

1<sup>st</sup> August 2007

## PATENTS ACT 1977

APPLICANT Peter Joseph Crowley

ISSUE Whether patent application GB0621147.8  
complies with section 1(1)(c) and 14(3)

HEARING OFFICER P R Slater

---

## DECISION

***Edited version: Open to public inspection***  
*(This version omits matter at paragraphs 2, 4 and 12 to 15)*

### Introduction

- 1 Patent application GB0621147.8 entitled “ECO Power module” was filed in the name of Peter Joseph Crowley on 23 October 2006.
- 2 The examiner issued a first report under section 18(3) on 17 April 2007 in which he argued that the invention as described appeared to operate in a manner contrary to well-established physical laws and hence was not patentable under section 1(1)(c) of the Patents Act 1977 which requires the invention to be capable of industrial application. Specifically, the invention claimed to produce power ..... contrary to the law of the conservation of energy. Furthermore, the examiner expressed the view that the application did not disclose the invention in a manner which was clear enough or complete enough for it to be performed by a person skilled in the art and was not therefore patentable under section 14(3) of the Act.
- 3 The applicant filed a response to the examination report on 25 May 2007. The examiner having not been convinced by Mr. Crowley’s submissions offered him a hearing which was scheduled to take place on 19 July 2007. The applicant subsequently declined to appear in person and instead opted for a decision on the papers.

### The Application

- 4 The application appears to relate to an arrangement for producing power .....

5 The application as filed contains a single lengthy statement of claim which I do not intend to repeat here.

### **The law**

6 The examiner has maintained the view that the invention as described contravenes the law of the conservation of energy and as such is not capable of industrial application contrary to the requirements of section 1(1)(c) of the Patents Act 1977 ("the Act").

7 Section 1(1) of 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;"*

8 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."*

9 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 not having industrial application.

10 The examiner has also raised an objection under section 14(3) of the Act stating that the application is not sufficient for the invention to be performed by a person skilled in the art.

11 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."*

### **Arguments**

12 The examiner is of the opinion that the device, ..... would have to operate in a manner that contravenes the law of the conservation of energy and as such is not patentable by virtue of section 1(1)(c). .....

13 Mr. Crowley's submissions of 25 May 2007 add very little by way of arguments. He presents some rough calculations in an attempt to prove that the device produces an excess power output and a little more by way of describing the operation of his device and the way in which it can be used.....

14 Furthermore, having considered Mr. Crowley's submissions, the examiner states in his letter of 7 June 2007 that .....the invention *"can not work as described without creating energy from nothing, which is contrary to the Law of the*

*Conservation of energy.”*

- 15 Having carefully considered all of the arguments currently on file, ..... I am bound to conclude that the law of the conservation of energy would have to be violated for the device to operate in the way described and as such the invention is incapable of industrial application.
- 16 Furthermore, the examiner has also raised an objection under section 14(3) of the Act stating that the application is not sufficient for the invention to be performed by a person skilled in the art.
- 17 Having established that the invention as described is incapable of industrial application, I think it inevitable that the specification cannot be said to disclose the invention in a manner which is clear enough or complete enough for the invention to be performed and I can see nothing in the arguments to convince me otherwise.

### **Conclusion**

- 18 I have found that the invention as described does not comply with sections 1(1)(c) and 14(3) 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 under section 18(3).

### **Appeal**

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

**P R SLATER**

Deputy Director acting for the Comptroller