



BL O/212 /04

15<sup>th</sup> July 2004

## PATENTS ACT 1977

APPLICANT                      Miss Mehjabeen Siddiq

ISSUE                              Whether patent application **m** GB 0312175.3  
describes an invention clearly enough for it to  
be performed by a person skilled in the art

HEARING OFFICER              S J Probert

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## DECISION

### Introduction

- 1      Patent application **m** 0312175.3 was filed on 28 May 2003 claiming a priority date of 29 May 2002. The title of the application is:

The use of 'prior art' in computer software design and program, and computer data memory in PC, mobile and communication tools and industrial tools and businesses, game console designed for technical effect, IT and business simulation. Also the use of 'prior art' numbers zero and one for binary encodings of bits and qubits in data memory for technical effect and simulation.

- 2      The application has not yet been published, and neither has a search of prior art been conducted. However, the application has been examined in accordance with section 18 following the practice set out in the Manual of Patent Practice at paragraph 17.99. This practice stems from the decision of the Assistant Comptroller in Rohde and Schwarz's Application<sup>1</sup> where he held that objections could be raised under section 18(3) at any time, notwithstanding the fact that an application has not been referred to an examiner for substantive examination, and irrespective of whether the other conditions of section 18(1) have been met.
- 3      There has been extensive correspondence between the examiner and the applicant during the examination process, but the examiner has not been persuaded that the application should be allowed. Consequently he offered the applicant a hearing. For a number of reasons Miss Siddiq chose not to attend a hearing; however she has filed a substantial volume of written material to assist me in reaching a decision from the papers on the official file.

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<sup>1</sup>Rohde and Schwarz's Application [1980] RPC 155

## **The Application**

- 4 At this point in a decision, I would usually try to give a brief description of the invention, but I am unable to do so on this occasion because I do not understand the invention that is described in this application. The best I can do is to summarise the description, quoting occasional extracts, and allow the application to speak for itself.
- 5 In her description, Miss Siddiq explains that numbers, shapes and symbols etc. date back to ancient Mesopotamia. These 'forms' began in Babylon, Uruk and Ur around 3300 - 3000 years BC, and are the first generic source for mathematics and cuneiform grammar, zero and one digits. The description goes on to say that there was an earlier period in Mesopotamia, around 8000 BC, when clay tokens carried geometric shapes, sizes and designs using spheres, discs, cones etc.. These clay tokens were sometimes transferred in clay envelopes, and constituted legal documents used in various forms of trade.
- 6 Around 3300-3000 BC, the first clay tablets with cuneiform writing by Sumerians appeared within the context of trade between cities. These tablets illustrated language and grammar, and also the use of numerals showing multiplication and quantity based on multiples of sixty (60), and numbers from zero (0) to ten (10). The sexagesimal system marked time and angles by "... multiplying 60 seconds in a minute, 60 minutes in an hour, 60 minutes in a degree and 360 degrees in a circle". The description then says:

"They applied this to all mathematical system, and exist today in computer software program designs. Hence the sexagesimal system created 'zeroes' and 'ones' and the decimal system was created from nothing in quantity and weight creating 'zero' to the weight of halves, fifth, third and so on until 'one'".
- 7 Following this introduction, the description then goes on to explain that this gives the applicant the right to apply for a "... patent over the digits 'zero' and 'one', and the concept of computer technology, since the first manual computer was invented in Bagdad in the twelfth century AD."
- 8 The description then continues with the following two paragraphs which provide some indication of the applicant's intention in filing this application:

"The use of prior art in modern invention is taken for granted. There is nothing given in return by those who use other people's inventions and call it their own. Sometimes to extreme by means of politics, economic, discrimination 'wholesale' and even genocide. Human history is filled with this, and stories and cultures have evolved and developed from it. But there is no development in our relationship to each other, nor the gift of wisdom and equity. I have presented this in the Index of Evidence listed on Index enclosed that will open this argument, because it is happening now."

"My patent is a small step to evoke these thoughts and ideas. Especially the most precious of all gifts - that being 'knowledge and art' - and how to use it wisely and reward the inventors, no matter how far back in time the generic root may be, the propriety has not been lost or forgotten with time."
- 9 Later in the description there is a discussion of the shapes of '0' and '1'. The shape of a zero (0) is said to be derived from the shape of a pot, a beaker, a footprint, a rock or

stone, or the sun and moon. On the other hand, the figure one (1) is said to come from vertical shapes of objects and things that are erected, standing straight, like humans, trees, sticks and "... crops like barley with sharp shapes and edges like stems".

