



a "circular motion of magnetical energy". There is a single drawing which shows schematically a sinuous line representing "coils" lying on a circular arc; a rectangle representing the microwave transmitter is situated just outside the arc and arrowed lines extend radially inwards from each end of the arc almost to its centre. Below this on the page, a circle bearing clockwise arrows is drawn between two parallel horizontal lines below which a series of circles of decreasing size extends downwardly.

5 The claim, which was filed on the application date and has not been amended, reads:

*"The energy on this system needs no solid fuel.  
Will cover distances and speeds far greater than any solid fuel propulsion.  
Is cheap to produce.  
And safer to control.  
The energy gained can easily be used on other devices out side of propulsion for it multyplies from so little a energy to such an incredible amount.  
I claim the speed and distance from this system will be endless."*

### **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 The examiner objected that the application did not contain enough information about the propulsion system in that it was not clear what the essential features were and how it was intended to operate. Specifically, it was not clear how the system was powered, what was being propelled, how this was done or for what purpose.

10 I invited Mr Hickinbotham to explain his invention which he did at considerable length. He

explained the arrangement of the coils and stated that transmitting microwaves through the coils containing the iron crystals created “magnetical energy” that was released as waves at various points from the coils. The result was that these waves repelled each other and created the propulsion system. When asked whether the application told the skilled person enough to build his system and, if built, whether it would work, Mr Hickinbotham replied that he had written the application for academics. Quoting from the transcript, he said: *“I’m only a person who comes up with the principle... It’s for scholars to go and finish it off.”* He acknowledged that the application contained no dimensions or figures but insisted academics would have no difficulty understanding his invention and putting it into practice.

- 11 The examiner also considered that the invention did not comply with well established physical laws since the claim suggested that the system gave out more energy than was put into it, contrary to the law of conservation of energy. I therefore questioned Mr Hickinbotham about the statement in the application that “The energy gained can easily be used on other devices out side of propulsion for it multyplies from so little a energy to such an incredible amount”. When asked, *“Do you get more energy out than you put in?”*, he replied *“Masses more”*. Mr Hickinbotham left me in no doubt that he sincerely believed that, given enough resources, his propulsion system could be built and made to work.
- 12 I have carefully considered all of the submissions in the correspondence and at the hearing. I have done my best to understand Mr Hickinbotham’s invention in the light of the application and his explanation at the hearing. However, I am bound to say frankly that I remain in the dark. For example, I am at a loss to know how the coils, when irradiated by microwaves, can emit “magnetical energy” and how that energy can “form a circular field”. Moreover, it is completely unclear to me in what way the invention is supposed to function as a “propulsion system”. Thus, I consider that the disclosure in the application falls far short of that needed to describe the invention and the manner in which that apparatus is intended to operate.
- 13 It is settled law that processes or articles alleged to operate in a manner which is clearly contrary to well-established physical laws are regarded as not having industrial application. Thus, I consider that the claim that the invention creates more energy that is put in is clearly at odds with the law on the conservation of energy and therefore is not capable of industrial application.
- 14 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.

### **Appeal**

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

**MRS S E CHALMERS**

Deputy Director acting for the Comptroller