



PATENTS ACT 1977

APPLICANT Harvey Water Softeners Limited

ISSUE Whether patent application GB2202260.2 complies with s.1(1)(b), s.3 and s.1(2)(b) of the Patents Act 1977

HEARING OFFICER Ben Buchanan

DECISION

Introduction

- 1 Patent application GB2202260.2, published as GB2601086A, was filed 21st February 2022 as a divisional of GB1620844.9, itself claiming priority from GB1602429.1, and has 11th February 2016 as its priority date. The parent application was granted 13th July 2022; the earlier application was terminated before examination.
- 2 The Examiner, Dr Alun Owen, issued a combined search and examination report on 14th March 2022. Amongst other things, he objected to the claimed invention as lacking inventive step and as falling within an excluded category as it amounts to an aesthetic creation. There followed several rounds of correspondence between the Examiner and the Applicant's attorney, Mr Ewan Bewley of inCompass IP, without agreement being reached. On 27th June 2022, the Examiner and Mr Bewley spoke and had a very constructive discussion regarding the outstanding issues, but again, did not reach agreement. The Examiner explained the options for progress to Mr Bewley, including a hearing before a Senior Officer to decide the matter. That is the option that the Applicant took, requesting via Mr Bewley that a hearing be held, in their letter of 4th July. I should also say that in that letter, and at the hearing, Mr Bewley extended his sincere thanks to Dr Owen for the time and the effort he had put into the discussion, and in particular for the respectful and co-operative way in which he had done so. I too would like to thank Dr Owen for his excellent customer service.
- 3 The matter therefore came before me at an online video hearing on 23rd August 2022, at which the Applicant was represented by Mr Bewley.
- 4 I note that the application has been fully examined, and that the only outstanding objections are to lack of inventive step, and being excluded from patentability, under sections 1(1)b, 3 and 1(2) respectively. This means that if I find the invention to be allowable in respect of these, then it may proceed to grant.

Compliance period

- 5 As a preliminary matter at the hearing, I noted that the extended compliance period for this application was set to expire on 30th July 2022, but that a further Form 52 had been filed and the fee paid to request a discretionary further extension of the period. At the time the file had not yet been updated to reflect the extended compliance period. Given that the request was made while the arrangement for the hearing was pending, I confirmed that the request would be allowed and that the compliance period was extended to 30th September 2022. I also indicated that should it be necessary as a consequence of the timescale for issuing the decision, I would agree to it being further extended to 30th November 2022.

The invention

- 6 The invention relates to a compressed salt block (10), formed by a moulding process, for use in a water softener apparatus (100). The salt block slowly releases salt to maintain the salinity of a brine solution, used to elute a water softening cylinder (110) in which “hard ions” are exchanged with “soft ions”.

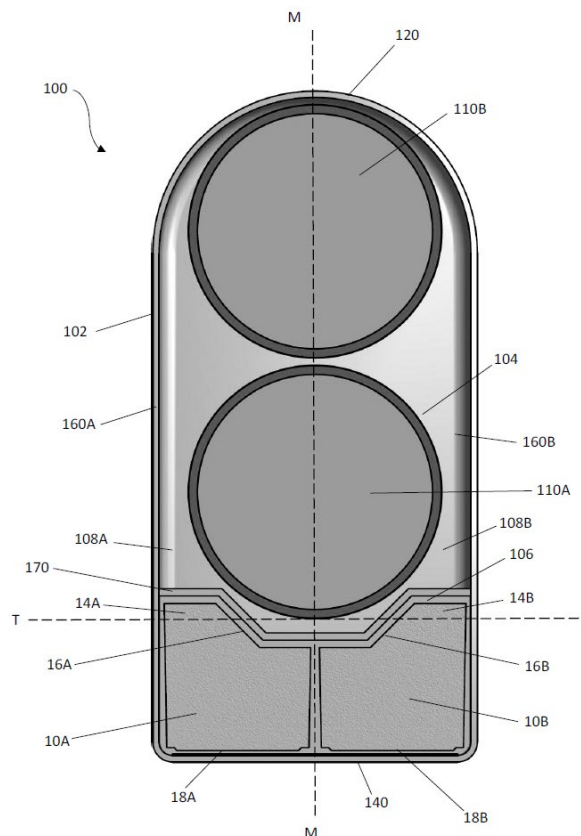


Fig. 3

- 7 There was no dispute that the use of compressed salt blocks in such apparatus is well known. The claimed advantage of the salt block of the invention arises as a consequence of its particular shape, and specifically the extension portion (14).
- 8 The claims for consideration at the hearing were the amended claims filed 19th April 2022. These comprise two independent claims: claim 1 to a water softener

apparatus compressed salt block and claim 6 to a method of forming a water softener apparatus compressed salt block.