- 10 The description then goes on to say that a computer program covers the invisible space on an electronic screen with lines that become visible through the use of light and data memory. The data memory is said to be programmed by the use of combinations of numbers '0' and '1' to create bits and qubits, as described in the following paragraph:

"The process of combinations of '0' and '1' in bits and qubits is done by binary coding and the use of light/heat/noise hitting the micro-chip crystal, by means of command on tool using text and symbols on software design operated by tools like the keyboard with Latin/English alphabet, numbers, text, and signs programmed in data memory of micro chip using grammar from cuneiform into Indo-european languages like Latin/Greek and into English vernacular, the grammar dictates the back and forth movement of the binary encoding with bits and qubits (like Latin Declensions of nouns, and Conjugations of verbs in single and plural endings). This is achieved by use of tools with flat surface for symmetry like the monitor made to operate the software design. And using the cursor for software design on monitor to operate commands and text and design for printing with paper and ink."

### **The Original Claims**

- 11 A set of demands purporting to be claims was filed with the original application. A sample of these "claims" is shown below:

1 Back dated claims over years from multimedia (TV, Cable and Satellite), software and games console designers and manufacturers, businesses and sales and acquisitions in UK and Worldwide.

Claims valued at 200 billion for loss of employment, investments, training, and revenue. Therefore payment will be made in capitol, stocks and shares and training and employment. The stocks and shares, and capitol will not belong to any one nation, but placed in Trust for acquisitions on fair, equitable, and proper distribution to nations members of PCT for deveolpment, regeneration, prosperity and human, environmental, and conservation welfare and services.

2 A moral demand that companies who benefited from the 'Oil for Food' programme causing deprivation, denial and desperation to the people of Iraq should pay interest on 'Oil for Food' programme to help rebuild Iraq infrastructure and promote regeneration and business incentives. Compensation to be paid to the following nation and people subjected to war and abuse of rights and equity, polarization, deprivation over many years. The nations are: Palestinians; Argentina, Algeria, Venezuela, Russia, Chechyna Afganistan, Muslims of India and Kashmir, and South East Pacific.

3 Continuity of payment on the following:

2.5% VAT on all electronic products and tools using computer data memory, and/or prior art for function and stimulation. This includes accessories like magnetic tapes, DVD, CD, tapes, video and film, software and games console.

10 % from all exhibition of entertainment, arts and multimedia using electronic products and tools with data memory, and/or prior art for function and business stimulation.

2.5% VAT on services and facilities for making of entertainment products, services providers and materials.

£2.50p (or it's earning equivalent) on monthly surcharge on Internet subscription.

2.5 % VAT on sales and acquisitions of all mobile phones. And £2.50p monthly surcharge on subscription for phone, fax, and e-mail. And further £1.50p on any or all other services.

1% VAT on all sales and acquisitions of liquid drinks containing chemical additives, preservatives, colouring and gum.

4 Training and employment for the administration and management of these revenues, and proper distribution under the Human Rights Act 1998, with additional section for children's rights, some suggestions enclosed.

5 The aim is to promote the preservation of the environment, conservation of endangered species, wild life and natural landscape as part of the ecology of the planet. To promote arts, performing arts, science, technology, medicine, research and development, humanities, and fringe subjects without discrimination or religious superiority.

And promote the politics of disarmament of Weapons of Mass Destruction worldwide for world security, human rights as part of preserving all living things and natural resources.

### **The Amended Claims**

12 Later, an amended set of claims was received. Although the amended claims are clearly of a different nature to those originally filed, I have still only reproduced claim 1 in this decision, since I can see nothing to be gained by reproducing all the claims in their entirety:

1- To protect '0' and '1' in computer technology used in microchip binary encoding data: I am claiming to protect prior art '0's and '1's with cuneiform grammar as used in programming binary encoding for data memory with bits and qubits in microchip crystals for software design used for technical effect and stimulation using electronic tools for functions, installation and operation of design. And because '0' and '1' it is used in microchip binary code it is a new and exclusive art-form presiding over all other aspects of software designs and computer technology. Because without the use of '0's and '1's with cuneiform grammar used to program data memory in microchip computer technology the tools used for functions and commands would become redundant. Therefore the '0's and '1's with cuneiform grammar of back and forth movement into Latin/ English vernacular controls directs and has complete authority over the way the microchip crystal is programmed with binary codes for bits and qubits. And dominates all other art-form used to operate and function software design with tools for technical effect, business and industrial stimulation and the use of multi-media and telecommunication systems. Using elements, light or heat to speed up movement creates the stimulation in microchip. This is described on pages 1-7 of Description and following titles under Description as Glossaries for: Technical Effect, Visual Perception, Tools and Materials, Picture Design and Abstract and Information supported by illustration drawing 1/31.

