

PATENTS ACT 1977

IN THE MATTER OF patent application
9724578.1 in the names of
Josef Feliks Dembski,
Ian Hubbard and Sandra Diana Dembski

DECISION

1. Application 9724578.1 was filed on 20 November 1997. It is entitled “Turbo Repulse Motor”. The application was duly searched and on 30 April 1998, the search report issued together with a letter which indicated that the examiner was of the view that the invention was incapable of industrial application by reason of contravening Newton’s laws of motion.
2. Mr Dembski, responded to this letter with explanation. After the filing of Form 10/77 on 5 June 1998, the case was examined, and a letter dated 29 March 2001 issued in which the examiner reiterated and further explained his view, raising formal objection under sections 1(1)(c) and 14(3) of the Patents Act 1977. After a number of exchanges of correspondence, it became clear that neither the examiner nor Mr Dembski were persuaded by the arguments of the other.
3. As a result, a hearing was held before me on 20 May 2002, at which Mr Dembski appeared in person, and Mr Vosper also attended as examiner in the case, using a video-conferencing facility.
4. Mr Dembski, at the hearing, stressed his long experience as an engineer, which I have no reason to doubt, and went on to explain how he considered that his invention worked, by reference to and emphasising points made in previous correspondence. The examiner had responded to these points in the correspondence, and so I have considered also the arguments made by him in that correspondence.
5. At the end of the hearing, I pointed out that, as today was the last day of the period allowed to put the application in order (under section 20(1) of the Patents Act and Rule 34 of the Patents Rules 1995), it was necessary for me to decide the matter today. After a short adjournment, I returned, to give this, my decision, orally. Because of the shortness of time, I am unable to give full and detailed reasons today, but will provide these in writing as soon as possible.
6. After consideration of all the arguments put by Mr Dembski, and despite his fervently held and sincere belief that the device will work, I am not persuaded that the alleged manner of operation of the invention is consistent with well established natural laws, particularly Newton’s laws of motion. The invention therefore does not fall within the definition of industrial applicability contained in section 4(1) and so does not comply with section 1(1)(c).
7. I can not envisage any way of amending that would not also offend under these

sections.

8. I therefore refuse the application. As I have said, my detailed statement of reasons will follow. This is the final decision of the Office. Appeal may however be made to the Patents Court. This being a technical matter, any appeal must be lodged within 6 weeks of today.

Dated this 20th Day of May 2002

B WESTERMAN

Deputy Director, acting for the Comptroller

THE PATENT OFFICE