

sort comprising an enclosed arrangement of turbine blades, driven by a system of levers, whose motion is used to compress a gas or create a vacuum therebetween, the operation and purpose of which is not readily apparent. However, Mr Gill states, in his letter received on 26 July 2006, that his invention *“is designed for the specific purpose and fulfils those requirements of a reciprocating pump of reduced cubic capacity”*.

- 5 The most recent set of claims were filed on 26 July 2006. The claims attempt to define the invention in terms of its constituent parts with specific reference to the drawings. Claim 1 reads as follows:

“1. A Serp-1 wherein 5 is a sliding plate placed in extended U squared side 4 as are grease and oil lubrication channels as well as slotted grooves two running the length 4 and 27 sectional part 19 box bottom part of the whole of the box or oblong shaped container 14 with rolling wheels or bearings 3 where axle 1 therein 4 and may be sliding restrained or hubbed or capped with small wheeled bearings 13 and wherein 6 is part of the inner pressure chamber afforded by the size of 6 sitting next and movably displaced to form a pressure chamber, at the side of the pump and shaft 18 and 16 outer cylinder cover holder and 17 top cover wherein the actuation of oblong displaced pressure plate 6 with enclosed box or container 14 may form a moving enclosed space containing air or a gas, compressing the gas or lowering the pressure within the main pump container by means of a magnitude of 6.”

Discussion

- 6 From the outset, the examiner has reported that the application does not disclose the invention in a manner which is clear enough and complete enough for it to be performed by a person skilled in the art and hence does not meet the requirements of section 14(3) of the Patents Act 1977 (“the Act”) which reads as follows:

“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.”

- 7 The examiner has also raised objections under section 14(5) of the Act which requires the claims to be clear and concise, supported by the description and relate to a single inventive concept. The relevant parts of section 14(5) read as follows:

“The claim or claims shall -

- (a) ...;*
- (b) be clear and concise;*
- (c) be supported by the description; and*
- (d) relate to one invention or to a group of inventions which are so linked as to form a single inventive concept.”*

- 8 Unfortunately, Mr Gill, whilst having filed an amended set of claims, has provided very little of substance by way of argument to rebut the examiners objections. He has stated that he has been in discussions with a local firm who have made up some drawings and may be prepared to produce his invention.

However, I do not think that this statement alone is sufficient to suggest that the specification as it stands is clear and complete enough for a man skilled in the art to reproduce his invention.

- 9 Having read the specification in its entirety several times, I have to say, that I do not understand the invention that is described in this application. I have no doubt that it all makes perfect sense to Mr Gill, but the nature and overall construction of the system and how it is supposed to operate are simply not clear to me. Although the drawings, on the face of it, appear to be quite detailed, I have great difficulty in associating them with the corresponding parts of the specification and have no real idea as to how the various components interact or indeed how the system is intended to function. I am bound therefore to conclude that the invention is not sufficiently disclosed in a manner which is clear enough and complete enough for it to be performed by a person skilled in the art, and as such does not comply with the requirements of section 14(3).
- 10 The claims are equally opaque and can by no means be regarded as clear enough to comply with section 14(5)(b). The fact that the claims are so unclear, as is the description, mean that it is impossible for me to say whether or not they are supported or indeed whether they relate to more than one invention.
- 11 Furthermore, the examiner, in his report of 15 February 2006, suggests that the invention is not capable of industrial application contrary to the requirements of section 1(1)(c) and 4(1) of the Act. However, as I have already found that the specification does not disclose the invention clearly enough, I am reluctant to make a decision as to whether or not it is capable of industrial application since I do not understand the invention, its operation or purpose. In the circumstances, there would appear to be no need for me to reach a decision on this issue and therefore I prefer to leave the matter undecided.

Conclusion

- 12 I have found that the invention does not comply with sections 14(3) and 14(5) of the Act and can see no way of amending the application to overcome these objections without adding additional subject matter which is not allowed. I therefore refuse the application under section 18(3).

Appeal

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

P R SLATER

Deputy Director acting for the Comptroller