

## **Answer Guidelines to QE 2009 Paper B**

Note: The answer guidelines contain a non-exhaustive list of points which examiners expect candidates to cover in the answer to this Paper.

### **QUESTION 1**

#### **Prior Art Analysis and Argument**

##### **Novelty**

There is nothing in D1 or D2 to teach these features:

The protrusions in D1 and D2 do not comprise a protrusion comprising two or more interconnected elongate limbs, each limb having a radial outer portion and a radial inner portion, the outer portion being higher than the inner portion relative to the base, and the inner portions being joined to each other.

In D1, the protrusions are conically shaped (see paragraph [0012] and Figure 1).

In D2, the limbs extending along radii of the feeding tub to the central protrusion do not have radial outer portions higher than joined inner radial portions.

Therefore, newly amended claim 1 and its dependent claims 2 to 4 are novel over D1 and D2.

##### **Inventive Step**

The radial outer portions of the limbs serve as an obstruction to deter an animal, such as a pet dog, from “inhaling” (sucking or gobbling) food in the bowl because they prevent the muzzle of an animal from reaching too close to the food at the base of the bowl.

The joined inner radial portions on the base of the bowl prevent the animal from making a clean sweep of the food (i.e. “lapping” up the food).

This combined arrangement provides surprising advantages over the prior art D1 and D2.

In D1, food can get trapped between the conically-shaped protrusions and this will cause the animal to suck or “inhale” the food. The present invention solves this problem. The joined inner radial portions are of a lower height compared to the higher outer portions, and this allows food to be pushed over and/or rolled over.

This differs from the protrusions that extend along radii of the tub in D2 which serve more like dividers to provide compartments in the bowl to separate food. Food cannot be pushed over these protrusions. Therefore, the newly amended claims are also inventive over D1 and D2.

##### **Explanation of amendments**

- Amend original claim 1 because D1 and D2 each discloses a feeding bowl having a base, a circumferential

wall, and a protrusion that extends upwardly from the base of the bowl.

- Delete original claim 2

Claim 2 is already defined in claim 1 to which claim 3 refers to. Claim 3 is amended to be claim 2.

- Amend original claim 3

Because options a) or b) [see below: Exemplary Claims claim 2(Amended)] are both acceptable and apportioned equal marks. Candidates should not insert the words, “at least”, before, “three limbs”, in the exemplary claim 2 as the specification does not actually mention more than three limbs. Ultimately, the inclusion or omission does not alter the claim language under Singapore or UK practice; even without the words, “at least”, the claim covers three or more limbs.

- Remove original claim 4

Because the feature “the three limbs are joined together” is disclosed in D2 (the dividers that extend along the radii of the tub are joined to the central protrusion).

- Amend original claim 5

To be consistent with the amended claim 1

- Remove original claims 6-8

because they relate to a second invention and which is not linked by a single inventive concept.

### **Claim Amendments**

- Amend original claim 1

Limit original claim 1 to the protrusion comprising two or more interconnected elongate limbs, each limb having a radial outer portion and a radial inner portion, the outer portion being higher than the inner portion relative to the base, and the inner portions being joined to each other.

- Delete original claim 2
- Amend original claim 3
- Delete original claim 4
- Amend original claim 5
- Delete original claims 6-8
- Delete the term “moderately consume”
- Correct the dependencies of the remaining claims
- Support for exemplary claims (cite specification)

### **Exemplary claims**

1. (Amended) A bowl for containing food for an animal, the bowl comprising:

- (a) a base;
- (b) a circumferential wall defining an interior volume for accommodating the food; and
- (c) a protrusion extending upwardly from the base of the bowl into the interior volume to allow the animal to moderately consume the food, wherein the protrusion comprises two or more interconnected elongate limbs, each limb having a radial outer portion and a radial inner portion, the outer portion being higher than the inner portion relative to the base, and the inner portions being joined to each other.

~~2. The bowl according to claim 1, wherein the protrusion comprising limbs.~~

3 2 (Amended)

a) The bowl according to any one of the preceding claims, wherein the number of limbs is three.

