

conforms to the flow. As well as facilitating flotation, this shaping is also stated to provide automatic centring under or within the flow. Holes, grooves, and protrusions may also be added to induce and maintain rotation. Moreover, magnets may be incorporated to exploit the rotational output.

- 6 The field of the invention is not clear from the specification but the title “Waterwheel II”, which is provided on Form 1, helps to give some context even though no similar terminology is mentioned in the specification as originally filed.

Analysis

- 7 In his first examination report dated 25 July 2016, the examiner noted that neither the description nor the drawings included enough information to allow someone to make the invention. The applicant disputed this conclusion and in his letter dated 29 August 2016, he stated that “the abstract, description and drawing combined provide a very significant level of “instruction” for somebody to produce a working copy. It is simple to perceive what is required and the associated words (with references to the drawing) such as shaping, flotation, rotation, and flow state the obvious to anybody skilled. The additional information regarding objects (with references to the drawing) such as protrusions, holes, grooves again lead the skilled person to no other conclusion than the minimum requirements for a production model”. The applicant has also suggested that “there are no examples of this radical approach [adopted by] this application and no experts exist but myself...using only the information supplied I certainly could easily understand how to make [the invention] (and have done so... with less information than that supplied)”.
- 8 The examiner has stated, quite correctly, that the abstract does not form part of the specification, even if it was filed at the same time as Form 1. As such, I cannot rely on it to provide extra information during these proceedings. Thus, I will restrict myself to the original description and claims when deciding on the matter of sufficiency.
- 9 The specification comprises only twelve lines of description and seven claims. The claims are not particularly helpful in understanding the invention as they are directed to features that are either characterised by their intended result (if they are defined at all) or the phraseology used is too obscure for any meaningful interpretation to be applied.
- 10 It is my view that despite the applicant’s rebuttal, he has not provided any real grounds why the examiner was incorrect in his conclusions regarding sufficiency. Upon reading the specification, it is evident to me that the examiner was right to state that it is unclear “which features, combination of features, or phenomena cause the device to automatically centre within a flow, or how the holes and grooves [and indeed the protrusions] contribute to an enhanced rotation”. There is no information regarding the shape and configuration of these parts, nor is there any explanation of how flotation “to remove an aspect of loss” may be brought about.
- 11 The single Figure is not clearly explained and although mention is made in the text to some of the reference numerals shown, there are several that are either given multiple definitions or are not defined at all. The drawing is therefore of only limited value.

- 12 I accept the applicant's contention that some of the wording used in the description might have a general meaning but in the context of the specification, such meaning does not provide the necessary degree of disclosure. As such, I consider that a person skilled in the art would find it impossible to recreate the invention, without further instruction, in order to produce the noted effects. As is normal in cases of classical insufficiency, there is no amendment possible that would rescue the application in this respect.
- 13 Having decided that the application is insufficient, I do not need to go on to consider the citations identified by the examiner.

Conclusion

- 14 The specification does not meet the requirements of section 14(3) because the invention is not disclosed clearly enough for it to be reproduced by a person skilled in the art. Therefore, I refuse the application under section 18(3).

Appeal

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

C L Davies

Deputy Director, acting for the Comptroller