

**OPINION UNDER SECTION 74A**

Patent	GB2578530
Proprietor(s)	Red Paddle Co Limited
Exclusive Licensee	-
Requester	Beuro IP Limited
Observer(s)	-
Date Opinion issued	05 April 2022

**The request**

1. The comptroller has been requested to issue an opinion as to whether GB2578530 (the Patent) is novel or involves an inventive step over various pieces of prior art. The request was filed on 5<sup>th</sup> January 2022.
2. The primary argument asserts that claims 1, 2, 4, 6, 7, 17, 18 and 20 are not novel over disclosures relating to the C4 Waterman Supsquatch stand up paddle board (R1), whilst claims 3, 5, 8-16, 29 and 21 lack an inventive step over those disclosures alone or in combination with US 2009/049757 A1 (R2).
3. Brief additional arguments are also made that claim 1 is not novel in light of disclosures relating to the Tiki Factory Mega 17 (R3), the Tiki Factory Super Tanker (R4) or the Tiki Factory 10'7 (R5).

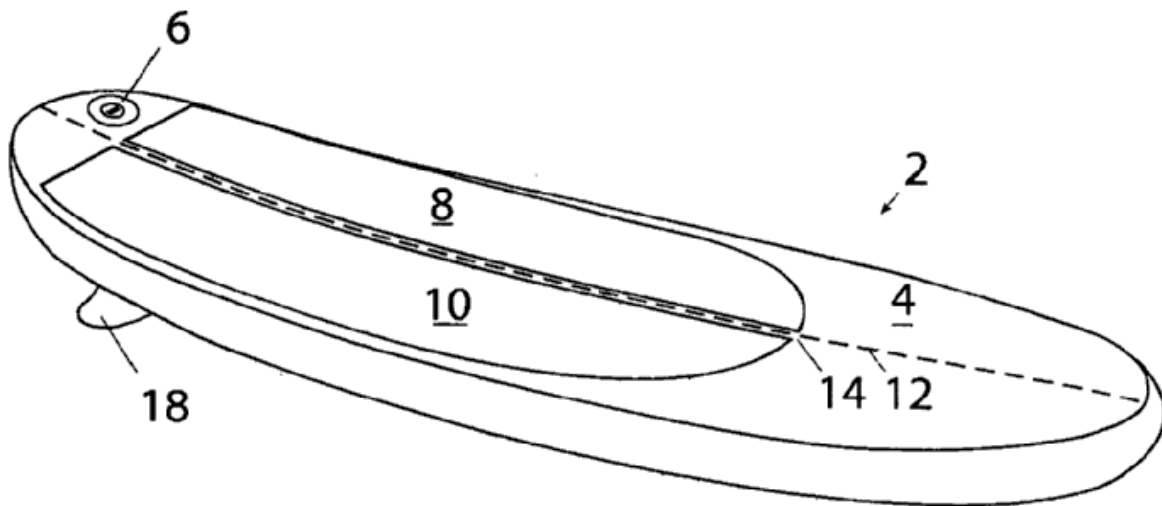
**Observations**

4. Observations were filed on 27<sup>th</sup> January 2022 by Graham Jones & Co and observations in reply were filed on 14<sup>th</sup> February 2022 by Beuro IP.

**The Patent**

5. The Patent was filed under the Patent Cooperation Treaty as application PCT/GB2019/000009 on 28<sup>th</sup> January 2019, claiming priority from GB application GB 1801794.7 dated 02<sup>nd</sup> February 2018.
6. A request for National processing was lodged with the UKIPO on 13th December 2019 and notification of grant was issued on 13<sup>th</sup> October 2020.

7. The patent is currently in force.
8. The patent concerns stand-up inflatable paddle boards (ISUP), as shown in Fig. 1, and in particular their efficient stowage in the deflated condition. The main body of the board is inflatable via valve (6) and has deck pads (8,10) suitable for a user to stand on.



