

originally filed in order to overcome added matter, and thus there is no reason to consider this issue further here.

- 6 The issues to be decided are whether the claimed invention is clear, new and involves an inventive step.

The invention

- 7 When considering an application for a patent, it is necessary to understand what the invention of the application is, and to do this we look to the description, claims and figures. Unfortunately, the specification does not clearly set out the features of the invention. From what I can understand from the description and figures, the application appears to relate to connecting a mobile device to a monitor screen via a docking station on the monitor. This effectively provides the physical functionality of a larger tabletop computer's peripherals (larger screen, a keyboard and a mouse) to the operating system of the phone. The screen of the mobile is duplicated onto the larger monitor screen, and the phone is controlled via the keyboard and mouse. The monitor to which the phone is docked may 'flip up' from a table top as shown in the drawing on page 3 of the figures entitled "Table Top Design".
- 8 The application has a single claim, filed after the filing date of the application, which reads as follows:

The Claim for this File is that the Mobile is clipped into (via possible contact Assemblies on the top or side of Mobile or Camera) and out off the TFT Monitor as show in the standalone image, which then duplicates the image from the Mobile to a larger TFT Screen. Then you can interact with this keyboard and a mouse and maybe with a double curser. The mobile is the most dominant operating system which acts like a drive when connected.

The law

- 9 Section 125(1) of the Act specifies how the extent of protection of a patent should be determined:

For the purposes of this Act an invention for a patent for which an application has been made or for which a patent has been granted shall, unless the context otherwise requires, be taken to be that specified in a claim of the specification of the application or patent, as the case may be, as interpreted by the description and any drawings contained in that specification, and the extent of the protection conferred by a patent or application for a patent shall be determined accordingly.

- 10 The Act also sets out various requirements that must be complied with in order for a patent to be granted. These include, amongst other things, that the claims must clearly define the matter for which the applicant seeks protection, must be new and must involve an inventive step. The relevant parts of the Act read as follows:

Section 1(1)

A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say –

- a) the invention is new;*
- b) it involves an inventive step;*
- c) it is capable of industrial application;*
- d) the grant for a patent for it is not excluded by subsections (2) and (3) or section 4A below;*

Section 2(1)

An invention shall be taken to be new if it does not form part of the state of the art.

Section 2(2)

The state of the art in the case of an invention shall be taken to comprise all matter (whether a product, a process, information about either, or anything else) which has at any time before the priority date of that invention been made available to the public (whether in the United Kingdom or elsewhere) by written or oral description, by use or in any other way.

Section 3

An invention shall be taken to involve an inventive step if it is not obvious to a person skilled in the art, having regard to any matter which forms part of the state of the art by virtue only of section 2(2) above (and disregarding section 2(3) above).

Section 14(5)

The claim or claims shall –

- (a) define the matter for which the applicant seeks protection;*
- (b) be clear and concise;*
- (c) be supported by the description; and*
- (d) relate to one invention or to a group of inventions which are so linked as to form a single inventive concept.*

11 I shall deal with the requirement for the claim or claims to be clear to begin with.

Clarity

12 Section 14(5)(b) requires that the claims shall clearly and concisely define the matter for which the applicant seeks protection. As outlined in the correspondence from the examiner, the claims do not meet this requirement. Mr Bhudia has not amended the claim in order to overcome the examiner's objections and has maintained that the claim as it stands is clear.

13 It is apparent to me from reading the specification that the claim is manifestly unclear within the meaning of the Act. This is clear from a plain reading of the text, without any need for reference to or guidance from the caselaw. My opinion does not deviate from that of the examiner, who, in his final pre-hearing report of 23 December 2022, carefully explained numerous reasons for the lack of clarity. Specifically, in relation to the claim including reference to the drawings, the use of more than one sentence, the inclusion of preferable features and ambiguous wording.

14 The claim therefore does not meet the requirements of s14(5)(b) of the Act.

Claim construction

15 Section 125(1) states that it is the claims that define the invention and consequently the monopoly sought by the application. The claims are interpreted having regard to the description and drawings. In order to determine if the invention is patentable, I must construe the claim in the light of the description and the figures so as to determine, as best as is possible given the lack of clarity, the essential features of the claimed invention.

16 In his report of 3 October 2022, the examiner construed the claimed invention to comprise the following:

A display screen incorporating means to dock (clip in and out) with a mobile phone (device) and duplicate the display on the screen allowing the mobile device's operating system to be operated using a keyboard and a mouse (or other ancillary device).

17 In his correspondence with the examiner, Mr Bhudia repeatedly suggests that the invention relates to the provision of the phone dock in a display screen which is incorporated into a system where the keyboard, mouse and display screen are embedded into a tabletop. He also makes reference to other features such as the use of only the operating system of the mobile phone, there being no requirement for connection cables between the monitor and the phone, and also the possibility of having more than one dock on the display screen. However, none of these features are included in the claim. It therefore appears that the wording of the claim does not reflect that which Mr Bhudia believes he has invented, in particular in relation to the tabletop embodiment.

