



PATENTS ACT 1977

APPLICANT Peter Joseph Crowley

ISSUE Whether patent application GB 0819309.6 complies
with sections 1(1)(c) and 14(3)

HEARING OFFICER B Micklewright

DECISION

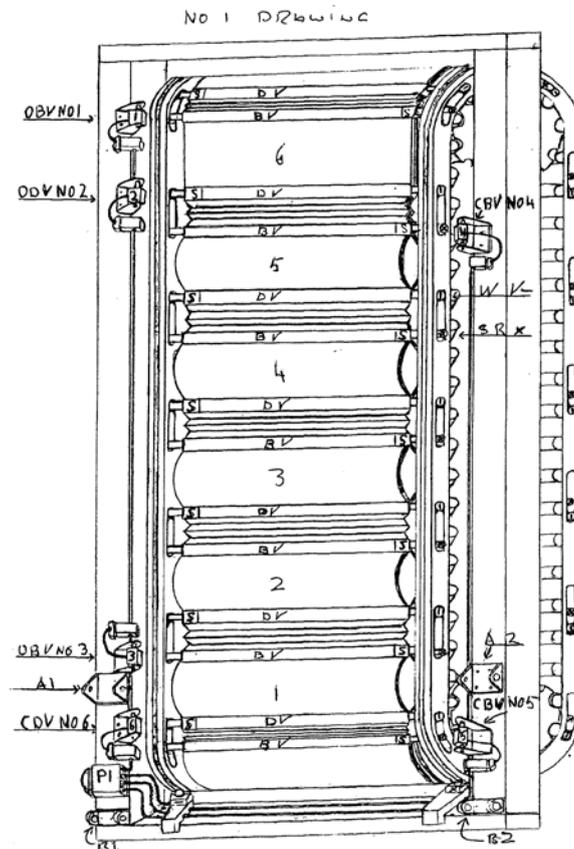
Introduction

- 1 Patent application GB 0819309.6, entitled "ECO POWER MODUEL SERIES 2" was filed on 22 October 2008 in the name of Peter Joseph Crowley. It was published on 28 April 2010 as GB 2464547 A.
- 2 The examiner issued the first examination report on 16 April 2013. The examiner argued that the invention as described contravenes well established physical laws and so fails to meet the requirement of section 1(1)(c). The examiner also argued that the disclosure supplied in the description would not enable a skilled person to perform the invention and so fails to meet the requirement of section 14(3).
- 3 The applicant filed a response to the examination report on 10 June 2013. The examiner saw no prospect of reaching agreement over the patentability of the invention and offered a hearing which took place on 5 August 2013. The applicant made further written submissions on 20 August 2013 which I have considered in my decision.
- 4 An earlier application by the same applicant was refused in decision BL O/216/07. The applicant appealed that decision but the Court dismissed the appeal and the hearing officer's decision stood. Although there was some discussion at the hearing as to the relevance of that decision to the present case I have considered the present application on its own merits.

The invention

- 5 The invention is a mechanical system which is alleged to generate an energy surplus without any energy input.
- 6 A series of bags are connected together to form a vertical conveyer which rotates over rollers. Bags on the descending side of the conveyer are filled with water, causing the conveyer to rotate as the water-filled bags fall under gravity. Bags on the ascending side of the conveyer are empty, because a compression roller at the bottom of the conveyer squeezes water out of each water-filled bag as it reaches the

bottom of its descent. A system of valves and ducts allegedly carries this water to the top of the conveyer where it fills the next empty bag which has just reached the top of its ascent. This system is illustrated in two drawings included in the application, the first of which is reproduced below.



- 7 The applicant alleges that the conveyer remains in continuous motion and provides a clean energy source.
- 8 There is a single claim but it is long and unclear, so it would not be helpful to list it.

The law

- 9 Section 1(1) of the Patents Act 1977 ("the Act") reads as follows:

1(1) A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say –

- (a)*;
- (b)*;
- (c) it is capable of industrial application;*

- 10 The Act defines "industrial application" in Section 4(1), which reads:

4(1) Subject to subsection (2) below, an invention shall be taken to be capable of industrial application if it can be made or used in any kind of industry, including agriculture.

11 It is accepted practice that processes or articles alleged to operate in a manner which is clearly contrary to well-established physical laws, such as perpetual motion machines, are regarded as incapable of industrial application.

12 Section 14(3) of the Act reads:

The specification of an application shall disclose the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art.

Assessment

13 The examiner argued that the invention contravenes the principle of conservation of energy (also known as the first law of thermodynamics) which states that energy can be converted from one form to another but cannot be created or destroyed.

14 The applicant, in reply, has not commented on the principle of conservation of energy. The applicant's argument seems to be based on an analysis of forces only, and the applicant's argument in the hearing was essentially as follows: the force supplied by the five full bags of water on the descending side of the conveyer can drive enough water up through the duct to fill a single bag, because five bagfuls of water are heavier than one bagful of water. This is in reference to the embodiment of the invention in drawing 1, reproduced above, in which bags 1-5 are filled with water and bag 6 is empty. Bag 1 is about to be emptied by the compression roller (not shown), whilst bag 6 is simultaneously filled via the system of valves and ducts.

15 Whilst it is undoubtedly true that five bagfuls of water are heavier than one bagful of water, this analysis is flawed because force is being confused with energy. A force can only do useful work if it acts over a distance. Although the water-filled bags descend under their own weight, in turn rotating the conveyer, the force required to drive water to the top of the conveyer must act over a greater distance. In a hypothetical ideal case (with no frictional losses) the apparatus may continue to rotate once started, because the energy released as the water-filled bags fall would exactly balance the energy required to raise enough water through the ducts to fill the next bag. Even in this hypothetical case, there would be no energy excess to act as a useful energy source for anything outside the system.

16 In reality, however, energy is lost through friction, turbulence, and so on. The machine, once started, would slow down and stop, and would create no useful energy output. If the machine were to operate otherwise it would contravene the principle of conservation of energy. I therefore conclude that the invention as described acts contrary to well-established physical laws and therefore is not capable of industrial application, as is required by section 1(1)(c) of the Act.

17 The examiner also argued that the application does not sufficiently disclose the invention so as to be able to be performed by a person skilled in the art. Having established that the invention as described is not capable of industrial application it is inevitable that the specification cannot disclose the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art and I can see nothing in the arguments made by the applicant to

convince me otherwise. The invention as described therefore fails to comply with section 14(3) of the Act.

Conclusion

- 18 I have found that the invention as described does not comply with sections 1(1)(c) and 14(3) of the Act and can see nothing in the application that could form the basis of an allowable amendment that would meet these objections. I therefore refuse the application.

Appeal

- 19 Any appeal must be lodged within 28 days.

B MICKLEWRIGHT

Deputy Director, acting for the Comptroller