

QE 2020 PAPER B – ANSWER GUIDELINES

S/N	Category	Mark
1	Claim Amendments	35 marks
2	Response	35 marks
3	Letter to Client	30 marks
Total		100 marks

S/N	Answer Guide	Mark
1	Claims Amendments	(35 marks)
1.1	<p>Amendments to claims</p> <p>Full marks: combining Claims 1, 5, 7 and 8, and moving “adapted to acoustically insulate the pod room in the closed configuration” to a dependent claim.</p> <p>Suggested claim amendments:</p> <p><i>1. A ceiling system comprising one or more ceiling panels for a pod room, each ceiling panel comprising:</i></p> <p><i>(a) one or more cover components movable between an open configuration and a closed configuration,</i></p> <p><i>(b) an actuation mechanism configured to move the one or more cover components from the closed configuration to the open configuration <u>in response to a detection of a pre-determined condition</u>, and</i></p> <p><i><u>further comprising a detection unit configured to detect the pre-determined condition</u>,</i></p> <p><i>the detection unit comprises a movement detector <u>and the pre-determined condition is the presence/absence of movement in the pod room</u>, the detection unit is configured <u>to respond to the pre-determined condition</u> in the pod room.</i></p> <p>Notes on suggested amendments to Claim 1:</p> <p>1. Reason for such an amendment: movement detector is the novelty/inventiveness conferring feature which forms part of the ceiling system. Hence, ceiling system needs to be introduced. Actuation mechanism is an essential feature required to move the cover components in response to the trigger/movement detector.</p>	<p>23 marks (deduct 2 marks for each additional feature added to claim)</p>

	<p>2. No marks will be awarded or deducted if a candidate simply introduces the subject matter of Claim 6 into Claim 1, i.e. “the actuation mechanism is configured to bias one or more of the cover components towards the open configuration, and further configured in a first powered state to hold the one or more cover components in the closed configuration against the bias, and in a second unpowered state to allow the one or more cover components to move towards the open configuration under the bias”. The subject matter of Claim 6 is suggested in D3 and would appear to lack an inventive step if not novelty in light of D3’s teachings.</p> <p>3. No marks will be awarded if a candidate maintains Claim 1 to a ceiling panel.</p> <p>4. Alternative to (c) – the detection unit comprises a movement detector configured to the detection of a presence/absence of movement in the pod room.</p> <p>Other amendments:</p> <ul style="list-style-type: none"> • Dependent claim for “adapted to acoustically insulate the pod room in the closed configuration” • “specified percentage open area” – is at least a 70% open area (marks can also be accepted for the narrower values of 67% open area or 72% open area). • “higher”/“lower” – introduce in the claim that the higher density material has a density of at least 500 kg/m³ and preferably at least 700 kg/m³. A lower density would include any value below 500 kg/m³. • Correcting dependency of Claim 3 	<p>2 marks</p> <p>2 marks</p> <p>2 marks (1 mark for each point)</p> <p>2 marks</p> <p>4 marks</p>
--	--	--

	<ul style="list-style-type: none"> Replace “trigger” with “response to the detection of a pre-determined condition” (see underlined features in Claim 1 above). Support may be found on page 4 lines 21 and 22 when read with lines 28 to 30. 	
--	--	--

2	Response	(35 marks)
2.1	Support	(10 marks total)
	Point out literal support for each amendment.	
	Claim 1 - Claims 1, 5, 6, 7 and 8. Also, pg 1 Ins 29-31 provide for a system without sound insulation properties.	2 marks
	Dependent claim for “adapted to acoustically insulate the pod room in the closed configuration” – Claim 1	2 marks
	“specified percentage open area” – is at least a 70% open area – pg 3 In 21 (for 67% open area, support found on pg 3 In 24, or for 72% open area, support found on pg 3 In 26)	2 marks
	“higher”/“lower” – introduce in the claim that the higher density material has a density of at least 500 kg/m ³ and preferably at least 700 kg/m ³ – pg 4 Ins 4 and 5. A “lower” density material has a density of “below 500 kg/m ³ ”, support on page 4 Ins 5 and 6	2 marks
	Replace “trigger” with “response to the detection of a pre-determined condition” (see underlined features in Claim 1 above)	2 marks
2.3	Novelty assessment	(8 marks total)
	Amended claim 1 is novel over each of D1, D2 and D3 because none of D1 – D3 discloses an actuating mechanism that moves the cover	2 marks

	<p>components in response to a movement detector in the presence/absence of movement in the pod.</p> <p>D1 – the fins of the roof structure open in response to fire.</p> <p>D2 – vertical blinds made of highly reflective light/sound material.</p> <p>D3 – a fire ventilator that can automatically open in response to a fire and/or heat.</p>	<p>2 marks</p> <p>2 marks</p> <p>2 marks</p>
2.4	<p>Inventive step</p> <p>Windsurfer approach – approach must be applied and full analysis. Full marks against each document given only if some technical explanation is given of (a) new technical advantages accorded by inventive feature, (b) why it is to be considered there is absence of teachings or teachings away based on the documents.</p> <p>Inventive concept lies in the opening and closing of cover components in response to a pre-determined condition detected by a detection unit, and the pre-determined condition is the presence/absence of movement in the pod room.</p> <p>D1 discloses roof structure for a building for use together with a fire protection system, e.g. sprinkler system. The fins of the roof structure can open - pivot at an angle and slide/stack against each other at one end of the building. Nothing in D1 to disclose opening/closing of cover components in response to presence/absence of movement in a pod.</p> <p>D2 discloses vertical blinds that may be highly reflective to both light and sound. Nothing in D2 to disclose opening/closing of cover</p>	<p>(14 marks total)</p> <p>2 marks</p> <p>2 marks</p> <p>2 marks</p> <p>2 marks</p>