9 The independent claims are:

Claim 1.

A water softener apparatus compressed salt block, the salt block formed by molding as a compressed salt block to comprise:

a longitudinally extending elongated body having a vertical longitudinal axis, a top horizontal face, a bottom horizontal face, and comprising:

a block portion having a rectangular cross-section taken in a horizontal plane that is perpendicular to the vertical longitudinal axis, wherein the rectangular cross-section is defined by a major front exterior surface that is a base surface of the block portion, a major rear surface, and a pair of exterior minor surfaces; and

an extension portion formed integrally with the major rear surface of the rectangular cross-section of the block portion as a single compressed salt block, wherein the extension portion has a cross-sectional area in said horizontal plane in the form of a right truncated triangle, the extension portion having a first exterior side that is contiguous with one of the pair of exterior minor side surfaces of the block portion, a second side that is contiguous with the major rear surface of the block portion, and an exterior hypotenuse side that extends at an acute angle relative to the base surface of the block portion from a rear edge of the first exterior side toward the major rear surface of the block portion;

wherein a horizontal cross section of the elongated body is substantially constant along the vertical longitudinal axis of the elongated body.

Claim 6.

A method of forming a water softener apparatus compressed salt block, the method comprising molding salt to compress said salt to form a salt block comprising:

a longitudinally extending elongated body having a vertical longitudinal axis, a top horizontal face, a bottom horizontal face, and comprising:

a block portion having a rectangular cross-section taken in a horizontal plane that is perpendicular to the vertical longitudinal axis, wherein the rectangular cross-section is defined by a major front exterior surface that is a base surface of the block portion, a major rear surface, and a pair of exterior minor surfaces; and

an extension portion formed integrally with the major rear surface of the rectangular cross-section of the block portion as a single compressed salt block, wherein the extension portion has a cross-sectional area in said horizontal plane in the form of a right truncated triangle, the extension portion having a first exterior side that is contiguous with one of the pair of exterior minor side surfaces of the block portion, a second side that is contiguous with the major rear surface of the block portion, and an exterior hypotenuse side that extends at an acute angle relative to the base surface of the block portion from a rear edge of the first exterior side toward the major rear surface of the block portion;

wherein a horizontal cross section of the elongated body is substantially constant along the vertical longitudinal axis of the elongated body.

10 I note that in both cases these independent claims are distinguished from those originally filed by the inclusion of the word “substantially” on the penultimate line, and by omission of a final clause:

...and the exterior hypotenuse side of the extension portion defines a functional face adapted to abut against a vertical wall or an exterior vertical surface of a tank of a water softener apparatus to position the compressed salt block within said water softener apparatus.

- 11 I further note that the granted parent patent has a single independent claim defining:

*A water softener apparatus comprising:
a housing accommodating at least one water softening tank; and
at least one water softener apparatus compressed salt block...*

The salt block subsequently defined in the parent claim essentially corresponds with that of the present application, so that the parent patent and the present application are intended to respectively cover the water softener apparatus itself (including the salt block) and, separately, the compressed salt block compatible with it.

- 12 In support of this approach Mr Bewley drew an analogy with printers and compatible printer cartridges, which might each be protected by separate patents in order to prevent infringement from two different sources. I sympathise with this position, inasmuch as the intellectual property framework ought to be capable of protecting either or both, providing each meets the requirements of the Act.
- 13 The substantive features of each of the independent claims of the present application are similar, including the manufacture of the salt block by moulding. The following discussion refers to claim 1 and applies by extension to claim 6.

The law

- 14 The Examiner has objected that the invention does not involve an inventive step. The relevant section of the Act is s.1(1), the most relevant provisions of which (with my emphasis added) are:

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 –

...

*It involves an **inventive step**;*

...

The grant of a patent for it is not excluded by subsections (2)...

And references in this Act to a patentable invention shall be construed accordingly

- 15 Section 3 of the Act relates to inventive step, 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).

