

30th March 2007

PATENTS ACT 1977

APPLICANT Mr Gregory James Alexander

ISSUE Whether patent application number GB
0614375.4 complies with sections 1(1)(c)
and 14(3)

HEARING OFFICER Mr P Thorpe

DECISION

Background

- 1 This is about whether Mr G Alexander should be granted a patent for his invention. The examiner maintains that the invention is contrary to established scientific law and will not work.

History of the application

- 2 Patent Application GB 0614375.4, entitled "A Device for Generating Free Energy from the Centrifugal Effect", was filed on 20 July 2006 in the name of Mr Gregory James Alexander.
- 3 An examination report under Section 18(3) was issued on 30 October 2006. In this report the examiner stated that the application related to apparatus that was claimed to operate in a manner contrary to established physical laws and thus was not patentable under section 1(1)(c). He also took the view that the application did not disclose the invention in a manner which was clear and complete enough for it to be performed by a person skilled in the art as required by section 14(3).
- 4 There followed a further round of correspondence between the examiner and the applicant however this did not resolve the issue. The examiner therefore offered Mr Alexander a hearing which took place before me on 30 January 2007. Mr Alexander appeared in person and the examiner, Mr Peter Middleton, also attended.

The application

- 5 The application relates to a device consisting of a number of moveable weights supported on a rotating framework.

The law

6 Section 1(1)(c) states:

“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;

(d).....;”

7 Section 4(1) reads:

“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.”

8 Section 14(3) of the Patents Act 1977 states:

“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.”

The Issues

9 In his examination reports of 30 October 2006 and 8 November 2006, the examiner laid out the grounds on which he considered that the application should be refused. I will deal with each of these issues in turn.

Industrial application

10 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 more electrical energy than was originally required to put the system in motion. This in 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.

11 Mr Alexander admitted in the hearing that his invention did in fact work contrary to the well-established law of conservation of energy. He stated that the established laws of physics date from the 17th and 18th centuries and are based upon primitive examples using weights and pulleys. Thus he claimed that the laws are flawed and do not apply in the case of his invention. Mr Alexander explained that he has developed a new understanding of physics which showed that the established relationship for work done is incorrect in the case of “freely accelerating bodies”.

- 12 I asked Mr Alexander if he had produced a prototype or any working model of his invention which demonstrated that it worked in the way he claimed. He stated that he hadn't. I further questioned Mr Alexander with regard to his new understanding of physics and whether it is an understanding that is either shared by others or has been verified by others. He declared that he was unaware of anybody producing similar work that could verify his own. In fairness to Mr Alexander, he did recognize that the onus was on him to show that the established laws of physics were either wrong or did not apply to his invention. He referred me for example to *Paez's Application* (BL O/176/83) and in particular paragraph 8 of the decision where the hearing officer says:

"To my mind, the performance of inventions which violate established natural law or laws cannot be clear enough or complete enough for the invention to be performed by the skilled man unless the specification establishes that either the law is wrong or does not apply to the invention. In this matter the onus must, I think, be on the applicant, since the laws of physics are and must be regarded by the Office as being laws which neither need or require defence from the comptroller".

- 13 Mr Alexander went on to argue that he had in fact established in the description in his patent application why the established laws of physics were wrong or did not apply. The description, which runs to five pages, is indeed almost entirely devoted to a theoretical analysis of the physics of the invention. The examiner sought to demonstrate in his two exam reports where this analysis did not accurately reflect what was happening within the system. In particular he argued that, even ignoring energy losses through friction etc, the energy that could be taken from the system would only be equal to the kinetic energy lost by the weights as they moved outwards. In other words no "free energy" could be produced.
- 14 Mr Alexander's theoretical analysis was also the subject of much discussion at the hearing. However I do not believe it is necessary for me to go into the detail of those discussions here, suffice to say that I share the reservations of the examiner about Mr Alexander's analysis for much the same reasons as set out in his reports. I say this because even if I was not able to find fault in the theoretical analysis, then I would still not have been prepared to accept the patentability of Mr Alexander's design. To have done so would have required me to accept a re-writing of the basic law of the conservation of energy and that is not something I am prepared to do without more tangible proof such as a working prototype or clear experimentation to show that this law is wrong. I therefore find that the invention is not capable of industrial application as required by section 1(1)(c) of the Act.

Is there enough information?

- 15 The examiner has also argued that the application does not contain enough information about the invention. Specifically it is not clear how the device could be made to operate in the way claimed by Mr Alexander. As I have mentioned the description is almost entirely devoted to theoretical analysis; there are no drawings showing how the device is to be constructed and those parts of the

description that do go to the construction of the device are very broad. In particular it is not at all clear how the weights are mounted on the horizontal rotating disc in such a way as to enable them to be “freely rotating bodies” whilst at the same time interacting with the “electrical generators” to generate the claimed “free-energy”. I am therefore in no doubt that the application is neither clear nor complete enough for the invention to be performed by a person skilled in the art, as required by section 14(3) of the Act.

Conclusion

- 16 I have found that the invention as described does not comply with sections 1(1)(c) or 14(3). Furthermore I do not consider there is enough information in the application that could form the basis of an allowable amendment that would meet these objections. I therefore refuse the application.

Appeal

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

P Thorpe

Deputy Director acting for the Comptroller