



PATENTS ACT 1977

APPLICANT James Hans McRoberts

ISSUE Whether patent application number GB 0710266.8 complies with sections 1(1)(c)

and 14(3)

HEARING OFFICER R C Kennell

DECISION

- This application entitled "Gravity Generator" was filed on 30 May 2007 with no claim to any earlier priority; it has not yet been searched or published. The examiner has however objected that the invention is neither "capable of industrial application" as required by section 1(1)(c) of the 1977 Act nor disclosed "in a manner which is clear enough and complete enough to be performed by a person skilled in the art" as required by section 14(3). (Section 4 of the Act states that an invention is capable of industrial application "if it can be made or used in any kind of industry, including agriculture".)
- The applicant, who is not professionally assisted, did not reply to the examiner's report. The examiner therefore wrote again offering a hearing. In the continuing absence of any reply from the applicant, it falls to me to decide whether the application should proceed or be refused on the basis of the papers on file on the application.
- As described, the invention purports to generate electricity from a system of containers which are alternately filled with water at the top of their travel and emptied of water at the bottom, a ratchet winding mechanism lifting the empty container as the full container descends, and the water being pumped back to the upper level so that the process is continuous. It is claimed that the power generated is much greater than the amount of power needed to return the water. Rightly in my view the examiner has objected that this is contrary to the well-established laws of gravity and conservation of energy, and that the pump could never produce any power output.

- A system which operates contrary to well-established physical laws (and which does not therefore really work at all) is not capable of industrial application as explained in paragraph 4.05 of the Office's "Manual of Patent Practice". I cannot see anything in the disclosure in the specification sufficient to enable the person skilled in the art of power generation to make something that would actually work in the way described and claimed.
- I therefore agree with the examiner that the invention is neither capable of industrial application nor sufficiently disclosed. Since it is not possible to add new information to the specification in order to overcome these defects, I refuse the application under section 18(3) of the Act with the consequence under section 16(1) that it will not be published.

Appeal

If the applicant disagrees with my decision he has a right of appeal to the Patents Court. Under the Practice Direction to Part 52 of the Civil Procedure Rules, any such appeal must be lodged within 28 days.

R C KENNELL

Deputy Director acting for the Comptroller

¹ http://www.ipo.gov.uk/practice-sec-004.pdf