16 The approach to be followed in assessing whether an invention provides such an inventive step is that laid down by the Court of Appeal in *Pozzoli*¹. That 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?*

17 The Examiner has also objected that the invention is excluded from being patented as an aesthetic creation as such. The relevant section of the Act is s.1(2), the most relevant provisions of which (with my emphasis added) are:

Section 1(2)

It is hereby declared that the following (among other things) are not inventions for the purposes of this Act, that is to say, anything which consists of –

- (a) ...
- (b) ...any other **aesthetic** creation whatsoever;
- (c) ...
- (d) ...

*but the foregoing provision shall prevent anything from being treated as an invention for the purposes of this Act only to the extent that a patent or application for a patent relates to that thing **as such**.*

18 Whether, or not, an invention falls within these excluded categories is assessed on the basis of the four-step approach set out by the Court of Appeal in *Aerotel*². The steps are:

- (1) *Properly construe the claim;*
- (2) *Identify the actual contribution;*
- (3) *Ask whether it falls solely within the excluded subject matter;*
- (4) *Check whether the actual or alleged contribution is actually technical in nature.*

19 The Court of Appeal in *Symbian*³ made clear that the *Aerotel* test is not intended to provide a departure from the previous requirement set out in case law, namely that the invention must provide a "technical contribution" if it is not to fall within excluded

¹ *Pozzoli SPA v BDMO SA* [2007] EWCA Civ 588

² *Aerotel Ltd v Telco Holdings Ltd & Ors Rev 1* [2007] RPC 7

³ *Symbian Ltd's Application* [2009] RPC 1

matter. The *Aerotel* test has subsequently been endorsed by the Court of Appeal in its decisions in both *HTC*⁴ and *Lantana*⁵.

Arguments and assessment

- 20 I noted at the hearing that the two issues under dispute, namely whether the claimed invention is inventive and whether it is not excluded, are distinct, and are assessed by different tests. They do, however, involve some similarities of consideration, and there is some overlap in the assessment for each.
- 21 At the hearing, as in his recent correspondence with the Examiner, Mr Bewley essentially argued that the shape of the salt block defined in the present claims provides practical advantages regardless of whether it is located within specific water softener apparatus. He explained that the shape of the salt block provides an advantage compared with a conventional rectangular salt block through its greater surface area for a given volume irrespective of the shape of the apparatus into which it is placed. This aids the dissolution of the salt into the brine solution.
- 22 Furthermore, as a result of its shape, that it provides an advantage in ease of handling, even when it is outside of any water softening apparatus. He emphasised that a block of this shape has been found easier to handle and manipulate than a prior art, rectangular block of the same size, particularly by those with smaller or weaker hands. This means that it is not necessary to include finger indentations as are normally formed on a prior art block (though these may still be included). This is particularly helpful when loading the block into water softener apparatus, which is often located under a kitchen counter or in some other out-of-the-way or not readily accessible place, and it also has benefit whenever the salt block is to be handled or carried.
- 23 Mr Bewley noted that neither of these practical advantages are dictated by the shape of the chamber in the water softening apparatus into which the salt block is to be placed. He argued that each of these advantageous characteristics provide a technical effect by virtue of the block alone, and that the shape of the salt block is therefore not simply a matter of aesthetics. On that basis, he argued that the claimed invention is more than an aesthetic creation as such, and therefore does not fall within that excluded category.
- 24 Similarly, as regards inventive step, Mr Bewley noted that prior art salt blocks do not have this shape and do not provide these unexpected advantages. He observed that whilst anyone could have made salt blocks of a different shape, no one had previously made them of this shape. He further noted that moulding a salt block into this shape is not as straightforward as moulding one with an essentially rectangular footprint, in that there is an increased risk of cracking due to the discontinuities in the outline of the claimed shape, so that forming by moulding would not merely require a routine or obvious workshop modification. He argued that these advantageous

⁴ *HTC Europe Co Ltd v Apple Inc* [2013] RPC 30

⁵ *Lantana Limited and The Comptroller General of Patents, Designs and Trade Marks* [2014] EWCA Civ 1463

features of the salt block, independent of the apparatus, and non-routinely producing the salt block are the product of non-obvious invention.