**FIG 1**

9. The opening of the description indicates that ISUP are typically folded/rolled transverse to the long axis of the board. The invention involves making at least one fold along the long axis of the board (such as 12 in Fig. 1) and providing a 'gap' (14) in the deck pads to permit this longitudinal folding. This longitudinal fold should reduce the bulk of the board when deflated.
10. The patent has a sole independent claim, 1.

*A stand-up inflatable paddle board comprising:*

*(i) a deck;*

*(ii) a valve for enabling the stand-up inflatable paddle board to be inflated and deflated;*

*(iii) indicator means for indicating that the stand-up inflatable paddle board requires at least one fold which is longitudinal when the stand-up inflatable paddle board is to be placed in a deflated condition; and*

*(iv) at least one deck pad which extends longitudinally of the deck and which is for receiving a user of the stand-up inflatable paddle board,*

*and the stand-up inflatable paddle board being such that:*

*(v) the deck has a top side and an underside;*

*(vi) the top side and the underside are such that water cannot pass through the deck from the underside to the top side;*

*(vii) the deck has a front portion which curves upwardly in use of the stand-up inflatable paddle board; and*

*(viii) the deck pad causes the stand-up inflatable paddle board to have a gap which permits the fold to be effected about the gap.*

## **Claim Construction**

11. Before considering the issues in the request I need to construe the claims of the Patent, that is to say I must interpret it in light of the description and drawings as instructed by Section 125(1). In doing so I must interpret the claims in context through the eyes of the person skilled in the art. Ultimately the question is what the person skilled in the art would have understood the patentee to be using the language of the claims to mean. This approach has been confirmed in the recent decisions of the High Court in *Mylan v Yeda*<sup>1</sup> and the Court of Appeal in *Actavis v ICOS*<sup>2</sup>.

## **The Person Skilled in the Art**

12. Whilst the original Request does not set out an explicit view on the skilled person, the Requestor does describe the person skilled in the art and their common general knowledge in their Observations in Reply.

*1a. The notional “person skilled in the art” is a person who manufactures and/or designs inflatable paddle boards such as that described in the specification*

*1b. The common general knowledge of such person extends to various types of paddle boards for single and multiple users, the materials the paddle boards are made of, the usage of the decks, the materials the deck are made of, the making and using of fins and paddles. It would not be reasonable to suggest the common general knowledge is limited to, for example, single user paddle boards as this would be unduly limiting.*

13. The Observations do not set out a view on who the person skilled in the art is. However, the Observations do include a passage in paragraph 10 about how manufacturers of ISUP would understand claim 1, with the implication that the ISUP

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<sup>1</sup> *Generics UK Ltd (t/a Mylan) v Yeda Research and Development Co. Ltd & Anor* [2017] EWHC 2629 (Pat)

<sup>2</sup> *Actavis Group & Ors v ICOS Corp & Eli Lilly & Co.* [2017] EWCA Civ 1671

manufacturers are who the claim is directed towards.

*It is inconceivable that manufacturers of stand-up inflatable paddle boards in general and especially those concerned with the manufacture of stand-up inflatable paddle boards for a single user could understand claim 1 of the patent as being for anything other than a stand-up inflatable paddle board for a single user.*

14. From these passages, it seems that both the Requestor and the Patentee think that the person skilled in the art is an ISUP manufacturer. The common general knowledge set out by the Requestor also appears reasonable. Therefore, I am happy to adopt the person skilled in the art as set out in the Observations in Reply.

