



#### **PATENTS ACT 1977**

APPLICANT Joseph Thompson

ISSUE Whether patent application number GB

0723921.3 complies with sections 1(1)(c)

and 14(3)

HEARING OFFICER P M Marchant

## DECISION

Note: Since the specification of patent application number GB0723921.3 has not yet been published under section 16, the following redacted version of the decision has been produced for publication, omitting the technical details of the invention.

#### Introduction

- Patent application number GB 0723921.3 entitled 'An automatic wind farm' was filed by Mr Joseph Thompson on 7 December 2007.
- 2. The invention consists of ...[technical detail omitted].
- 3. Mr Thompson maintains ...[technical detail omitted].
- 4. An examiner considered the application and came to the view that the invention was claimed to operate contrary to the well known principle of conservation of energy and so could not work as described. He reported this to Mr Thompson in the examination report of 26 March 2008, and explained that he consequently considered the invention was not capable of industrial application contrary to section 1(1)(c) of the Patents Act. Also since the invention related to an apparatus that could not work as described, the description was not complete enough to be performed by a person skilled in the art, contrary to section 14(3) of the Patents Act.
- 5. Mr Thompson replied in letters of 27 May 2008, 1 June 2008 and 31 July 2008, in which he explained why he believed the invention would work. The examiner maintained his objections, and in the absence of agreement, the matter came before me at a hearing on 7 October 2008.

## **Discussion**

- 6. I have considered the specification carefully and the further explanations provided by Mr Thompson in his letters and by him in person at the hearing. [Technical detail omitted].
- 7. The principle of conservation of energy explains that energy cannot be created or destroyed, but only changed from one form to another. Mr Thompson accepts the principle in general but maintains that his apparatus would work. Indeed he explicitly describes it as a "perpetual motion machine". However, he has not persuaded me that the principle is flawed, nor that his invention can operate in the way he describes. It is clearly contrary to well understood natural law. I consequently agree with the examiner that the invention is neither capable of industrial application, nor sufficiently disclosed and I refuse the application under section 18(3).

## **Appeal**

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

# **P M Marchant**

Deputy Director acting for the Comptroller