



Only a single connection to a power source is therefore required. Figures 10 and 21, reproduced below, respectively show a single docking station and two connected docking stations. Feature 810 is an electrical connection means for connection to a mobile device to be charged.

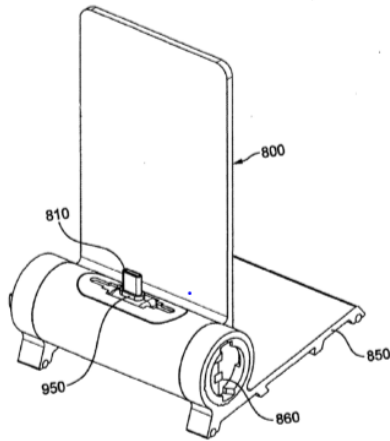


FIG. 10

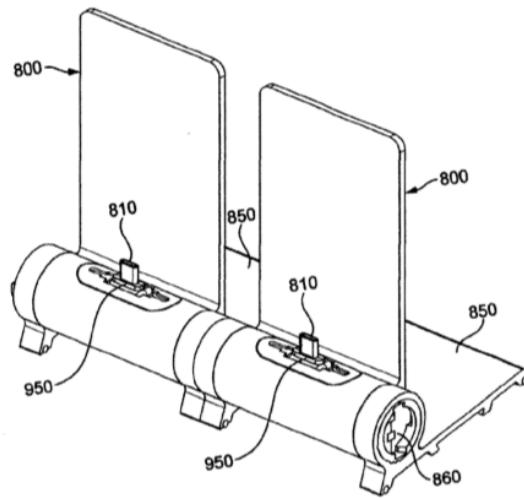


FIG. 21

- 7 Each docking station comprises at least two different electrical connection means on a rotatable body, thus allowing selection of the appropriate connection means that is suitable for the device to be charged. Connected docking stations may therefore be used to charge different devices. Figure 26 shows a rotatable body having electrical connection means 1010, 1020, 1030. Figure 27 shows how the body rotates in the docking station to expose the required electrical connection.

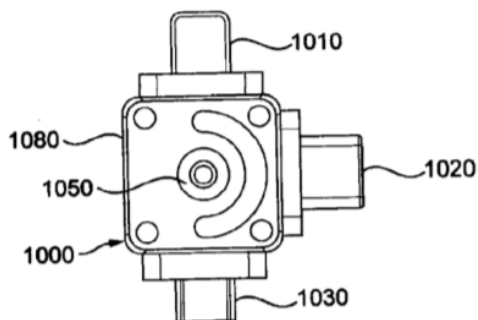


FIG. 26

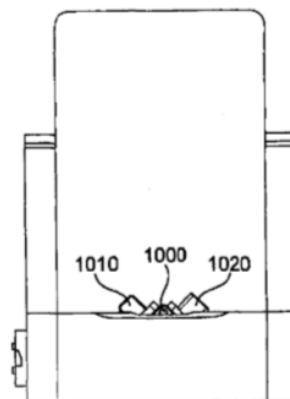


FIG. 27

- 8 An amended claim set and an auxiliary request (labelled 'auxiliary request 1' and 'auxiliary request 2') were filed on 9 May 2022. In addition, two claims numbered 1 and 16 were provided in the applicant's letter dated 6 June 2022 (received 8 June).
- 9 During the hearing, the auxiliary request was discussed. Claim 1 reads as follows:

*A plurality of docking stations capable of securely and releasably holding (and preferably charging) at least two mobile devices;*

*wherein the plurality of docking stations is capable of being operably connected to a primary electrical power supply socket;*

*wherein the plurality of docking stations comprises at least two operably inter-connectable units, said operably inter-connectable units being connectable to each other to form the electrical power adapter;*

*wherein each operably inter-connectable unit is capable of securely and releasably holding and charging a mobile device;*

*wherein each of the operably inter-connectable units comprises a rotatable body comprising at least two connectors, which may be the same or different, to allow a user to select a connector for one or more different mobile devices;*

*wherein said rotatable body is located at least partially within each of said units.*

10 Claim 1 of the applicant's letter of 6 June 2022 reads as follows:

*An electrical power adapter comprising a plurality of connected docking station units capable of releasably holding and charging at least two mobile devices;*

*wherein the electrical power adapter is capable of being operably connected to a primary electrical power supply socket;*

*wherein the electrical power adapter comprises at least two operably inter-connectable docking station units;*

