



PATENTS ACT 1977

APPLICANT Caleb Suresh Motupalli

ISSUE Whether patent application number GB1213494.6
complies with sections 1(1)(c) and 14(3)

HEARING OFFICER C L Davies

DECISION

Background

- 1 The application entitled "System and method for super-augmenting a persona to manifest a pan-environment super-cyborg for global governance" was filed on 8th October 2010 by Caleb Suresh Motupalli, an unrepresented applicant.
- 2 The application derives from a PCT application PCT/IN2010/000669, claims priority from 61/290,104 (US) (24 December 2009) and 404/CHE/2010 (IN) (17th February 2010) and entered the national phase on 30th July 2012.
- 3 The application was published as WO2011/077445 on 30th June 2011. The application was republished as GB2491990A on 19th December 2012. An IPRP was completed by the ISA on 10th March 2011.
- 4 On 8th November 2012, the examiner re-issued the IPRP as the first examination report under section 18(3), adopting sections III and V of that report and informing the applicant that he was deferring full examination of the application, including updating of the search, until those objections had been addressed. In response, the applicant filed amended description and claims (1-15) on 8th March 2013.
- 5 The examiner issued a further exam report dated 3rd April 2013 raising what he considered to be the most salient objections against the application, namely that the application appeared to lack industrial application under section 1(1)(c) and thus was not a patentable invention and also that the application did not appear to disclose the invention in a manner which was clear enough and complete enough for it to be performed by a person skilled in the art and thus also was not a patentable invention under section 14(3). The examiner warned the applicant that it was unlikely the application could be amended to meet the requirements set out by the Patents Act 1977.

- 6 The applicant provided further arguments in a letter of 3rd June 2013 and the examiner responded in a further exam report dated 14th June re-iterating the main objections of lack of industrial application and sufficiency. He also informed the applicant of his possible next steps which included offering the applicant a hearing. In a response of 19th July 2013, the applicant dismissed the examiner's objections.
- 7 Weighing up the case in terms of lack of progress against the major objections and thus an impasse clearly having been reached, and with the applicant not requesting an opportunity to be heard, the examiner sent the application forward for a decision on the papers. It has now come before me to decide the outstanding issues of sections 1(1)(c) and 14(3) and I will now proceed to do this on the basis of the correspondence before me on file.
- 8 Since the application has not yet had the search updated or a full consideration of novelty/inventive step/clarity/added matter/plurality etc, then should I find the application to be capable of industrial application and sufficient, then I will need to refer the application back to the examiner for further processing.

The application

- 9 The specification as originally filed amounts to 26 pages of description, with 6 diagrams labelled Fig 1A through to Fig. 3 and 13 claims.
- 10 Under "Summary of the Invention", the applicant states that the present invention discloses:

"... a morphological solution to the macroscopic problem of n-entropy i.e. loss of control/information in the globalized world that is giving rise to global anarchy. The present invention provides a viable regulatory system for global governance to bring justice, peace and wealth for rightful people.

The present invention provides a method where the profiles of GOODS & SERVICES of a rightful people who have subscribed, accented or acquiesced to the evangelism of the kingdom of heaven are processed in the Christocratic Necked Service Oriented Architecture (CNSOA). The people are divided into two groups in the architecture. One group to be in the upper (inverted) pyramid is called Bridespsce and another to be in the bottom (upright) pyramid is called Christocratic-space or Governed-space in the architecture. The bridespace is further divided into two, they are those who will be in the eastern region of the earth and those who will be in the western region of the earth. Likewise, the bottom Upright Pyramid, hereafter called Christocratic-space or Governed –space."

- 11 The applicant goes on to describe one aspect of his embodiment ...

"... each member/citizen of Bridespace is set with a Necktie Personal-Extender/Environment-Integrator and that this is an apparatus that consists of a data processing device connected to a global network with handwriting, speech, gesture and image synthesizing/processing software, a camera (optional), a ear-phone with microphone (optional) and a projector (optional) on and about their forehead and body. Necktie is spoken of in a figurative sense and is applicable the System functionality (usability) level and not mandatorily applicable at the apparatus

/hardware level, i.e. it is not for ornamental purposes. With the Necktie (imitating) Personal-Extender/Environment-Integrator, each member's Persona and proximity Meatspace is augmented by the data processor, which sees through the camera, microphone or touch screens and processes all that we see, hear and touch and generates and projects through the projector or earphone, "smart" cyberspace in multi-media."

... and sums up as follows:

"Thus with such a Necktie (imitating) Personal-Extender/Environment-Integrator that extends him into both space and time (eternal life) and to solve all his problems, it is asserted that a union with the divine is achievable for mankind."

Issues to be decided

- 12 As set out by the examiner in his report of 14th June 2013: whether the application lacks industrial application under section 1(1)(c) and whether the application discloses the invention in a manner which is clear enough and complete enough for it to be performed by a person skilled in the art as required by section 14(3).

The law

- 13 Section 1(1) of the Patents Act 1977 (the "Act") reads as follows:

"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).....;"

- 14 The Act defines "industrial application" in Section 4(1), which reads:

"4(1) 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."

- 15 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."