### **The Claims**

15. The Request does not explicitly construe claim 1 but instead moves directly to a point by point comparison with the prior which includes some commentary about how those points are being understood. The Observations and Observations in Reply then concern themselves with the size of the paddle board, and do not dispute the construction of other claim elements.
16. However, some aspects of the claim wording seem worthy of comment and I will discuss these before moving on to the board size issue raised in the observations.
17. The original request discusses whether the term 'deck' is intended to relate to the upper surface of the board or the whole body of the board. It notes that point vii of the granted claim 1 make most sense if the deck is the whole board. Conversely, I note that points ii and iii discuss inflating and deflating the 'board' and not the 'deck' which suggests that the 'deck' is not intended to refer to the whole body of the board.
18. Dependent claim 11 specifies stiffening members on the top side and underside of the stand-up inflatable paddle board. Figure 12 of the Patent shows how the stiffening members should be fitted to top side of the stand-up inflatable paddle board with the deck pads fitted over them. This would suggest that the board is intended to refer to the whole inflatable body, whilst deck is synonymous with the top side of the board.
19. Whilst point v-vii of claim 1 make less sense if the deck is the upper surface of the board the result is not unreasonable. Conversely, if the deck is supposed to be the whole inflatable body it makes no sense that the inflation/deflation is not done to the deck. Therefore, on balance I think that deck must be intended to refer to the upper surface of the board.
20. Point iii of claim 1 specifies indicating means indicating that the board 'requires' at least one longitudinal fold. 'Requires' would normally suggest that the board 'must' be folded. However, whilst making such a fold may be better/optimal when deflating/packing the board nothing in the application suggests that the board could not be subjected to only transverse rolls/folds.
21. Relatedly point viii of claim 1 specifies that the deck pad 'causes' the board to have a

gap which 'permits' effecting the fold about the gap. 'Permits' suggests that the board 'may' be folded, rather than the 'must' be from point iii.

22. Taking points iii and viii together the person skilled in the art would conclude that claim 1 requires that the board must be suitable for a longitudinal fold along the gap. I do not think that they would reasonably conclude that the literal meaning of 'requires' was intended.
23. The final piece of claim wording which I need to consider is what it means for a gap to 'permit' a fold in point viii. Clearly it must be reasonably easy to make a fold along the gap, but does the word imply that a fold would not be 'permitted' if the gap was absent. That is, must longitudinal folds away from the gap be impermissible?
24. Invariably, it will be the case that where there is more material (i.e. a full thickness deck pad versus a thinner or absent deck pad) folding will be more difficult but not necessarily so difficult as to prevent folding. The paragraph spanning pages 2 and 3 indicates that the longitudinal fold may be followed by transverse folding/rolling. This will almost certainly involve folding/rolling of the deck pads in the embodiments. Additionally, the first full paragraph on page 7 indicates that the deck pads may be made from thermal polyurethane which allows good folding/rolling. Given these elements I do not think that 'permitting' a fold can be constructed to imply that the deck pads cannot also be folded longitudinally.
25. I now move to the construction issue raised in the Observations, which is that a limitation to stand up inflatable paddle boards 'for a single user' is implied by claim wording.
26. Points 4-7 and 9 of the observations deal with the related issue of establishing what is actually disclosed in the description/drawings. Since Section 125 requires me to consider the description and any drawings when interpreting the claims I will consider this first.
27. The Observations argue, in paragraph 5, that the presence of fins means that the embodiments must show an ISUP for a single user. The Lokahi Enjoy Air shown in Fig. 5 of the observations in reply and the Tiki Factory Super Tanker shown in Fig. 3.1 of the Appendix 8 of the Request both show fins on larger boards not intended for a single user. Hence, I do not think I could reasonably say that the presence of fins is indicative of the size of ISUP.
28. The Observation argument, in paragraph 4, that discussion of 'a user' folding an ISUP on page 12 lines 5-11 of the Patent imply that the ISUP is for a single user. I do not think that the size/user capacity of an ISUP can reasonably be inferred from discussion of its folding in the manner suggested.
29. Conversely, the Observation argument, in paragraph 6, that the reference to deck pads for 'a user' (page 9 lines 1-3 of the Patent) do suggest that ISUP in the embodiment is intended for a single user does seem reasonable.
30. Within the Patent, the only dimensions specified were for the stiffening strips shown in Figs. 10-13 which may be 50mm and 80mm wide. If Fig. 10 is assumed to be to scale and the wider stiffening strip shown is assumed to have the example width of

80mm, then the board shown in Fig. 10 would be approximately 500mm wide and 3000mm long.