*wherein said operably inter-connectable docking station units are connectable to each other to form the electrical power adapter;*

*wherein each operably inter-connectable docking station unit is capable of releasably holding and charging a mobile device;*

*wherein each operably inter-connectable docking station unit comprises at least one electrical connector capable of being connected to a mobile device;*

*wherein at least one of the operably inter-connectable docking station units comprises a rotatable body comprising at least two electrical connectors, wherein each of said at least two electrical connectors is capable of being connected to a mobile device;*

*wherein electrical power from the primary electrical power supply socket is capable of being delivered to a mobile device via the electrical connector when the mobile device is connected to said electrical connector;*

*wherein each rotatable body is located at least partially within the operably inter-connectable docking station unit so as to expose substantially fully only one of its electrical connectors;*

*wherein the mobile device is a mobile telephone.*

## **The Law**

11 The relevant section of the Act is 1(1)(b), the most relevant provisions of which are:

*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) ...;
- (b) it involves an inventive step;
- (c) ...;
- (d) ...;

12 Section 3 of the Act then sets out how an inventive step is determined, and reads:

*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).*

## The Windsurfing/Pozzoli test

13 The test for determining whether the invention of an application includes an inventive step is the structured approach laid down by the Court of Appeal in *Windsurfing*<sup>1</sup> and restated, by that Court, in *Pozzoli*<sup>2</sup>. The test comprises the following steps:

- (1)(a) Identify the notional “person skilled in the art”;
- (1)(b) Identify the relevant common general knowledge of that person;
- (2) Identify the inventive concept of the claim in question or if that cannot readily be done, construe it;
- (3) Identify what, if any, differences exist between the matter cited as forming part of the “state of the art” and the inventive concept of the claim or the claim as construed;
- (4) Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of invention?

## Collocations

14 When performing the Windsurfing/Pozzoli test to determine whether an invention possesses an inventive step, special considerations should be applied when an invention is formed from a combination or collocation of features. This was addressed in *SABAF*<sup>3</sup>, where Lord Hoffmann noted that:

*“Two inventions do not become one invention because they are included in the same hardware. A compact motor car may contain many inventions, each operating independently of each other but all designed to contribute to the overall goal of having a compact car. That does not make the car a single invention.”*

15 He then went on to discuss the principle upon which you decide if you are dealing with a single invention or not, stating that:

*“If the two integers interact upon each other, if there is synergy between them, they constitute a single invention having a combined effect and one applies section 3 to the idea of combining them. If each integer performs its own proper function independently of any of the*

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<sup>1</sup> *Windsurfing International Inc. v Tabur Marine (Great Britain) Ltd*, [1985] RPC 59

<sup>2</sup> *Pozzoli SPA v BDMO SA* [2007] EWCA Civ 588

<sup>3</sup> *SABAF SpA v MFI Furniture Centres Ltd* [2005] RPC 10

*others, then each is for the purposes of section 3 a separate invention and it has to be applied to each one separately.”*

- 16 Although Lord Hoffman confined his comments to section 3, and indeed found each of the two inventions lacking in that respect, it follows that each invention must also pass the novelty test of section 2.

## **Application of the Windsurfing/Pozzoli test**

### **Steps (1)(a) & (1)(b): Identify the notional “person skilled in the art” and identify the relevant common general knowledge of that person**

- 17 The examiner considers that the notional person skilled in the art 'would be a product designer working in the field of electronic consumer appliances' and that their common general knowledge 'would include knowledge of chargers used for consumer appliances'. I am in agreement with this assessment.
- 18 The examiner further considers that the common general knowledge 'would include modular power adapters that can be connected together in any desired number'. They note that, although individual patent specifications are not generally considered to be common general knowledge, there exists a large volume of prior art showing such modular power adapters, suggesting that they do form part of the common general knowledge. I am also inclined to agree.