	<p>components in response to presence/absence of movement in a pod.</p> <p>D3 discloses a fire ventilator that can automatically open in response to a fire and/or heat. Nothing in D3 to disclose opening/closing of cover components in response to presence/absence of movement in a pod.</p> <p>D1 + D2 = will not arrive at the invention because, if combined, will probably arrive at cover components having good sound/light insulation properties.</p> <p>D1 + D3 = similar disclosures and their combination will arrive at a pod having cover components that will move in response to fire/heat.</p> <p>D2 + D3 = if combined, will probably arrive at cover components having good sound/light insulation properties.</p> <p>D1 + D2 + D3 = if combined, will probably arrive at cover components having good sound/light insulation properties.</p>	<p>2 marks</p> <p>1 mark</p> <p>1 mark</p> <p>1 mark</p> <p>1 mark</p>
2.5	<p>Support / Clarity</p> <p>No marks will be provided if a candidate does not provide an explanation on why the claims are supported and clear.</p> <p>Explain correction of antecedent for “lourves”, and phrase “specified percentage open area” is now clear</p> <p>Explain terms “higher” and “lower” are now defined and clear.</p> <p>Explain that term “trigger” is replaced / supported</p>	<p>(3 marks total)</p> <p>1 mark</p> <p>1 mark</p> <p>1 mark</p>

3	Client Letter	(30 marks)
3.1	<p>Explanation of the amendments made</p> <p>Explain the Written Opinion and why the need for the relevant amendments.</p> <ul style="list-style-type: none"> ▪ At least D1 discloses all the features of the claim 1. ▪ Movement detection feature is not disclosed in any of cited prior art documents, so potentially inventive. ▪ Need to claim system because system includes actuation mechanism which is an essential feature of carrying out the invention. <p>Explain how D2 (window blinds) and D3 (ventilators) are relevant.</p> <ul style="list-style-type: none"> ▪ While <u>D2 does not disclose meeting pods, D2 discloses sound absorptive material and may be relevant to the inventiveness of claim 4.</u> Given that there could be <u>credible arguments to support D2 as being in a neighbouring technical field of invention, said material can be applied to the cover components of the invention.</u> ▪ D3 discloses <u>ventilators that can be used in buildings. An electro-magnetic control device remains energised to keep the ventilator in a particular position.</u> In addition, <u>a pistol and cylinder unit may be used to adjust the ventilators.</u> In addition, As such, the examiner may be correct in his inventive step assessment that the teachings of D3 can be applied to claim 6. <p>Do we need to file another application for these “safe meeting environment” pods?</p> <ul style="list-style-type: none"> ▪ No, because the relevant subject matter allowing for these pods for use in a “safe meeting environment” is disclosed in 	<p>3 marks (1 mark for each point)</p> <p>3 marks (1 mark for each underlined point)</p> <p>3 marks (1 mark for each underlined point)</p> <p>6 marks (2 marks for each point)</p>

	<p>the application. Hence, there is support for such an amendment.</p> <ul style="list-style-type: none"> ▪ In fact, such an amendment will render the claimed invention patentable. ▪ The movement detector is a narrower than the claimed detection unit, so the examiner should allow it and not raise an objection that the feature was not searched/examined. <p>The examiner appears to have allowed some claims, so can we just go along with what the examiner has suggested?</p> <ul style="list-style-type: none"> ▪ While <u>the examiner considered some subject matter in claims 4 and 6 novel, he maintained a lack of inventive step objection. Even if we incorporate the subject matter into claim 1, we are still faced with a lack of inventive step objection and application cannot proceed to grant.</u> Also, even <u>if we went along with the examiner's suggestion, it would not cover client's preferred embodiments.</u> <p>Is this (F&B pods) also something I can capture within my claims as that could be an additional market to reach?</p> <ul style="list-style-type: none"> ▪ <u>Yes, present claims are not limited to use of the ceiling panel/system, so unless such "safe meeting environment" pods are structurally different to the claimed invention, the present application should cover intended pods.</u> <p>Can I include such claims (sanitising units) to preserve this feature?</p> <ul style="list-style-type: none"> ▪ <u>No, because that would introduce new unallowable subject matter and may render the ensuing patent vulnerable to revocation.</u> ▪ The present claims would potentially cover the possibility pods having sanitiser units as long as client is commercialising pods that fall within the scope of amended Claim 1. 	<p>3 marks (1 mark for each underlined point)</p> <p>6 marks (2 marks for each underlined point)</p> <p>4 marks (2 marks for each underlined point) 2 marks</p>
--	--	---

END