

PATENTS ACT 1977

IN THE MATTER OF

Patent Application 9423731.0

in the name of Philip Frederick Stott

DECISION

1. The application, which was filed on 24 November 1994, is concerned with a gyroscopic reactive propulsion unit. In the first report under section 18(3) which issued on 26 January 1998 the examiner objected that the way in which the invention was alleged to operate contravened natural laws, and that the invention was not capable of industrial application as required by sections 1(1)(c) and 4(1) of the Patents Act 1977. Objection under sections 1(1)(a) and (b) was also raised in view of an earlier published patent GB1535174 ("GREED"). After telephone conversations between the examiner and the applicant and several exchanges of correspondence, the applicant remained unconvinced of the validity of the examiner's objections. As a result, a hearing was held before me on 20 May 1999 at which the applicant, Mr Philip Frederick Stott appeared in person, and Mr Michael Walker also attended as the examiner in the case.

2. At the hearing a video recording of an experimental apparatus was shown. Mr Stott explained how the working of the apparatus demonstrated the principles behind the invention. The examiner then gave his view on how the invention described in the application appeared to violate established natural laws, in particular Newton's Laws of Motion. Mr Stott disagreed, his opinion being that his invention was not inconsistent with these laws but that the operation of the invention seemed to go beyond them and could be explained by Einstein's theory of Special Relativity, although he was himself unable to do so.

3. The examiner also presented his arguments that the invention as it was set out in claim 1 was not new, and that the features of the remaining claims either lacked novelty or would be obvious to a person skilled in the art. Again, Mr Stott did not agree with the examiner's views.

4. At the end of the hearing, I pointed out to Mr Stott that the time for putting the application in order (under section 20(1) of the Patents Act and Rule 34 of the Patents Rules 1995) was to expire on 24 May 1999. In view of the short time available I

undertook to issue a brief decision before expiry of the section 20 period. A detailed statement of my reasons would be issued shortly thereafter. This decision constitutes that brief decision to which I referred.

5. After careful consideration of all the arguments put forward by Mr Stott, and the examiner, I have decided that the alleged operation of the invention does indeed breach well established natural laws. The invention therefore does not fall within the definition of industrial applicability set out in section 4(1) and the application fails to comply with section 1(1)(c) of the Act. It is also my view that the invention as it is defined in claim 1 (albeit that the claim is in some aspects not clear) is anticipated by the GREED patent. The application therefore fails to comply with section 1(1)(a) of the Act.

6. I have considered whether there is any possible form of amendment that would avoid these failures. Mr Stott suggested at the hearing that the references to "propulsion" could be deleted, leaving references to use of the invention as a lifting device: it is also conceivable that a claim could be drafted that would avoid the examiner's objections under sections 1(1)(a) and (b). However, even if such amendments were to be made, it is my view that the resulting application would still offend under sections 1(1)(c) and 4(1). I cannot envisage any other form of amendment that would be allowable under the Act and that would avoid the present failures.

7. I therefore refuse the application. My detailed statement of reasons will follow. This is the final decision of the Office on this matter. Appeal may be made to the Patents Court. This being a technical matter, any appeal must be lodged within 6 weeks of the date of this decision given below.

Dated this 21st day of May 1999

PAT EVERETT

Deputy Director, acting for the Comptroller

THE PATENT OFFICE