



6 The latest claims, and those on which this decision is based, were filed on 14th February 2018. These read as follows:

Claims

It has an in-built hose which will act as a shower as it has holes all around to direct the spray onto the hung item.

This spray will be regulated by the water pressure entering from the taps and user preference

The collect tray at the bottom will be removable to dispose of objects collected

The bag will use a water proof zipper

The hanger will be suitable so that it can be hung from any secure fixing

The bag itself will be made from waterproof material such as neoprene with water proof seals.

It will be easy to fold up and transport and store as the internal hose will be made from flexible material and be incorporated into the material. A channel in the fabric to accommodate the flexi hose pipe.

The bag will have a standard hosepipe fixing at the top and the bottom so that an outlet hose can be attached to go to the plug of the sink or bath etc or can be used without the attachable hose when using in shower or over bath etc so the used water runs straight out the base.

The Hearing

- 7 At the hearing we discussed the issues that are outstanding. I will address these in the order of discussion.

Late filed response to the examination report

- 8 The first examination report was issued on the 9th September 2016. This set a latest date for reply of 9th November 2016. The applicant discussed the application with Mr Jim Houlihan, the head of the group in which the application was being dealt, on 13th September 2016. At the end of the conversation Mr Houlihan reminded Mr Woodward that a response to the examination report was still due by 9th November 2016. A report of that conversation was sent to the applicant.
- 9 On 17th January 2018 the Office wrote to Mr Woodward to inform him that the Office intended to treat his application as refused as he had not filed a response to the 9th September examination report. Mr Woodward then contacted the Office to discuss how he should proceed with the application. He was advised that if he wished to proceed he should file a response to the examination report and also give reasons for his delay in responding. Mr Woodward was again advised that the deadline by which the application must meet all of the requirements of the Act (the compliance date) was the 16th February 2018.
- 10 Mr Woodward filed a response with amended claims on 14th February 2018. In the covering letter he noted that he had not been well enough to respond earlier.
- 11 Having talked to Mr Woodward, I am satisfied that there was a good reason why he did not respond to the examination report of 9th September 2016 and I am of the opinion that, in Mr Woodward's specific circumstances, the discretion allowed under section 18(3) should be exercised to allow the response.

Clarity, added matter, novelty and inventive step

- 12 The remainder of the hearing was taken up with discussions regarding the requirements of claims to be clear in scope, to define a new and non-obvious invention and not to contain added matter.
- 13 Mr Woodward conceded that the current claims were not allowable at present for reasons of clarity and added matter, at least.
- 14 We then talked about the requirement for the claims of a patent application to clearly and concisely define the invention for which protection is sought, as required by Section 14(5) of the Patents Act. During this discussion I referred Mr Woodward to our "Claims" factsheet, which is available from our website and provides an example claim set.

- 15 Mr Woodward explained that he had intended that each of his statements in the amended claims should be considered as a separate claim. Mr Woodward also conceded that he could now understand why the present amended claims were not in a suitable form. I explained to Mr Woodward that he will need to rewrite his claims considerably before they are in form that will be acceptable. Mr Woodward agreed with this.
- 16 We then discussed the requirement that patent applications should not be amended to disclose additional technical information, so called added matter, as required by section 76(1) of the Patents Act. I made Mr Woodward aware that this was a strict requirement and that I had identified technical features within the claims filed 14th February 2018 that were not in the application as filed. I explained that as well as amending the claims to ensure that the claims are clear, the amendments will also need to remove the added matter.
- 17 Given that the claims at present are not clear and contain added matter, very little discussion on novelty and inventive step took place. However, I reminded Mr Woodward that he also needed to ensure that the invention in the claims is clearly distinguished from that discloses in the various prior art documents referred to by the examiner in his examination report of 22nd February 2018.

Outcome

- 18 I exercised discretion to allow Mr Woodward's late filed response of 14th February 2018. I informed Mr Woodward that if he wished to proceed with the application he needed to file further amendments to the claims in response to the objections raised by the examiner in his examination report of 22nd February 2018. He also needed to file a Form 52 and pay the relevant fee to extend the compliance period to 16th April 2018.
- 19 I also advised Mr Woodward that if he did not file amendments and the Form 52 by 16 April 2018, then the application will be refused.¹

Appeal

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

Phil Thorpe

Deputy Director, acting for the Comptroller

¹ Mr Woodward was also informed of this in an official letter sent to him on 3rd April 2018.