- 25 In addition to the above advantages, which Mr Bewley admitted were not explicitly acknowledged in the specification, he noted that the shape also provides certain advantages when in use, when the salt block is situated within a compatible water softening apparatus. These additional advantages are referenced in the specification but were not relied upon further in his argument because the claims no longer referred to the salt block *in situ*.
- 26 Having previously considered the specification and claims in detail, I agree that the description sets out several advantages of the salt block having the extension portion. Most of these are realised when the salt block is *in situ* within the compatible water softening apparatus, i.e. the apparatus covered by the parent patent and referred to in the first line of the claim. The description notes the increased surface area to volume ratio of a salt block of this shape compared with a traditionally shaped, rectangular base salt block but does not include any suggestion that this shape is more ergonomic or easier to handle (other than through the incorporation of ergonomic indentations). Instead, advantages described in the specification are:
- improved use of the “void spaces” within which the salt block is located and which permits an increased surface area (page 7 lines 14-15)
 - Improved stability and location of the salt block within the apparatus (page 5 line 27) particularly as they erode (page 7 lines 15-19)
 - In the event that more than one salt block is used, reducing the likelihood of a “salt bridge” forming between two adjacent blocks (page 7 lines 19-21)
- 27 These advantages are summarised in the description on page 11 line 29 – page 12 line 15. As stated, they only arise when the salt block(s) is located within the specific water softener apparatus when in use. Mr Bewley acknowledged this and agreed that the Examiner had been correct in asserting so. Nonetheless, they arise as a direct result of the shape of the salt block defined by the claims and it occurred to me in the hearing that a patentable form of claim should therefore be possible if the features characterising the salt block are themselves non-obvious and if the contribution thereby provided *when in use* is technical. After all, many inventions only provide a contribution when in use but are nonetheless protected by a patent between rolling off the production line and being put into effect.
- 28 In his final letter before the hearing, dated 6th July 2022, the Examiner set out his objections to the inventiveness and the patentability of the claimed invention. In this letter he follows the *Pozzoli* and *Aerotel* tests and concludes, in both cases, that absent the context of being located in the water softener apparatus, the characteristics of the claimed invention do not provide the required effects and advantages to be considered non-obvious, or a technical contribution.
- 29 I am not going to repeat all of the analysis here; it is set out clearly in the Examiner’s letter. Suffice it to say that in the hearing the steps of each test were not individually addressed by Mr Bewley, who instead relied upon assertion of the two advantages referred to above, not described in the specification. Mr Bewley explained that the

invention was originally conceived to make better use of the space inside a water softener apparatus and potentially reduce its overall size. He identified the differences which characterise the claimed extension portion over the prior art of “rectangular” salt blocks and claimed these were non-obvious in themselves and gave rise to the unexpected and technical benefits of improved handling and dissolution in general. In support of this he suggested that these benefits were not appreciated until after the invention had been made, thus the invention must be non-obvious. Notwithstanding the fact that these two advantages are not described in the specification, I would have to think hard about whether they alone prove that the shape is inventive *and* provides a technical contribution in and of itself.

30 What I am sure of, as stated above, is that when the salt block is *in use*, other advantages, which are included in the specification, are readily apparent. If the interaction of the claimed features of the salt block and the complimentary features of the water softener apparatus were defined in the claims, then these advantages arising when in use would, in my opinion, be readily appreciated by a skilled person when applying a purposive construction to understand the claim. In other words, if a skilled person read the claim in light of the description and could readily appreciate the advantages *when in use* conferred by the characteristics of the shape of the salt block claimed, I would only need to consider whether the salt block *in situ* was inventive and patentable. If these benefits *in use* were deemed to be non-obvious and provide a technical effect, then a claim to the salt block having the essential features necessary for the benefits to arise in use would by extension be allowable as the *purpose* of the claimed features as they stand alone would be clear.

31 At the time of the hearing, I came to a decision on this. In essence I agreed with the Examiner’s formulation of the steps of the *Pozzoli* and *Aerotel* tests, although I made no finding on the claims as they stood. Instead, I decided that the three advantages identified in paragraph 26 above are technical in nature and are enabled by the extension portion having a functional face of the salt block when in use. These features are non-obvious because they are specifically designed to address the three problems of use of void space, stability and salt-bridge formation. This requires non-trivial development; the prior art does not teach or suggest the provision of an extension portion to solve one of these problems, let alone all three.

32 So the question is, could the claim be amended satisfactorily, and how?

Amendments

33 It was not clear to me what the intended purpose had been of making the amendment to the original claims to remove the final paragraph. I discussed with Mr Bewley the two amendments made to the original claims, by which the word “substantially” was added, and the reference to the extension portion defining a functional face adapted to abut against a vertical surface to position the block within the water softener apparatus was deleted. The former amendment was made to overcome an objection raised in the first examination report. The latter amendment however was not required to overcome any objection raised by the Examiner, as far as I could see.

