

800/023/86

PATENTS ACT 1977

IN THE MATTER OF Patent Application
No. 8315105 by Herbert Arthur Kershaw

DECISION

The application was filed on 2 June 1983 and proceeded to substantive examination, the applicant having been warned, in official letters issued before and after the search, that the invention appeared to be unpatentable but a final decision on the matter would be deferred until the substantive examination stage.

In his first substantive examination report dated 9 July 1985, the examiner formally objected to the application on the ground that the machine proposed by the invention was contrary to the accepted laws of science in that it was alleged to run to produce power without the need for power to be supplied to the machine, such a machine being incapable of industrial application, and therefore not meeting the requirement of Sec 1(1)(c) of the Act. The applicant was invited to withdraw the application or to request a hearing (such a request to be made within 6 months of the date of the report), failing which action would be taken to refuse the application.

The applicant responded, in letters dated 31 December 1985 and 16 January 1986, with arguments pursuing his contention that the machine of the invention would function without an external power supply. An official letter dated 17 March 1986 maintained the objection and informed the applicant that a hearing had been appointed. A further letter, dated 3 April 1986, was received from the applicant but presented no additional arguments relevant to the present proceedings.

The matter was brought to a hearing before me on 10 April 1986 but the applicant did not attend. I shall therefore decide the matter on the basis of the documents at present on file.

The specification, under the title "Improvements in or relating to electric motors and dynamos," describes an electrical machine having an electromagnet which, when energised, produces a magnetic field to rotate an armature, rotation of the armature generating a current in the armature windings which is connected through a commutator and brushes to energise the electromagnet. The invention is concerned with improving the efficiency of the machine, the improvements being alleged to be such that the machine will produce more energy than it consumes. Thus, the opening statement on page 1 of the published specification reads as follows (referring to electric motors and generators):

"Hitherto, such units have, except for some plants of my own design, been arranged to function only as machines for converting one form of energy into energy of a different kind, i.e. not as original sources of energy, and the common assumption is that it is impractical to design electric motors and generators to act otherwise. I contend that this prior assumption is fallacious and that there is clear evidence to prove theoretically that such machines, if properly designed, can function as original energy sources." Another passage on page 1, starting at line 34, reads: "With the invention, at least a portion of the induced current is utilised to energise the electromagnet or magnets, the efficiency of which is increased by, for example, the use of highly permeable material in their construction, ordinary low temperature or superconductive operating methods permitting the use of electromagnet windings having a large number of turns and a high inductance, and similar means, of the apparatus. Once its working cycle starts, the apparatus continues to function without any energy supply from an external source, until its electrical circuits are broken."

As I understand it, the invention proposes increasing the efficiency of an electrical machine to such an extent that, in its steady state of operation, the machine will generate more energy than that required to drive it. I am in no doubt that such operation is not possible from consideration of the established principle of conservation of energy, which states that energy

cannot be created or destroyed but only transformed. Therefore, I am satisfied that the machine of the invention cannot function in the manner described under established physical laws and consequently the invention is not capable of industrial application.

In the result, I find that the application fails to comply with Section 1(1)(c) of the Act and, since I can see no possibility of any amendment to meet my finding, I refuse the application under Section 18(3) of the Act.

Dated this 30th day of April 1986

K C THOMAS
Principal Examiner, acting for the Comptroller.

THE PATENT OFFICE