Or

b) The bowl according to any one of the preceding claims, wherein the protrusion has three limbs.

~~4. The bowl according to any one of the preceding claims, wherein the three limbs are joined together.~~

5 3. (Amended) The bowl according to any one of the preceding claims, wherein the heights of the outer portions of the limbs are different from each other.

~~4. (New) The bowl according to any one of the preceding claims, wherein the protrusion is not joined to the circumferential wall.~~

~~6. A bowl for containing drinking water for an animal, the bowl comprising:~~  
~~(a) an interior volume for accommodating said water, the interior volume is defined by a base and an upwardly extending circumferential sidewall; and~~  
~~(b) a floating device for floating on said water, wherein the floating device has a conduit for allowing said water to form a reservoir of sufficient amount of water on a drinking surface of the floating device for the animal to moderately consume the water.~~

~~7. The bowl according to claim 6, wherein the floating device further comprises an interior cavity and the buoyancy of the floating device is determined by an amount of water introduced into the cavity.~~

~~8. The bowl according to any one of claims 6 or 7, wherein the floating device has a depressed portion for allowing the reservoir of water to collect on the drinking surface of the floating device.~~

## QUESTION 2

### Letter to Client

#### To file a response to the Written Opinion

Strongly recommend that a response to the Written Opinion be filed. If no response is filed, the Written Opinion will simply re-issue as a negative examination report stating the examiner considers the invention is not patentable. While it is possible to obtain a

granted patent on a negative examination report, it is not recommended since the patent would probably be considered at face value to be invalid.

Explain why the examiner is correct that all features of the claims are disclosed in the cited prior art and an amendment is required. Particularly, the objections raised in the Written Opinion for lack of novelty because D1 teaches all the features of claim 1. Raise the possibility that the examiner may consider the “dividers”, as well as the “central protrusion”, in D2 as protrusions that extend from the base of the bowl. Therefore, at least claim 1 must be amended.

#### Explain amendments

In the exemplary claim amendments, claim 1 has been amended to a protrusion comprising two or more interconnected elongate limbs, each limb having a radial outer portion and a radial inner portion, the outer portion being higher than the inner portion relative to the base, and the inner portions being joined to each other. This appears to be the inventive concept of the invention since the minimal essential feature requires the protruding portion to impede the animal from consuming too fast by preventing the animal from making a clean sweep and inhaling of the food. Rather than the protrusion having only one limb which does not provide the advantages of the invention.

#### Ways to overcome novelty and inventive objections

Discuss the possible features to include in independent claim 1 to overcome novelty and inventive step objections and why one was chosen over the other. A few features may be introduced into independent claim 1 to overcome the prior art, for example, claim 1 could have been limited to three limbs. Alternatively, claim 1 could have been limited to the different heights of the outer portions of the limbs. Claim 1 could also be amended to include the gap. However, such features may be too narrow and the patent granted may be easily avoided by competitors and yet achieve the same advantages and benefits of the present invention.

#### Lack of Unity

Patent still cannot proceed to grant with the current claims because of lack of unity objection. Explain lack of unity objection to client [Section 25(5)(d) of the Patents Act and rule 25 of the Patents Rules]. Explain why the examiner is correct to raise lack of unity objection because, while both claims are directed towards bowls that prevent dogs from eating or drinking too fast, the technical features defined in original independent claims 1 and 6 are not linked by a single inventive concept. Explain why the claims to the second invention are deleted because they will not be examined in this present application and should be pursued in a separate divisional application if patent protection for the drinking bowls are desired

#### Supplementary Search Report

Raise the possibility of filing a request for supplementary search report to have claims in the second invention searched. [Rule 45] Raise the point that while additional search fees may be paid, there is no ability to pay extra examination fees to have claims examined and, as a result, these unexamined claims should still not proceed to grant in this application. Supplementary search might be a low-cost way of getting a good indication of whether it is worth filing the divisional application.

#### Material of the bowl

Discuss about the material of the bowl. This cannot be introduced into this application because there is no support to include new material