31. Whilst that analysis relies on uncertain assumptions some variation in size from that calculated would still seem to be compatible with a board intended for a single (average adult) user. Hence, considering all of the argument my opinion is that the embodiments probably show an ISUP intended for a single user.
32. Having considered what the description and drawings actually disclose in relation to the size of the board, I now move on to consider how to construct this aspect of claim 1.
33. Firstly, patent claims are invariably generalisations based on one or more embodiments. Therefore, even though the description and drawings probably disclose a board intended for a single user it does not necessarily follow that claim 1 is limited to boards intended for a single user.
34. Looking to the wording of claim 1 itself, a user is only mentioned in point iv which specifies the deck pad.

*(iv) at least one deck pad which extends longitudinally of the deck and which is for receiving a user of the stand-up inflatable paddle board,*

35. At point 2 the Observations state 'The term 'a user' includes as a matter of English a single user.'
36. The Protocol on the Interpretation of Article 69 of the European Patent Convention applies when constructing claims as required by Section 125(3). Article 1 General Principles of the Protocol states

*Article 69 should not be interpreted as meaning that the extent of the protection conferred by a European patent is to be understood as that defined by the strict, literal meaning of the wording used in the claims, the description and drawings being employed only for the purpose of resolving an ambiguity found in the claims. Nor should it be taken to mean that the claims serve only as a guideline and that the actual protection conferred may extend to what, from a consideration of the description and drawings by a person skilled in the art, the patent proprietor has contemplated. On the contrary, it is to be interpreted as defining a position between these extremes which combines a fair protection for the patent proprietor with a reasonable degree of legal certainty for third parties.*

37. This indicates that the linguistic approach taken in point 2 is not the correct one and that interpretation in light of the description and drawings is necessary.
38. Even if I were to take the linguistic approach. In English 'includes' tends to be understood as relating to a partial list. On that basis, point 2 seems to suggest that whilst claim 1 must encompass boards for a single user it is not limited only to boards for a single user. Hence, I think that point 2 contradicts the argument made in

point 1 of the observations that the ISUP is 'for a single user'.

39. At point 8 the Observations discuss page 1 lines 3-9, where it is stated that 'Stand-up inflatable paddle boards are well known.'. Point 8 states that ISUP for a single user made up 99% of the market at the priority date (2018/02/02) and that the skilled reader would understand that 'well known' meant that only that single user market segment was intended. This understanding requires a lot of prior knowledge on the part of the skilled reader. They must know that the ISUP market is considered to have 'well known' and 'not well known' segments and that these segments correspond to the user capacity of the ISUP. The alternative is that the statement merely says that ISUP as a general class are well known. On balance that seems to be the more plausible reading and that the skilled reader would not see this passage implying any market segmentation.
40. As noted above the only explicit dimensional information in the description relates to the width of stiffening members. Also, I have been unable to find any passages which suggest to the skilled reader that the size of the ISUP is a significant consideration where the invention is concerned.
41. Considering all the above points, I do not think that the person skilled in the art would interpret the reference to 'a user' or any other part of claim 1 as implying that the claim scope is limited only to ISUP whose size is suitable for an single user.
42. One question, whose significance will become apparent below, is what form of indication as allowed. Dependent claim 7 specifies that 'the gap is configured to form the indicator means.'. Relatedly, the description states on page 4 'Thus, with a pair of relatively long deck pads, the gap between the deck pads forms an intuitive indicator means as to where the fold should be made.' and on page 9 'If desired, the indicator means 12 could alternatively be simply the gap 14 between the deck pads 8, 10.'. Thus, irrespective of other potential forms of indication, the gap alone may provide the indication arguably subject to the requirement that it be relatively long.
43. Bearing in mind the construction of the particular terms discussed above claim 1 can be straightforwardly construed as written.

