



BL O/150/06

12 June 2006

## PATENTS ACT 1977

APPLICANT	Mr Ezra Shimshi
ISSUE	Whether patent application number GB 0417271.4 relates to a patentable invention
HEARING OFFICER	Mrs S E Chalmers

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## DECISION

### Background

- 1 This decision is about whether Mr Shimshi should be granted a patent for his invention. The examiner maintains that the invention is contrary to established scientific law and will not work. Mr Shimshi disagrees. I therefore have to decide who is right. The applicant was not able to attend a hearing, so I shall decide the matter on the basis of the papers on the file.

### The application

- 2 The application relates to an apparatus which is alleged to generate energy using the combined effects of gravity, buoyancy and atmospheric pressure. The apparatus is made up of a weighted hollow shaft mounted for rotation about a horizontal axis. A vented container with liquid and a gas-filled buoy is fixed to each end of the shaft. The buoys are connected via the hollow shaft for reciprocating movement and via a further pipe with a 2-way valve to allow gas to flow between the buoys on rotation of the apparatus. There are 3 independent claims which relate to the apparatus and a method of operating it.

- 3 I need only recite claim 1, which reads:

Apparatus for combining orbicular motions, buoyant influences, falling mass and ambient pressure to effect the elevation of units of liquid onto two distinct orbits that have radial downward push at the direction of rotation, comprising:

- (a) Seesaw frames;
- (b) Containers, which contain liquid, one container fixed to each end of a

seesaw frame;

(c) Buoys, which contain gas, each buoy immersed in liquid in each container;

(d) Pipes, each pipe adapted to allow the gas to flow between the respective pair of buoys at predetermined section on their orbicular path;

(e) Means for synchronizing the elevation of liquid with the position of each buoy on its orbicular path.

### **The law**

- 4 Under Section 1(1)(c) of the Patents Act 1977, a patent may be granted only for an invention if it is capable of industrial application. Section 4(1) amplifies this by explaining that 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.

### **The issues**

- 5 From the outset, the examiner maintained that the invention did not operate in a manner consistent with established scientific principles as it proposed the generation of a mechanical power output, with no apparent energy input. This is contrary to the law of conservation of energy which states that energy may not be created or destroyed, only converted from one form to another.
- 6 Mr Shimshi argued the existence of different ambient pressure conditions around the containers provided the “outside force that can be used as input energy”. He has also gone to great lengths to explain how this ambient pressure can power his invention and generate continuous energy.
- 7 I have considered all Mr Shimshi’s arguments very carefully, and I am not persuaded that the apparatus will work in the way that he says. He maintains that the weighted shafts or “seesaw frames” will rotate continuously and generate unlimited energy by tapping into some sort of “free energy” that exists in ambient conditions. If that were true, his invention would defy the law of conservation of energy. Like many similar devices that have been sent to the Patent Office before, I am satisfied the apparatus will simply come to rest at a point of stable equilibrium.

### **Conclusion**

- 8 It is settled law that machines alleged to operate in a manner which is clearly contrary to well-established physical laws are regarded as not having industrial application. I find that the invention does not comply

with section 1(1)(c) and can see nothing in the application that could form the basis of an allowable amendment that would meet this objection. I therefore refuse the application.

### **Appeal**

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

**MRS S E CHALMERS**

Deputy Director acting for the Comptroller