34 In discussion, Mr Bewley suggested that this latter amendment may have been made to avoid any impression that the salt block was to be defined by its function,

rather than by its shape. I note here that there was no objection made by the Examiner, nor in my opinion should there have been, that the claims were defined by the result achieved.

- 35 At the time it occurred to me that a reference to the extension portion as abutting against a vertical surface when "in use", rather than being "adapted to" do so, would clarify the technical characteristic of the defined shape in this regard.
- 36 I questioned Mr Bewley about this second amendment because it seemed to me that the final paragraph of the claim, which had been deleted, defines a technical advantage of the functional face of the extension portion, in the way in which it is able to interact with a vertical wall or surface of a tank of a water softener apparatus. As such, it provides an advance over the prior art. So, whether or not the present claims were allowable, I was confident that there was a basis for patentable claims in the application, and that it would be very closely related to the claims as they were originally filed.
- 37 Mr Bewley agreed, and said that he was confident that the Applicant would be content to reinstate to the independent claims wording essentially corresponding with that removed but to reflect the interaction *when in use*, and that this properly defines the geometric construction of the invention for which they seek protection.
- 38 The form of claims proposed and to which I agreed is:

Claim 1.

A water softener apparatus compressed salt block, the salt block formed by molding as a compressed salt block to comprise:

a longitudinally extending elongated body having a vertical longitudinal axis, a top horizontal face, a bottom horizontal face, and comprising:

a block portion having a rectangular cross-section taken in a horizontal plane that is perpendicular to the vertical longitudinal axis, wherein the rectangular cross-section is defined by a major front exterior surface that is a base surface of the block portion, a major rear surface, and a pair of exterior minor surfaces; and

an extension portion formed integrally with the major rear surface of the rectangular cross-section of the block portion as a single compressed salt block, wherein the extension portion has a cross-sectional area in said horizontal plane in the form of a right truncated triangle, the extension portion having a first exterior side that is contiguous with one of the pair of exterior minor side surfaces of the block portion, a second side that is contiguous with the major rear surface of the block portion, and an exterior hypotenuse side that extends at an acute angle relative to the base surface of the block portion from a rear edge of the first exterior side toward the major rear surface of the block portion;

wherein a horizontal cross section of the elongated body is substantially constant along the vertical longitudinal axis of the elongated body, and the exterior hypotenuse side of the extension portion defines a functional face which when in use abuts against a vertical wall or an exterior vertical surface of a tank of a water softener apparatus to position the compressed salt block within said water softener apparatus.

Claim 6.

A method of forming a water softener apparatus compressed salt block, the method

comprising molding salt to compress said salt to form a salt block comprising:

a longitudinally extending elongated body having a vertical longitudinal axis, a top horizontal face, a bottom horizontal face, and comprising:

a block portion having a rectangular cross-section taken in a horizontal plane that is perpendicular to the vertical longitudinal axis, wherein the rectangular cross-section is defined by a major front exterior surface that is a base surface of the block portion, a major rear surface, and a pair of exterior minor surfaces; and

an extension portion formed integrally with the major rear surface of the rectangular cross-section of the block portion as a single compressed salt block, wherein the extension portion has a cross-sectional area in said horizontal plane in the form of a right truncated triangle, the extension portion having a first exterior side that is contiguous with one of the pair of exterior minor side surfaces of the block portion, a second side that is contiguous with the major rear surface of the block portion, and an exterior hypotenuse side that extends at an acute angle relative to the base surface of the block portion from a rear edge of the first exterior side toward the major rear surface of the block portion;

wherein a horizontal cross section of the elongated body is substantially constant along the vertical longitudinal axis of the elongated body, and the exterior hypotenuse side of the extension portion defines a functional face which when in use abuts against a vertical wall or an exterior vertical surface of a tank of a water softener apparatus to position the compressed salt block within said water softener apparatus.