## **Validity**

### **Novelty**

44. Section 1(1) of the Act reads:

*A patent may be granted only for an invention in respect of the following conditions are satisfied, that is to say –*

- (a) the invention is new;*
- (b) it involves an inventive step...*

45. Section 2(2) of the Patents Act 1977 states:

*The state of the art in the case of an invention shall be taken to comprise all matter (whether a product, a process, information about either, or anything else) which has at any time before the priority date of that invention been*

*made available to the public (whether in the United Kingdom or elsewhere) by written or oral description, by use or in any other way.*

46. The request refers to four inflatable stand up paddle boards and reproduces web pages relating to each. Some of the pages have identified dates which fall before the priority date of the application (02<sup>nd</sup> February 2018) whilst others are undated. Where live links are available the web pages seem to concur with the asserted dates and the observations do not raise any questions regarding the dating of the evidence, therefore I will accept that the provided evidence falls within the scope of Section 2(2)
47. There are some common issues which apply to all four paddle boards.
48. Firstly, valves cannot clearly be seen in any of the photographs but would be implicitly necessary to inflate and deflate the boards. No questions around the issue of valves was raised in the observations, therefore I shall take it as accepted that all four boards have valves.
49. Secondly, all of the photographs of the boards show differently coloured areas on the upper/deck sides of the boards in locations roughly corresponding to the deck pads shown in the Patent. From the photographs alone it cannot always be definitively determined that they are pads and not just markings and their suitability for standing/kneeling users must be presumed unless the users are pictured. The observations have not raised questions on the issue of deck pads, therefore I shall take it as accepted that the differently coloured areas are deck pads and that they are suitable for receiving users.
50. The request only includes arguments about the validity of the dependent claims based upon the C4 Waterman Supsquatch, therefore I shall consider that last and work through the boards in reverse order.
51. The Tiki 10'7 is detailed in Appendix 4 of the request and I reproduce part of Fig. 4.1 here.





52. It is identified in Fig. 4.2 as being an inflatable stand-up paddle board and clearly has a deck through which water cannot pass. There are two darker (red in the original) areas on the deck which are taken to be deck pads with a narrow gap between them. However, the front portion of the deck does not have an appreciable upward curve in the photographs provided in the appendix to the Request.
53. Also, handles are found at the front and back of the board in line with the gap between the deck pads. The Observations argue that these handles, a valve and a central fin stop the longitudinal folding, whilst the Observations in reply argue that handles parallel to and/or offset from the fold line would not cause issues with folding. However, since the handles on the Tiki 10'7 are transverse to and do cross the potential fold line running along the gap between the deck pads these arguments do not apply. Taking this all into consideration I do think that a fold along the gap between the deck pads of the Tiki 10'7 is permitted.
54. Thus, the Tiki 10'7 lacks the upward curving deck and folding along the deck pad gap specified in claim 1.
55. Next, I consider the Tiki Factory Super Tanker shown in Appendix 3 of the request and reproduce the most relevant part of Fig. 3.1



56. Fig. 3.1 identifies the subject matter as Tiki iSUP Inflatable and seems to show a diagram of drop thread construction, which would concur with the Super Tanker being inflatable. The board clearly has a deck which would be impermeable to water and which curves up at the front. There are some marked areas on the deck (white, blue and black in the original) which are presumably deck pads separated by narrow gaps. Unlike, the Tiki 10'7 there do not appear to be any handles or other fixtures in line with these gaps which would preclude folding along the lines of the gaps.
57. It is clearly not possible to tell from the drawing alone how the Super Tanker may be folded. However, some folding for storage appears to be the norm for ISUP and nothing about the Super Tanker suggests that it could not be folded transversally or longitudinally. The observations do not raise any questions about whether the Super Tanker could be folded longitudinally along the gaps between the deck pads. Hence, whilst the evidence on this point is rather thin, I think that the Super Tanker could be folded longitudinally along the gaps between the deck pads.
58. As discussed above a relatively long gap may amount to an indication of where to fold. The gaps on the Super Tanker are relatively long (even if made up of three parts) and appear to be adequate to provide an indication of where the board could be folded.
59. The Observations do not specifically question any of the above points, and indeed acknowledge in point 15 that longitudinal folding of multi-user stand-up inflatable paddle boards was known. Thus, the Patentee seems to have conceded these points insofar as they apply to multi-user boards.
60. Hence, the Tiki Factory Super Tanker anticipates claim 1.
61. I now move on to the Tiki Factory Mega 17, shown in Appendix 2 of the Request. I reproduce parts of Figs. 2.3, 2.4 and 2.5 showing the inflated and folded boards and deck pad/front section detail respectively.





