

# Final Diploma

FD3 Amendment of Specifications

Specimen Mark Scheme

For first examination in October 2025

Mark scheme provisional pending consultation

■ Patent  
■ Examination  
■ Board

## Guidance for FD3 Examiners

The question paper comprises four tasks:

Task 1 – Amended Claims (35 marks)

Task 2 – a letter to the UK Intellectual Property Office in response to the Examination Report (37 marks)

Task 3 – Notes on which advice to the client will be based (28 marks)

Total marks available – 100

The FD3 syllabus contains Learning Outcomes which specify what candidates must know, understand and be able to do. These Learning Outcomes reflect the generic Learning Outcomes for the Final Diploma set out in the Programme Specification. The examination specifically tests candidates' ability to meet these Learning Outcomes.

1 The Levels of Response grids are used to determine the mark to be awarded for each task. Read the candidate's response for the task, referring to the Generic Criteria and QP-Specific Criteria.

What the levels mean:

- Levels 3 and 4: the candidate's response to the task meets, or exceeds, the standard of competence that demonstrates achievement of the learning outcomes.
- Level 2: the candidate's response to the task has not met the standard of competence that demonstrates achievement of the learning outcomes. A Pass in the examination can be achieved if a sufficient level of competence is demonstrated in the other tasks.
- Levels 1 and 0: the candidate's response to the task is significantly below the required standard of competence and the candidate cannot be awarded a Pass for the FD3 examination.

2 The QP-Specific Content is material that candidates may include in their answers, but is not exhaustive. Other responses that meet the task requirements may be acceptable. The QP-Specific Content is designed to help examiners to award an appropriate mark within the correct level.

3 The level should be first determined by starting at the highest level and working down until the level that best matches the answer is reached. Then the mark within that level should be determined.

4 The three tasks should be marked separately and a mark awarded for each task, then the four marks totalled and transferred to the marks spreadsheet.

5 A **best-fit** approach should be applied. Responses may contain both strengths and weaknesses and may be inconsistent in terms of the level achieved for different assessment criteria.

## Task 1 – Amended Claims (35 marks)

	Generic Criteria	QP-Specific Criteria	Mark Range
<b>Level 4</b>	<p>Claim 1 deals with all the objections based on novelty, inventive step, clarity, without being unduly narrowed</p> <p>If applicable, Claim 1 should be broadened to cover the client's interests as far as possible</p> <p>Defects in the dependent claims, whether in the OL or not, must be dealt with</p> <p>Significant features from the description and (if present) drawings should appear in the dependent claims</p>	<p>Main claim</p> <ul style="list-style-type: none"> <li>○ Valve in pipe, [operable by user,] including tubular stem 6' which slides in pipe 13 to occlude/ expose supply from the side arm 10 via a port 6" in the stem (p5 last para; p7 last para).</li> <li>○ Broaden by deleting "hemispherical"</li> </ul> <p>Dependent claims</p> <ul style="list-style-type: none"> <li>○ Deal with antecedent for stem 6' (claim 7; now probably present in claim 1)</li> <li>○ Amendment of existing subclaims (e.g. broaden scope of claim 6 to other couplings, broaden dependency of claims 7 and 8)</li> <li>○ Add dependent claims to useful features possibly providing fallback positions, e.g.: <ul style="list-style-type: none"> <li>• Detail of valve 6-9 (knob 7, spring, groove/rib)</li> <li>• Relative dimensions of port, side arm</li> <li>• Solid hemispherical sealing member; oval cross-section</li> <li>• Fit with set of sealing members</li> </ul> </li> </ul> <p>Method claim</p> <ul style="list-style-type: none"> <li>• Sealing member removable</li> <li>• Split claim 2 (but observe dependency of new claim 3)</li> </ul>	<b>28-35</b>
<b>Level 3</b>	<p>Objections broadly or arguably answered by claim 1, some loose ends</p> <p>May be some minor inconsistencies or issues with wording</p> <p>Most but not all features covered by Subclaims</p>	<p>Generally as above, but a couple of unnecessary or unclear limitations, e.g. Include spring etc, include diameter of port, structure not linked to function (or insufficient structure).</p> <p>A good number of dependent claims proving useful fallback positions to improve main claim</p>	<b>19-27</b>
<b>Level 2</b>	<p>Claim 1 is in the right direction but has minor inconsistencies, or lacks all necessary features, or includes minor unnecessary features</p> <p>Subclaims sparse or mostly trivial</p>	<p>Limited coverage, e.g. relying on diameter of port as main amendment, relying purely on water/air distinction for novelty over D2; claim directed to a minor feature</p> <p>Claim 1 unchanged but good arguments in covering letter</p> <p>Dependent claims not providing much fallback</p>	<b>10-18</b>
<b>Level 1</b>	<p>May omit Claim 1 unchanged; justification is inadequate</p> <p>Subclaims not improved</p>	<p>Severe issues (lack of novelty of independent claim, unsupported amendments)</p>	<b>1-9</b>
<b>Level 0</b>	<p>No response or no response worthy of credit</p>	<p>Claim 1 has severe issues, no backup, no engagement with objections</p>	<b>0</b>