### **Step (2): Identify the inventive concept of the claim in question or if that cannot readily be done, construe it**

- 19 There is some uncertainty around which claims are the latest version on which my decision should be based. There are also some clarity issues within the claims themselves. However, considering the two versions of claim 1 recited above and taking into account the discussion that took place during the hearing, I consider the inventive concept of claim 1 to include the following elements:
- (a) The power adapter comprises a plurality of operably inter-connectable docking station units, each capable of securely and releasably holding a mobile device;
  - (b) The power adapter is configured to connect to a single electrical power supply for serially supplying power to each of the plurality of docking station units;
  - (c) Each of the docking station units comprises a rotatable body comprising at least two different connectors to allow a user to select the connector suitable for charging their mobile device, the rotatable body being located at least partially within the unit and rotatable to expose the selected connector.
- 20 It is my view that the inventive concept is actually formed of two distinct inventive concepts performing two separate purposes, as follows:

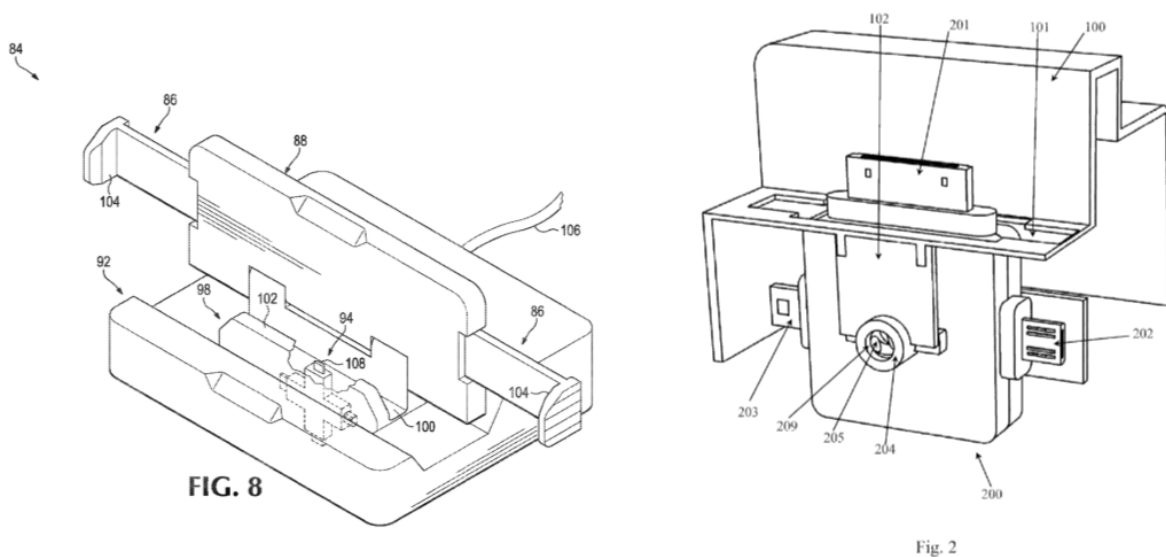
*Inventive concept 1:* The inclusion in each docking station of a rotatable body comprising different connectors, making each separate docking station suitable for charging the particular mobile device possessed by the user; and

*Inventive concept 2:* The docking stations being inter-connectable to allow multiple devices to be charged simultaneously from a single power connection.

- 21 I consider that the two inventive concepts function independently of each other without any synergy between them. Consequently, I must apply steps (3) and (4) of the test separately to the two separate inventive concepts.

**Step (3): Identify what, if any, differences exist between the matter cited as forming part of the "state of the art" and the inventive concept of the claim or the claim as construed**

- 22 Considering the first inventive concept, I note that the examiner cited the following four documents as forming the "state of the art": WO 2016/018205 A1; US 2016/0320801 A1; US 2016/0124464 A1; US 2015/0024625 A1. Figure 8 of document WO 2016/018205 A1 and figure 2 of document US 2015/0024625 A1 are reproduced below.



- 23 As can be seen from these figures, documents WO 2016/018205 A1 and US 2015/0024625 A1 each disclose a docking station capable of securely and releasably holding and charging a mobile device, wherein the docking station comprises a rotatable body comprising at least two different connectors to allow a user to select the connector suitable for charging their mobile device, the rotatable body being located at least partially within the unit and rotatable to expose the selected connector.
- 24 I will not include figures from documents US 2016/0320801 A1 and US 2016/0124464 A1 here but note that these documents also disclose docking stations having the features listed.

25 I consider that the first inventive concept is not new, as it has been previously disclosed in each of documents WO 2016/018205 A1, US 2016/0320801 A1, US 2016/0124464 A1 and US 2015/0024625 A1.

26 I turn now to the second inventive concept. Although not formally cited, the examiner provided a list of documents, all published before the earliest priority date of the application, as examples of applications disclosing modular power adapters. Figures from three example documents from this list are included below. The figures are figure 3 of US 2010/0033127 A1, figure 1 of US 2007/0216352 A1, and figure 4 of US 5963014 A.