62. The Mega 17 is clearly an inflatable stand-up paddle board with a deck which is impermeable to water and whose front section curves upwardly. The central area (red in the original) has a distinct texture in Fig. 2.5 indicative of a pad and is clearly suitable for receiving users. There are gaps in the deck padding and there do not appear to be fixtures preventing folding along the lines of these gaps (the handles at the rear of the board appear to terminate on the line of the gap rather than straddling it as was seen with the 10'7 above).
63. Fig. 2.4 appears to show that all the folded dimensions are less than the width of the Mega 17 and thus that at least one longitudinal fold has been made. It is impossible to determine from the evidence if any such fold was made along the gaps in the deck pads. However, if the Mega 17 has been folded through its deck pads I cannot envisage that it could not be folded along the gaps between the deck pads.
64. The gaps in the deck pads are relatively long and can be considered to be an indication of a suitable fold location.
65. Hence, the Tiki Factory Mega 17 anticipates claim 1.
66. Finally, I come to the C4 Waterman Supsquatch shown in Appendices 1.1-1.4 of the Request. Here is detail from Appendix 1.1 Fig. 1.3 showing the fold in the Supsquatch and Fig. 1.4 showing the nearly inflated Supsquatch and including the Requestor's annotations.





Figure 1.4 - Supsquatch unrolled and being inflated. The red marquee shows the longitudinal gap between the two deck pads

**D (deck pad)**

**G (gap)**

**D (deck pad)**

67. The Supsquatch is clearly an ISUP with a deck that is impermeable to water and which curves upwardly in its front section (this can be seen clearly in the video that the above figures are taken from Fig. 1 of Appendix 1.4).
68. The Requestor's marking in Fig. 1.4 has not been questioned in the observations, hence I accept that the Supsquatch has two deck pads separated by a gap. In the video linked to in Request Appendix 1.4 the users appear to mostly kneeling on the deck pads, showing that they are suitable for receiving users.
69. Appendix 1.1 clearly shows that the Supsquatch can be folded longitudinally where the gap between the deck pads is and the gap is relatively long and amounts to an indication.
70. Hence, the C4 Waterman Supsquatch anticipates claim 1.