## Task 2 – Letter to Patent Office (37 marks)

	Generic Criteria	QP-Specific Criteria:	Mark Range
<b>Level 4</b>	A clear, well-written response that clearly meets UK IPO requirements and deals with essentially all the points	<p>All amendments identified and supported, including for broadening and subclaims</p> <p>Clarity objection dealt with</p> <p>Novelty of claim 1:</p> <ul style="list-style-type: none"> <li>D1 – valve construction/location different; not operable (directly) by user. query whether D1 valve controls flow of fluid</li> <li>D2 – valve constituted by stopper at top of tubular shaft, operated by trigger, as opposed to tube 6' sliding in pipe 13</li> </ul> <p>Inventive step of claim 1:</p> <ul style="list-style-type: none"> <li>o using structured approach (PS or Pozzoli); nearest prior art either D1 or D2; CGK includes rubber plunger (Fig 3 of D2) but probably not D1 or D2 themselves;</li> <li>o discussion of inventive idea and of prior art, e.g. <ul style="list-style-type: none"> <li>▪ D1 valve at bottom is a non-return valve for different purpose, access is not a problem in a sink so no need for a separate valve operable by user (other than the tap); D1 device cannot be used for unblocking toilets; D1 valve restricts water flow.</li> <li>▪ D2 is designed to use air; arguably not obvious to connect the device to a tap (&amp; would lead to corrosion); invention achieves valve function with much simpler construction.</li> <li>▪ No real prospect of combining D1 + D2</li> </ul> </li> </ul> <p>Additional Novelty/IS of sub-claims (set of stoppers?)</p> <p>Admin points: Clarity of presentation, Record as agent, file form [51/77]</p>	<b>29-37</b>
<b>Level 3</b>	The response addresses most points Some arguments are a little weak or missing	Does not deal with all aspects of the cited documents and prior art described but generally sound	<b>20-28</b>
<b>Level 2</b>	Response only partially complete or does not deal with all the embodiments	Arguments do not properly tally with the claims Novelty/IS dubious, e.g. does not point out all distinctions of the valve construction	<b>10-19</b>
<b>Level 1</b>	No proper distinction is made Invention is not understood	Arguments unintelligible or do not properly relate to or correctly describe the prior art	<b>1-9</b>
<b>Level 0</b>	No response or no response worthy of credit.	No effective arguments	<b>0</b>

### Task 3 – Notes on which advice to the client would be based (28 marks)

	Generic Criteria	QP-Specific Criteria:	Mark Range
<b>Level 4</b>	Explains what has been done and how it fulfils the client's wishes Points out any matters that could not be dealt with	Discuss why claim 1 needs amendment, validity of Examiner's objections, e.g. whether D1 really anticipates; need novelty over D2 despite D2's use of air and its additional components Choice of amendment of claim 1: client letter implies construction of valve is important; also must be operable by user; simpler construction (as compared to D2) needs to be brought out. "Hemispherical" not essential. Address client's comments: Explain action on claim 1; explain, in response to client's comment about D2 ball, that absence of ball in invention does not help in distinguishing over D2 Possible alternatives/divisionals (set of stoppers?) New dependent claims, likelihood of success of response, fall-back positions, shape of stopper unlikely to be decisive, usefulness/not of method claim Miscellaneous: taking on representation as requested; timing of response; status of PA documents	<b>22-28</b>
<b>Level 3</b>	Generally explains what has been done and any weaknesses There are no serious omissions	As above, but glosses over some points; does not identify some minor weaknesses	<b>15-21</b>
<b>Level 2</b>	Reports most main points but omits some points that need consideration.	Of some use but fails to spot/report significant points, in particular those raised by the client's letter	<b>7-14</b>
<b>Level 1</b>	Fails to spot inadequate coverage; May demonstrate misplaced optimism	No explanation of action taken; failure to see significance of client's letter	<b>1-6</b>
<b>Level 0</b>	No response or no response worthy of credit		<b>0</b>