

## PATENTS ACT 1977

APPLICANT                      Raymond Samuel Hislop

ISSUE                              Whether patent application number GB  
0709853.6 complies with section 14(3)

HEARING OFFICER              P M Marchant

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## DECISION

### Introduction

1. Patent application number GB0709853.6 entitled: "Working AdSY gravity stick" was filed by Mr Raymond Samuel Hislop on 23 May 2007.
2. An examiner considered the application and came to the view that it was not possible for a patent to be granted because it did not sufficiently describe the invention. He reported this to Mr Hislop in a letter of 12 June 2007, noting that the invention relates to a "gravity stick" which may be used to manipulate gravity and to facilitate interplanetary travel and communication; and observing that while the specification contains detail as to how the stick is to be constructed, there is no explanation as to how it operates to achieve travel or communication. The examiner's view was consequently that the specification did not satisfy provisions in the Patents Act relating to complete disclosure and that the application should be refused.
3. Mr Hislop replied in letters of 13<sup>th</sup> and 15th June 2007. Although stating that he wished his application to go forward, and requesting that the matter raised by the examiner be referred to a senior officer of the Intellectual Property Office for review, he appeared to accept that the technology he alludes to may be beyond what anyone (on this planet at least) is capable of understanding and that it might be an unavoidable consequence that the patent application will contain insufficient description and will therefore fail. Some further explanation of the invention accompanied those letters, but it provides no further insight into any possible mechanism for the operation of the device.

4. Mr Hislop has indicated that he does not wish to be heard in person, and the matter has consequently come before me for a decision on the papers.

### **The law**

5. Section 14(3) of the Patents Act 1977 (“the Act”) 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.”*

6. The requirement for a clear and complete description is sometimes referred to as “sufficiency” and I use that expression below. Guidance on how this provision is to be interpreted can be found in the Manual of Patent Practice (MoPP). For example, extracts from MoPP 14.74, 14.76 and 14.79 read respectively:

*“...the specification must disclose any feature essential for carrying out the invention in sufficient detail to render it obvious to the skilled person how to put the invention successfully into practice.”*

*“A useful test, given in Edison and Swan Electric Light Co v Holland, 6 RPC at page 282, consists in asking whether anything new has to be found out by a person of reasonably competent skill following the directions in the specification in order to succeed; if the answer is yes, the disclosure is not complete enough.”*

and:

*“If successful performance of the invention is inherently impossible because it would be contrary to well-established laws (eg where the alleged invention is a perpetual motion machine) objection may arise under s. 14(3).”*

These are just some example criteria for sufficiency suggested in MoPP. They are not exhaustive but seem pertinent to the present case.

7. Section 18(3) of the Act either permits or requires the comptroller to refuse an application if it does not comply with the requirements set out in the Act. It reads as follows:

*“If the examiner reports that any of those requirements are not complied with, the comptroller shall give the applicant an opportunity within a specified period to make observations on the report and to amend the application so as to comply with those requirements (subject, however, to section 76 below), and if the applicant fails to satisfy the comptroller that those requirements are complied with, or to amend the application so as to comply with*

*them, the comptroller may refuse the application.”*

### **The invention**

8. The invention concerns a stick of very specific construction which is intended, the specification explains, to permit inter-planetary travel, communication and certain other functions. The claim reads as follows:

*The AdSY “Gravity Stick” is a piece of equipment designed to be used as a balance to measure gravity on footstools and as operated by an individual, by placing, swinging, raising and generally moving, directing to manipulate gravity according to defined rules to open and close footstools for travel to and from footstools and according to designs as a designator on galactic charts which mark the routes to and from footstools.*