71. Moving to consider the novelty of the dependent claims in light of the C4 Waterman Supsquatch, I would note that the Observations have not specifically questioned any of the issues raised in the Request relating to the dependent claims.
72. The Supsquatch has a pair of deck pads separated by a gap along the central longitudinal axis of the board, thus anticipating claims 2 and 4.
73. As discussed above the gap between the Supsquatch deck pads amounts to an indicator, anticipating claim 7.
74. Claim 17 specifies anchor points 'for enabling goods to be secured on the deck'. Page 6 of the description says the anchor means is for receiving a tie such as a piece of string for being passed around products to be secured. The Request points out a 'Stainless steel d-ring attachment' specified in the feature list in Appendix 1.2 and I note that the preceding text refers to a 'stainless steel D-ring attachment point'. Such a D-ring will inevitably be suitable for receiving ties as specified on page 6 and thus suitable for securing goods to the deck. The Supsquatch therefore anticipates claim 17.
75. Claim 18 specifies that the anchor point of claim 17 comprises a plurality of eyelets and the Request argues that the stainless steel D-ring anticipates claim 18. Whilst a D-ring or a point for attaching a D-ring would arguably be an eyelet, the disclosure in Appendix 1.2 does not make clear the number of such attachment points and therefore I cannot say that it discloses a plurality of eyelets.
76. Claim 19 specifies 'drop stitch material'. Having looked up the term online, I understand drop-stitch to mean having threads (stitches) interconnecting the internal surfaces of an inflatable body, the threads then controlling the body's shape once inflated to some extent. The description of the Supsquatch in Request Appendix 1.2 says 'Inside each product, thousands of high-tech fiber cilia anchor the deck to the bottom, allowing for superior rigidity ...' which would seem to disclose drop stitch material in substance if not in name, anticipating claim 19.
77. Claim 20 specifies a handle off-set from the fold. On a plain reading this would simply require some handle located away from the fold, however I think this makes little sense since that would still allow some handles to be located on, and possibly interfere with, the fold. Therefore, I think that the skilled person would construct this claim to require that all handles be offset from the fold. Since Fig. 1.4 shows two handles located on the fold line the Supsquatch does not anticipate claim 20.

### **Inventive Step**

78. The Request makes brief arguments about the validity of several dependent claims on the basis that they lack an inventive step. The Observations have argued in turn that the dependent claims are novel and inventive by virtue of depending upon a claim 1 that they assert is novel and inventive and therefore do not include any specific arguments in relation to the dependent claims. Whilst this presents some difficulty in reaching an opinion on these matters and will require some supposition, I will attempt to assess the claims as best I can.
79. Claim 3 specifies that the gap in the deck pad be a channel, the embodiments

indicate that this will probably be a thinner section of deck pad. The Supsqatch lacks such a channel but the Request asserts without explanation that a channel would be an obvious modification. I note that none of the boards referred in the Request seem to show channels in deck pads and no substantial evidence or argument that such channels are common general knowledge has been presented. Furthermore, the Supsqatch has a wide gap compared to those disclosed in the Patent. Even if such channels were common general knowledge would the skilled person use such a construction for such a wide gap. Based on the limited evidence, I think that the skilled person would not consider using a deck pad with a channel on the Supsqatch. Hence, claim 3 is not obvious.

80. Claim 5 requires two pairs of pads disposed symmetrically about the central longitudinal axis. In the embodiments the pad arrangement is linked to additional folds which may be inventive, but without that link to fold locations the pad arrangement is arguably arbitrary and would not provide an inventive step. For example, pairs of pads arranged one behind the other along the length of a board similar to the outer pads of the Tiki Factory Super Tanker would meet the claim requirements without changing the folding situation compared to a single pair of long deck pads. Hence, simply having two pairs of symmetric pads would be an arbitrary choice on the part of the person skilled in the art and claim 5 is obvious.
81. Claims 6, 8 and 9 specify (arguably explicit) indications of a fold location on the top and/or bottom of the board. None of the boards identified in the Request seem to have folding indications marked on them, which would tend to suggest that such markings are not normally present. However, none of the evidence presented in the Patent, Request or Observations suggests that a lack of indication is problematic in a technical sense (e.g. users are misfolding boards). The evidence regarding whether the indications are technically significant is scant and I would caution about my low level of certainty regarding these claims, however, on balance, my opinion is that having fold indications is an arbitrary choice from a technical perspective and that claims 6, 8 and 9 are obvious.
82. Claims 10-14 specify including various arrangements of stiffening members in the board. With respect to these claims the Request considers the Supsqatch in combination with patent document US 2009/0049757 A1. However, the Request does not explain how the person skilled in the art would come to consider the two together. The description of the Supsqatch in Appendix 1.2 notes the board's 'superior rigidity' and their having 'the closest thing to hard board performance' which would tend to lead the skilled reader away from investigating ways to stiffen the board further. Therefore, I do not think that the skilled person would consider the Supsqatch in combination with US 2009/0049757 A1.
83. That being said, the request does reference paragraph 0007 of US 2009/0049757 A1 which indicates that stiffening batons are common knowledge. In the absence of other evidence I am prepared to accept this assertion about common general knowledge. This is arguably sufficient to render stiffening per se and thus claim 10 obvious.
84. Conversely, claims 11-14 specify the locations, amounts and flexibility of the stiffening members and I do not think this evidence is sufficient to indicate that these matters are common general knowledge. As a result claims 11-14 are not obvious.