Arguments

Sufficiency and Industrial application

- 16 The examiner considered observations and amendments filed by the applicant in a letter dated 8th March 2013 and informed the applicant in a report dated 3rd April 2013 that he was of the opinion that it was unlikely that the application provided sufficient detail of how the invention could be industrially applied to lead to a granted patent. The examiner acknowledged what the applicant seemed to be proposing in using the Christocratic Necked Service oriented architecture as challenging but informed the applicant that the description did not wholly relate to technical apparatus nor clearly set out how from a technical standpoint apparatus could be produced that would causally lead to the results which the applicant had suggested. The examiner further noted in this respect a number of references to the Bible, and the role of Christ, God and the Holy Spirit and he reminded the applicant that the purpose of the patent system is to provide legal protection for technical innovation, rather than wider ideas. The examiner was forthcoming in informing the applicant that it was not clear to him that the application could be amended in a way that meant it was likely to meet the requirements set out by the Patents Act 1977.
- 17 In a response dated 3rd June 2013, the applicant disagreed that the application lacked industrial application and also provided argument in respect of the examiner's perceived notion that the application related to "wider ideas".
- 18 In one further examination report dated 14th June 2013, the examiner restated his objections of sufficiency and industrial application, inviting the applicant to request an opportunity to be heard on these issues.
- 19 In that report, the examiner argued that the application does not set out sufficient detail for how on a technical level the ideas presented should be implemented and that it may also not be capable of industrial application.
- 20 Regarding industrial application, the examiner brought the applicant's attention to the wording of section 4(1) in order to explain his objection. Specifically, he explained that this hurdle excludes intellectual or aesthetic activities, applications where there is no clear evidence that a theory is likely to prove correct, such as things thought to contravene conventionally understood physical laws, and innovations in certain fields such as social applications and biotechnology. The examiner, referring back to his report of 3rd April 2013, acknowledged what the applicant was proposing was challenging and stated that he was of the opinion that it goes beyond the sort of normal technical innovation for which most patent applications are sought. The examiner drew on the applicant's response of 3rd June 2013, indicating that what he believed the applicant had proposed is at a level above that provided simply by a junior developer writing software within a website or a neural network on a chip, thus asserting that the application relates to an invention that is not capable of industrial application as it is applied.
- 21 Regarding sufficiency, the examiner brought the applicant's attention to the wording of section 14(3) in order to explain his objection and why the application, in his view, failed to meet the requirements of this section. Specifically, he explained this was a high hurdle and one that increases the more challenging, revolutionary or difficult the

invention is, with it being incumbent on the applicant when he files his originally application to provide all of the information that would be required for a person skilled in the art to implement the invention, without recourse to experiment, guess work or lengthy research, investigation and/or development. He explained that the person skilled in the art is a legal concept, rather than a practical one, but might often be equated to the sort of developer that the applicant had referred to in his response of 3rd June 2013. The examiner agreed that for more straightforward applications, the sort of filling in the dots of a computer program is not always required but that in this case, the examiner asserted that the level of difficulty that would be faced by someone trying to implement the sort of idea being proposed by the applicant is on a different scale to that and that the application does not provide a clear and straightforward enough description of how on a practical level all of those steps could be filled in and thus not fulfilling the requirement for sufficiency.

- 22 In one further response dated 19th July 2013, the applicant asserted that a full description was in fact provided in the application, which is clear enough and complete enough. The applicant asserted further that to a large extent, most of the “dots” are already filled in [by us] in the application so a junior developer, skilled in the art, can easily understand and implement the invention, “without recourse to experiment, guess work or lengthy research, investigation and/or development”. But since it is an innovation-of-innovations, a junior developer can also further develop the invention with more bells and whistles. The applicant asserted that the invention is not just a “social application” but one that is industrially applicable to the IT Enable Service Industry.

Analysis

- 23 I have carefully read through the papers on file, paying particular attention to the specification; I have carefully followed the line of argument presented by the examiner and I have tried carefully to follow the applicant’s responses.
- 24 However, despite having read the specification on several counts with the sole purpose of reading to understand, I must admit, I have found it difficult to make any real sense of the application. The applicant has used many different terminologies and concepts which have made it almost impossible for me to determine what the invention is all about.
- 25 I have not found any good reason to disagree with the examiner in the arguments he has raised in respect of industrial application and sufficiency and like I have said, having given careful consideration to those arguments. I agree entirely with them.
- 26 I am of the opinion that this application relates to a theory, with there appearing to be no technical features disclosed on which to base a patent application. The application is hypothetical and abstract.
- 27 I am satisfied therefore that the invention lacks industrial application as required by section 1(1)(c) of the Act, for the reasons put forward by the examiner.
- 28 Despite the specification being “chunky” ie. on the face of it a lot of disclosure plus an example where the applicant has described a “scenario” (which to me is totally unclear on how it would work), I nevertheless consider the specification to be lacking

in sufficiency for the same reasons set out by the examiner. I disagree with the applicant's assertion (response of 19th July 2013) that the application is clear enough and complete enough.

29 I am satisfied also that the specification lacks sufficiency as required by section 14(3) of the Act, for the reasons put forward by the examiner.

Conclusion

30 I find that the invention does not comply with sections 1(1)(c) or 14(3) of the Patents Act 1977. Furthermore I 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

31 Any appeal must be lodged within 28 days

C L Davies

Deputy Director, acting for the Comptroller