advice to Client) is novel over both D1 and D2
3. Incorrect objection regarding D2 which cannot be considered regarding inventive step; inventiveness of new claim 1 is therefore to be considered only over D1; no suggestion in D1 for
 - a step immediately adjacent and above to bottom, so that thermal base element itself is sufficient for transmitting heat to containment body
 - a step which enables (depth of step) secure placing of bowl onto saucepan

Amendments

1. Word new claim based on original claims 1 & 2 and description, page 3, lines 8 to 16 & Delete original claim 2
2. Renumber old claim 3 as new claim 2 with changed dependency and correct “structure“ to “hollow body“
3. Renumber old claim 4 as new claim 3 with changed dependency and correct “structure“ to “hollow body“

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4. Renumber old claims 5 & 6 to new claims 4 & 5 and change dependencies accordingly
5. Delete old claim 7

Advice to client

Answers to client questions:

- It is irrelevant whether the function “bain-marie cooking” is described in the cited references as long as the claimed technical features are disclosed therein.
- Metal of high thermal capacity (stainless steel) is disclosed in the Abstract, which forms a part of the application S84(2) & S25(3), so a claim to this feature may be added. However, if this feature is claimed, a corresponding amendment should be made to the specification (see S25(5)(c)).*
- Claim 7: cannot have reference to drawings, since claim itself has to set out what protection is sought.

Proposals to client (in order of preference):

(Candidates should discuss at least three alternatives)

1. Proposed new claim 1: „hollow containment body comprises, in an outer region situated [immediately] adjacent to and above the thermal base, a portion comprising at least one step [designed so as to enable] that enables the bowl to be stacked on a saucepan.
2. Proposed new claim 1: as above, but plurality of steps (unnecessarily narrow)
3. Proposed new claim 1 incorporating 3 or 4 would be possible, but too narrow.
4. Proposed new claim 1 incorporating claim 6 could be argued, chances are slim and too narrow anyway.
5. Direct dependent claims on any or all of 2 to 4, if proposed claim 1 is as set out under 1.
6. Direct a dependent claim on depth of step

*Marks will be awarded for spotting this issue but candidates will not be required to propose any amendments to the description of the Patent Application.