85. Claims 15 and 16 specify that the valve be located on the left and right side of the deck respectively. The left/right positioning of a valve on the board is, in general, arbitrary. I think that the drafter is probably trying to indicate that the valve mounting is offset from the fold, but I think that such a construction strays too far towards the claim wording being only a guideline and relies upon a central fold which is only true insofar as the claims are dependent upon claim 4. Therefore, I think that I must construct the claims plainly as defining a valve location on the left/right of the board and on that basis I think that claims 15 and 16 are obvious.
86. Claim 18 specifies that the anchor means is a plurality of eyelets. Request Appendix 1.2 indicates that the Supsqatch has a stainless steel D-ring attachment point and I accept that this corresponds to an anchor means as specified in claim 17. Either a D-ring or a point for attaching a D-ring will arguably constitute an eyelet. There is not much detail about this attachment point, but it cannot be clearly seen in the video of Request Appendix 1.1 so cannot be that large. Furthermore, it is not clear that the Supsqatch has only one attachment point. Whilst this lack of information gives me pause, I think that the skilled person would consider having multiple attachment points (assuming that the Supsqatch does not have these already) and that this would make claim 18 obvious.
87. As noted above when considering novelty claim 20 has been constructed to specify that the ISUP has at least one handle and that any handles be located away from any fold line. The Supsqatch has two handles mounted on the fold line and thus does not anticipate that construction. However, the fact that the Supsqatch has handles mounted on the fold line and that they do not interfere with the folding indicates that the claimed limitation on handle location is arbitrary for at least some handles. Hence, I do not think that claim 20 is inventive across its whole scope.
88. Claim 21 specifies a pair of fins mounted such that they are offset from the fold. The Request asserts that fins on stand-up inflatable paddle boards are common general knowledge and this is not contradicted in the Observations. Furthermore, all of the Tiki Factory ISUP shown in Appendices 3 and 4 of the Request are equipped with fins. Hence, I accept that fins are common general knowledge. I also accept that the skilled person would avoid mounting the fins in problematic locations as part of normal workshop practice. Therefore, I think that, at least insofar as the fins were large enough to interfere with folding, mounting them away from the fold, and hence claim 21, would be obvious.

## **Amendment**

89. The Observations, at point 19, request that I take account of a proposed amendment wherein claim 1 is explicitly limited to ISUP 'for a single user'. Whilst this is a pertinent issue, the original Request related to the claims of the Patent as they stand, and any potential amendments fall outside the scope of that Request. Therefore, I am unable to consider the proposed amendment in this Opinion.



## **Opinion**

90. It is my opinion that Claims 1, 2, 4, 7, 17 and 19 are anticipated by the C4 Waterman Supsquatch.
91. It is my opinion that claims 5, 6, 8-10, 15, 16, 18, 20 and 21 are rendered obvious by the C4 Waterman Supsquatch.
92. It is my opinion that claim 1 is anticipated by the Tiki Factory Mega 17.
93. It is my opinion that claim 1 is anticipated by the Tiki Factory Super Tanker.
94. It is my opinion that claim 1 is not anticipated by the Tiki Factory 10'7.

## **Application for review**

95. Under section 74B and rule 98, the proprietor may, within three months of the date of issue of this opinion, apply to the comptroller for a review of the opinion.

Owen Wheeler  
Examiner

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## **NOTE**

*This opinion is not based on the outcome of fully litigated proceedings. Rather, it is based on whatever material the persons requesting the opinion and filing observations have chosen to put before the Office.*