



BL O/322/06

9 November 2006

## PATENTS ACT 1977

BETWEEN

Lee Moore

Claimant

and

Nicholas Jackson

Defendant

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### PROCEEDINGS

Reference under section 72 of the Patents Act 1977, and application to amend under section 75, in respect of patent number GB 2371245

HEARING OFFICER     P Hayward

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## DECISION

### Background

- 1     In a decision dated 23 March 2006 (O/077/06), I found that certain claims of patent number GB 2371245 ("the patent") are not new and/or do not involve an inventive step having regard to the prior art referred to in that decision.
- 2     Although the defendant had not explicitly requested an opportunity to amend the patent, he had done so implicitly. Accordingly I allowed him the opportunity to file amendments within two months, failing which I would revoke the patent.

### Amendments

- 3     In response the defendant has filed amendments to the claims, resulting in two new independent claims, claims 1 and 28. New claim 1 corresponds to original claim 1 (i.e. claim 1 at grant) incorporating the features of original claim 15; and new claim 28 corresponds to original claim 29 incorporating the features of original claim 15. Consequential amendments to the claims and description have also been submitted.
- 4     The new independent claims read as follows:

1. A filter unit assembly comprising a filter unit for filtering particulates and other foreign matter from a water supply and a tank housing in which the filter unit is located, the filter unit comprising a filtering chamber, at least a portion of the exterior of the filtering chamber being provided with a mesh through which water may enter the filtering chamber in use, the mesh being sized to filter particulates and other foreign matter from the water, the filter unit further comprising an outlet through which filtered water exits the filter unit, and a rotatable member located within the filtering chamber, the rotatable member having at least one outlet spaced from an internal face of a mesh, the at least one outlet being angled at an angle  $\alpha$  to a radial direction passing through the axis of rotation of the rotatable member and the axis of rotation of the rotatable member being such that the at least one outlet traverses at least a substantial portion of the internal face of a mesh, the filter unit further comprising a dedicated pump having an inlet communicating with the filtering chamber and an outlet communicating solely with the rotatable member such that operation of the pump causes filtered water from within the filtering chamber to be pumped through the rotatable member to exit the at least one outlet and impinge on the internal face of the mesh so as to cause particulates and other foreign matter located on an external face of the mesh to be dislodged, wherein the pump is operable independently of the water flow rate through the filter unit; the tank housing being provided with an inlet for entry of water into the tank housing and the outlet of the filter unit forming the outlet of the tank housing.

28. A method of filtering water to remove particulates and other foreign matter comprising the steps of passing the water through a filtering chamber having a mesh sized to filter the particulates and other foreign matter from the water, outputting the water from the filtering chamber through an outlet of the filtering chamber, wherein a dedicated pump is used to pump water from the filtering chamber exclusively through a rotatable member located within the filtering chamber to exit through at least one outlet of the rotatable member to impinge on an interior face of the mesh so as to dislodge particulates and other foreign matter located on an exterior face of the mesh, the at least one outlet being angled at an angle  $\alpha$  to a radial direction passing through the axis of rotation of the rotatable member and the pump being operable independently of the water flow rate through the filter unit; the filtering chamber being located in a tank housing, the tank housing being provided with an inlet for entry of water into the tank housing and the outlet of the filtering chamber forming the outlet of the tank housing.

## **Conclusions and order**

5 I am satisfied that the requested amendments are allowable, and that they overcome my previous finding of lack of inventive step. I therefore order that the specification of the patent be amended as requested. Having found that the patent as amended is valid, I make no order to revoke the patent.

## **Costs**

- 6 I awarded costs to the claimant in my earlier decision. Any further costs incurred by the claimant in considering the amendments will be low, and indeed the claimant has not asked for further costs. Accordingly I make no further order in this respect.

## **Appeal**

- 7 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

**P Hayward**

Divisional Director acting for the Comptroller