9. This requires a bit of explanation: firstly, “AdSY” is simply the name given to the gravity stick. Secondly the specification indicates that the word “footstool” is used to refer to a certain category of planets. It says: “To talk in terms of “planets” is not the same as a “Footstool”.” A better sense of the meaning intended by the claim can therefore be gained by substituting “planet” for “footstool” bearing in mind that the author does not consider there to be complete equivalence.
10. Some of the words of the claim as filed are in upper case. I do not understand that to convey any particular meaning except perhaps that those terms are ones which the author is concerned should not be overlooked. However since it is an important aspect of claim construction that no word is overlooked, I consider the meaning can equally well be appreciated in normal, lower case text as I have set out above.
11. As described, an AdSY consists of a wooden upstand with a wooden headpiece attached to the top end and a wooden backpiece attached to the lower end. The upstand has between one and three panels on which designs are painted representing different galaxies. The headpiece has locations for glass bricks, a gold coin and a sapphire to be inserted, and has a sheet of aluminium foil painted with a design representing stars and planets on the upper surface. The backpiece has several chambers into which are placed such materials as gold and silver coins, gemstones, aluminium and uncut stone such as granite. Placing these materials in the backpiece is said to balance the AdSY, or to deliberately make it unbalanced. Two or four pins are fixed in the lower end of the upstand. They can be moved in or out, for example by virtue of being screw threaded, to adjust the position of the AdSY relative to the ground. Different headpieces and backpieces may be used in different locations.
12. It is explained that the AdSY uses “super light” technology and anti-gravity to permit travel within a galaxy and between galaxies. It can also communicate over vast distances of space and can be used to remove material from or add material to the local star – causing the star to heat up

or cool down. There is a suggestion that the adding of material to a star allows super light travel. The stick can also be used to “uncap” dormant volcanoes.

13. The specification suggests that the operation of the AdSY is based on “applied metaphysics” which operates in four categories: i) the crystal glass, ii) the fire disc, iii) movements in real time and iv) gravity. There is no further explanation in the specification as to how the device works.

### **Discussion**

14. It is apparent from the claim and the specification that the intended purpose of the gravity stick is to measure and manipulate gravity and by that means to allow interplanetary travel and communication. The other functions of the stick that are described all appear to relate to the manipulation of gravity so I do not need to consider them separately.
15. Section 14(3) requires that the specification 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 specification describes the construction of the gravity stick and its intended function of manipulating gravity, but does not explain how that function arises. I do not believe that any person, however skilled in any current technology, would understand that an article constructed as described in the specification could manipulate gravity and thereby allow space travel. The suggestion that its functioning may be based on applied metaphysics, under the headings noted in paragraph 13 above, sheds no further light.
16. The guidance in MoPP suggests as a criterion for sufficiency, that the specification must disclose any feature essential for carrying out the invention in sufficient detail to render it obvious to the skilled person how to put the invention successfully into practice. An essential feature of an invention intended to manipulate gravity would be a mechanism for carrying out such manipulation and the specification is silent about any such mechanism and so fails that test.
17. Another of the MoPP criteria is to ask whether anything new has to be found out by a person of reasonably competent skill following the directions in the specification in order to succeed; if the answer is yes, the disclosure is not complete enough. In order to succeed in manipulating gravity using the gravity stick described in the specification, the skilled person would have to devise nothing less than a technology permitting the manipulation of gravity, including a mechanism by which the stick could be used to perform manipulations. These would undoubtedly be “new” and the specification is therefore insufficient according to this test as well.
18. The third criterion noted above holds that if successful performance of the invention is inherently impossible because it would be contrary to well-established laws then the invention may not comply with the section 14(3) sufficiency requirement. That appears to be the case in the present

application. Although I am not an expert in cosmology, I am aware that the phenomenon of gravity is considered to be successfully described by the theory of general relativity which can perhaps best be summed up in the words of the American physicist J.A. Wheeler as: “mass tells space how to curve; space tells mass how to move”. I do not believe there is any currently accepted theory according to which gravity could be manipulated in any significant way by an object of small mass such as a stick. I consequently consider that the specification fails this test too. That is to say, it is inherently insufficient because it relies upon a purported technology that is contrary to well established physical law.

19. For all these reasons, I find that the specification of the application does not 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, contrary to section 14(3) of the Act, and I therefore refuse the application under section 18(3). Because of the nature of the deficiency, there is no possibility of amendment of the specification to rectify it, and I consequently provide no opportunity for amendment.

### **Appeal**

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

**P M Marchant**

Deputy Director acting for the Comptroller