Oral decision

39 On that basis, I was willing to give an oral decision that such claims would be allowed, in respect of both inventive step under s.1(1)(b) and 3, and excluded subject matter, under s.1(2)(b). Whilst an automated transcript is available, it is not readily amenable to incorporation herein. I have therefore elected to summarise my reasoning given at the time as follows:

- i) In following the *Pozzoli* test, I am minded to use the Examiner's formulation of the steps of the test; namely his definition of the person skilled in the art; the inventive concept; and the differences between the state of the art and the inventive concept as set out in his pre-hearing letter dated 6th July 2022.
- ii) The Examiner has identified that salt blocks of the prior art do not comprise an extension portion and I agree. The difference therefore amounts to the present salt block having a particular shape including an extension portion having a functional face as defined in the claim.
- iii) In considering whether the differences would have been obvious to a person skilled in the art, the Examiner considered the claims dated 19th April 2022 which do not specify the interaction between the salt block and the water softener apparatus when in use. The Examiner considered that the advantages to handling and dissolution (referred to as "ergonomic advantages") would have been obvious and therefore that the difference amounted to an invention which was merely an aesthetic creation. The Examiner also noted the differences supported by the description relating to the used of void space, stability and reduction of salt bridges but noted that they only arise *in use* and because the claim is to the salt block per

se were not relevant. He also argued that the salt block may be produced by conventional means.

- iv) At this point I will consider the amendments to the claim which were removed on 19th April 2022 and whether they may be reintroduced and make a difference. As originally drafted, the claims defined a “functional face” (that is, the face which interacts with the water softener apparatus to directly or indirectly provide the functions of improved use of void space, stability and reduction of salt bridges). The functional face was defined as being “adapted to” abut a wall or surface. The Examiner considered that this did not define the face as enabling the advantages when in use.
- v) The form of claim proposed in the hearing clarifies that the face abuts the wall or surface *when in use*.
- vi) At the hearing I decided that this wording was acceptable in defining the purpose and function of the shape of the salt block. In so doing I was reliant upon the wording of the Manual of Patent Practice at section 14.131 which considers the situation where *the location of a feature of the invention is defined by reference to apparatus not forming part of the invention* and states:

The question as to whether such terms as "back", "front", "above", "upwardly", are allowable or whether they introduce uncertainty into the claim, must be decided upon the facts of the case. Particular care is needed when for example the location of a feature of the invention is defined by reference to apparatus not forming part of the invention claimed or even by reference to a person using the invention, although there will be many instances when such references are rendered clear by the inclusion of expressions such as "when in use", or "when held by an operator".

- vii) Based on the facts of the case, and considering how to acceptably define the function of the face of the extension portion of the salt block in co-operation with the wall or surface of the water softener tank, I am content that a purposive construction of the proposed claim, in light of the description, defining the characteristics of the salt block *when in use* is clear and would enable a person skilled in the art to readily appreciate the resultant advantages. That the claim is to the salt block alone does not change the specific purpose and resulting advantages of the features therein defined.
- viii) I am of the opinion that the differences over the prior art specified in the proposed claim which give rise to the advantages of the salt block when in use, are not obvious. The extension portion is not the result of arbitrary selection; indeed it is specifically designed to solve three problems as the specification acknowledges. That is enough to persuade me. Furthermore, the claim specifies that the salt block is moulded and at the hearing Mr Bewley explained the difficulties in manufacturing such a salt block by moulding, implying a prejudice against this approach. Whilst I am not reliant on this assertion for my finding, I am reassured by it and of the opinion that it supports my finding that the skilled person would not find the claimed salt block obvious to design and make.
- ix) In respect of the objection to excluded matter, I have effectively covered the issue above. I find that the claimed invention when in use gives rise to

advantages which are inherently technical in nature. I do not believe it necessary to explicitly report every step of the *Aerotel* test here; for reasons analogous to my consideration of inventive step, my assessment differs to that of the Examiner because we are considering different claims. I am content that the proposed form of the claims clearly enables a contribution to be identified, which provides a technical effect comprising the three advantages noted above.

Administrative matters

- 40 Having regard to the extended compliance period which was due to expire on 30th September, I requested the amendments be filed by 6th September, which would enable time for the Examiner to complete his consideration of the application as a whole. I am pleased to report that the amendments were received as agreed and the application has now proceeded to grant.

Conclusion

- 41 In light of the agreement at the hearing to file replacement claims, reinstating the original wording and clarifying the operation of certain features *when in use*, I make no finding as regards the claims on file at the date of the hearing, that is those filed on 19th April 2022.
- 42 I find that the claims proposed and agreed at the hearing (as above) and submitted on 30th August 2022 define an invention which constitutes an inventive step and does not fall solely within an excluded category. The objections considered at the hearing are therefore overcome by this amendment. I gave an oral decision to this end effective immediately.
- 43 I therefore remitted the application to the Examiner, to await the formal filing of amended claims as agreed, and then subject to any further examination to forward the application for grant.

Appeal

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

BEN BUCHANAN

Deputy Director, acting for the Comptroller