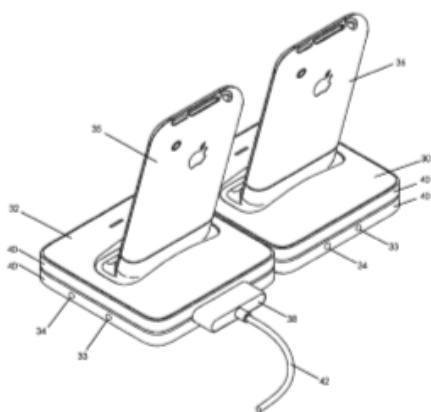


FIG. 3

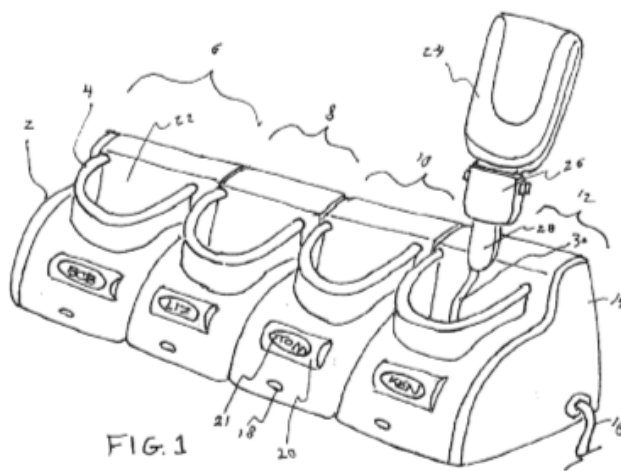


FIG. 1

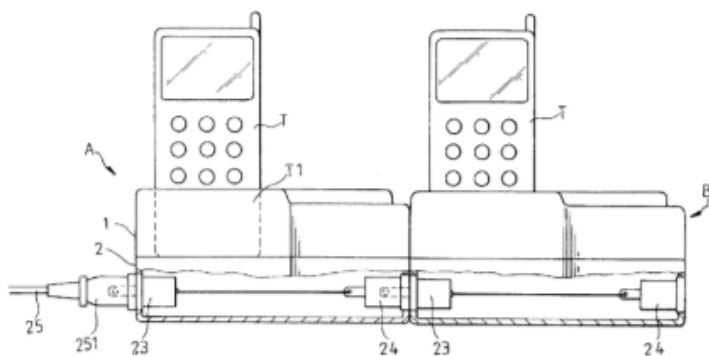


FIG. 4

27 Each of these figures shows a power adapter comprising a plurality of operably inter-connectable docking station units, each capable of securely and releasably holding a mobile device, the power adapter being configured to connect to a single electrical power supply for supplying power serially to each of the plurality of docking station units. I consider that the teaching of each of these three documents demonstrates that the second inventive concept is not new.

**Step (4): Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of invention?**

- 28 I have concluded that two separate non-novel inventive concepts are present in the claim and that no synergy exists between the two inventive concepts. I do not need to apply the fourth step of the test.

## **Conclusion**

- 29 I consider that the invention as defined by claim 1 relates to two separate inventive concepts that each lack novelty. There is no synergy between the two concepts and so I conclude that the invention as currently claimed lacks an inventive step.

## **Saving amendments**

- 30 During the hearing, other features of the invention were discussed, and it became apparent that the connection means between the separate docking stations may afford a particular advantage over other types of connection. The docking stations are connected using a bayonet connection, which Mr Jeffries asserted is a stronger and more secure connection which allows the power to be transferred serially through the connected units without the need for additional cabling between them. I note that none of the documents listed by the examiner showing modular power adapters teach the use of a bayonet connection. If modular power adapters having bayonet connections were indeed not known at the priority date of the application, this may form the basis of a saving amendment. I will therefore allow the applicant the opportunity to file amendments, the allowability of which will be considered by the examiner.

## **Compliance period**

- 31 The original compliance date of 27 May 2022 was extended to 27 July 2022 and this extension was at least in part required due to Mr Jeffries not receiving an examination report issued on 16 April 2021. Mr Jeffries did not realise that this examination report had been issued until he contacted the Office following receipt of a letter dated 27 April 2022 indicating that his application would be refused due to a response not having been received within the specified time period.
- 32 I note that the extended compliance date has passed, making a further extension necessary if amendments are to be filed. Acceptable amendments should be filed within this further extended compliance period or the application will be refused.

## **Appeal**

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

## **J Pullen**

Deputy Director, acting for the Comptroller