18 Therefore, I have no reason to significantly depart from the examiner's construction of the claim. I reiterate it here using wording slightly closer to that of the claim and specifying the display screen as a TFT type:

A TFT display screen incorporating means to clip a mobile device in and out, and duplicate the display on the screen allowing the mobile device's operating system to be operated using a keyboard and a mouse.

19 For completeness, given the lack of detail in the specification, I construe the meaning of 'means to clip a mobile device in and out' as docking the mobile device to the display. The claim provides the example of a contact assembly, but the description refers to docking more generally. Also, the claim is specific about the type of display required, i.e. a TFT, even though the description suggests that it might also be an LCD.

Novelty

20 Sections 1(1)(a), 2(1) and 2(2) set out above, require that a claimed invention must be novel, and that to be novel the claimed invention must not have been made available to the public before the priority date of the invention. In order to determine if

the claimed invention is novel, I must compare the claim as construed above to that disclosed in the prior art. If the features of the claimed invention are present in these documents, the claimed invention is not new.

- 21 In his pre-hearing report of 23 December 2022, the examiner has cited three documents he considers demonstrate that the claimed invention is not new (US2012/011293, WO2018/069883 and US2015/070834, all published before the priority date of the application). Having reviewed these documents, I am content that none of these documents discloses the claimed invention as I have construed it above, because none disclose a TFT screen. However, I must note that the documents cited by the examiner were examples only of documents relevant to the application and that the search was not complete.

Inventive step

- 22 Sections 1(1)(b) and 3 of the Act as set out above require that in order for a patent to be granted, the invention to which it relates must contain an inventive step. This means that the invention must contain at least one feature that is not obvious to a person skilled in the art in which the invention resides.
- 23 Of the six documents cited by the examiner in his pre-hearing report of 23 December 2022, I will discuss four which I consider provide clear evidence that the claimed invention, as I construe it above, is obvious. Noting again that the documents cited by the examiner were examples only of documents relevant to the application and the search was therefore not complete.
- 24 WO2018/069883 discloses an LCD screen to which a mobile phone is docked, thus providing the mobile with a larger screen. Content from the mobile device may be displayed on the larger screen. The device also provides associated peripherals such as a keyboard and a mouse. This document does not specify that the screen is a TFT screen.
- 25 US2012/011293 discloses a platform device having a display (e.g. an LCD) to which a mobile device is connected to form a tablet computer. The mobile device is docked to the display housing via a slot and associated connector, and the display screen acts as the screen for the mobile. The device screen is touch sensitive and is used to control the mobile device. Figs 9c and 9d show the use of an external keyboard, and para 54 discloses the use of an externally connected keyboard or mouse to operate the mobile phone. The use of both a keyboard and a mouse is not disclosed, nor is a TFT screen.
- 26 US6489932 discloses a display device with an integral docking station for connecting a palm sized computer. The display is controlled by and executes applications on the palm sized computer. The display device may also provide a keyboard and cursor control. There is no explicit disclosure of the use of a mouse or TFT screen.
- 27 US2013/063662 discloses a display device with a slot to connect a mobile phone. Screen information from the mobile device is shown via the larger display. Use of a keyboard is also disclosed, but there is again no disclosure of a mouse or TFT screen.

- 28 TFT screens are a conventional type of flat screen display and it would be obvious to the skilled person that a TFT screen could be used as a variant display in any of these documents: the application itself acknowledges this by referring to an LCD monitor as an alternative. Furthermore, providing a computing device with both a keyboard and a mouse is completely trivial. It would plainly be obvious to the skilled person that a mouse could be provided in addition to the keyboard in the latter three documents discussed above.
- 29 Mr Bhudia has asserted that these documents do not disclose the invention, but has included in these arguments features that I do not consider to be part of the claimed invention, for example the tabletop aspect. However, I consider that all of these documents demonstrate that the claim as I have construed it above lacks the required inventive step. The claim therefore does not meet the requirements of s1(1)(b) of the Act.

Conclusion

- 30 Having carefully considered the application and arguments, I have found that the invention as it is currently claimed is neither clear nor inventive.
- 31 However, the specific tabletop embodiment described, albeit not particularly clearly, has not been searched. It is therefore impossible for me to form a view on the novelty and inventiveness of this aspect of the invention. If the claim were to be amended to clearly delimit it to the tabletop embodiment described, a further search would be necessary. It may well be that documents found in any such search may show the tabletop embodiment of the invention to be known and/or lack the required inventive step. However, I cannot make a judgment on the novelty and inventive step without a search having taken place. If the claim were to be amended to clearly incorporate the features of this embodiment, the case may be remitted to the examiner for further searching.
- 32 If Mr Bhudia wishes to provide such an amended claim then he must do so within one month of the date of this decision or the application will be refused. Mr Bhudia will also need amend the description so as to revert to page 3 as originally filed in order to overcome the objection to added matter. If Mr Bhudia decides to appeal my decision then the period allowed for filing amendments will be re-assessed.

Appeal

- 33 Any appeal must be lodged within 28 days after the date of this decision.

Huw Jones

Deputy Director, acting for the Comptroller