It is a new and exclusive invention because the use of '0's and '1's with cuneiform grammar of back and forth movement into Latin/English text and numbers, and symbols for use is translated from binary encoding of bits and qubits in micro-chip crystal into known languages. The microchip is programmed with '0' and '1' into binary codes for bits and qubits and presides over all art (including digits 0-9) and technology in software design for technical effect. So it is program with data memory for the function and command of software design using electronic tools translated in any known language for technical effect and stimulation in business incentives and industrial application performing with or without telecommunication systems.

### **Objections raised by the Examiner**

13 The examiner issued a first examination report on 8 August 2003, and a further examination report on 26 February 2004. In his second report, the examiner summarised his objections as follows:

“As far as I can understand your application, it appears to me that it does not relate to an invention for which a patent may be granted. This may be either because your invention is inherently unpatentable and/or lacking in novelty, or because your invention is not described clearly enough and completely enough for it to be understood. I am therefore reporting to the Comptroller that your application does not comply with the requirements of the Patents Act, and should be refused.”

14 In his earlier examination report, the examiner had referred specifically to the requirement of section 14(3) which says:

(3) 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.

15 In the same report, the examiner also reported that the claims did not define the invention clearly. This is a reference to section 14(5), the relevant part of which says:

(5) The claim or claims shall —  
(a) ....  
(b) be clear and concise;  
(c) ....  
(d) ....

### **The Applicant's Response**

16 Regrettably, the applicant's response, albeit extensive, appears to be no clearer than the application itself. She maintains that her invention is;

“the use of ‘prior art’ namely ‘0’s and ‘1’s with cuneiform grammar to program data memory with bits and qubits in the binary code of micro-chip crystals to be used for software design operated by electronic tools for technical effect; and this makes the prior art used as an exclusive art-form and a new invention presiding over all aspects of computer software design and tools.”

17 The applicant further says that:

“Because the use of ‘0’s and ‘1’s in computer software design using binary code in micro-chip technology makes the invention new, it involves an inventive step in “conventional computing environment that operates the computer in a conventional manner”.

18 Expanding on this further, she writes:

“In computer data memory, the micro-chip technology is programmed with ‘0’s and ‘1’s in the binary code to create bits and qubits in software design. And is operational using electronic tools in all industrialised application and business simulation to create data, files, spreadsheets for word-processing, create files, audio and video, printing on paper, transfers and players of CD, floppy disk, CD-ROM, artwork, photo-images, text and telecommunication.

There are no '0's and '1's in cuneiform grammar, and cuneiform is an abstract entity (a language). It is used in micro-chip as grammatical movement, and is only functional in computer technology after it is translated into Latin grammar. So it is secondary when applied to computer technology, and therefore '0's and '1's presides over all art forms for software design operational on electronic tools."

19 I have no doubt that all of this makes perfect sense to Miss Siddiq, but I have to confess that I have not been able to follow her argument very far at all. In fairness to Miss Siddiq, she has gone to extreme lengths to provide the Patent Office with as much information as she can find in connection with her application. (For example, when the Hearings Clerk asked Miss Siddiq whether or not she would attend a hearing, her response extended to some 854 pages.) However, although I have looked at everything that the applicant has filed, very little of it appears to be relevant to this application, and there is nothing that helps me to understand the invention that Miss Siddiq thinks that she has made.

### **Conclusions**

20 Having read the entire specification through several times, I have concluded that it is not clear enough or complete enough to enable a person skilled in the art to perform the invention. I therefore find that the application does not comply with section 14(3).

21 Furthermore, the claims of the application (as amended) are also unclear, and therefore the application fails to comply with section 14(5)(b).

22 The examiner has also reported that, as far as he is able to understand the invention, it appears to relate to something that is not an invention for the purposes of the Act. I take this as a reference to section 1(1)(d) and the non-exhaustive list of excluded items in section 1(2). I have a lot of sympathy with this view. It seems to me that the applicant has completely misunderstood the patent system; as far as I can tell from this application, she has not invented anything. 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 an invention for the purposes of the Act. That is to say, if I cannot understand the invention, how can I say whether or not it is a patentable invention? 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.

23 In summary, I am refusing this application under section 18(3) on the grounds that it does not comply with section 14(3) and/or section 14(5)(b).

### **Appeal**

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

**S J PROBERT**

Deputy Director acting for the Comptroller