



BL O/055/06

24 February 2006

## PATENTS ACT 1977

APPLICANT	Andrew Tobias Ward
ISSUE	Whether patent application GB 0517681.3 is subject to estoppel by record
HEARING OFFICER	Mrs S E Chalmers

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## DECISION

### Introduction

- 1 The application entitled "Potential Energy Conversion System" was filed on 31 August 2005 together with Forms 9A/77 and 10/77 and the prescribed fees. The examiner considered the application was, in effect, a re-application for the invention that was the subject of Mr Ward's earlier applications GB 9827460.8 and GB 0131122.4 both of which had been refused by the Patents Court. In an examination report dated 20 January 2006, he stated that he therefore proposed to refuse the present application in the light of these Court decisions. He also offered Mr Ward the option of withdrawing his application with a full refund of fees.
- 2 A hearing was held before me on 20 February 2006 at which Mr Ward appeared in person. The case examiner, Mr John Twin, also attended.

### The invention

- 3 The specification describes a system .....[Text Deleted]

### The issue

- 4 The Patents Court judgment in respect of GB 9827460.8 refused the application on the grounds the invention would not work. GB 0131122.4 was also refused by the Patents Court because it was for the same invention as an earlier application that had previously been refused by the Court. The only issue I therefore need to decide is whether the present application relates to the same invention as Mr Ward's earlier applications. If it does, then I must refuse this application since I am bound by the decisions of the Patents Court on the earlier applications.

- 5 At the hearing, I asked Mr Ward to explain the invention of his present application and how it compared with that of his earlier applications. In reply, he stated: "*I cannot change the laws of physics, therefore I cannot change my application.... It's impossible. I am fixed with claiming... [text deleted].*" By this statement, I took Mr Ward to be saying that the invention of his present application was the same as that of his earlier applications.
- 6 In the light of the papers on the official file and his demeanour at the hearing, I am satisfied that Mr Ward understood fully the implications of this admission and I see no need to delve further into the details of his invention.

### **Decision**

- 7 I therefore refuse this application on the grounds of estoppel by record because it is for the same invention as described in Mr Ward's earlier applications that were refused by the Patents Court.

### **Appeal**

- 8 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**