

TOPIC: GOO  
SUJET: GOO

## COMMISSIONER'S DECISION SUMMARY

C.D. 1256      App'n 2,145,007

Lack of utility

The examiner rejected this application on the basis that the device described and claimed lacked utility, as it is not operable in the manner described by the inventor because it violates Newton's Third Law of Motion. The Board agreed with the examiner .

The application was refused by the Commissioner of Patents





IN THE CANADIAN PATENT OFFICE

DECISION OF THE COMMISSIONER OF PATENTS

Patent application 2,145,007 having been rejected under Rule 30(4) of the Patent Rules, the Applicant asked that the Final Action of the Examiner be reviewed. The rejection has consequently been considered by the Patent Appeal Board and by the Commissioner of Patents. The findings of the Board and the ruling of the Commissioner are as follows:

Applicant

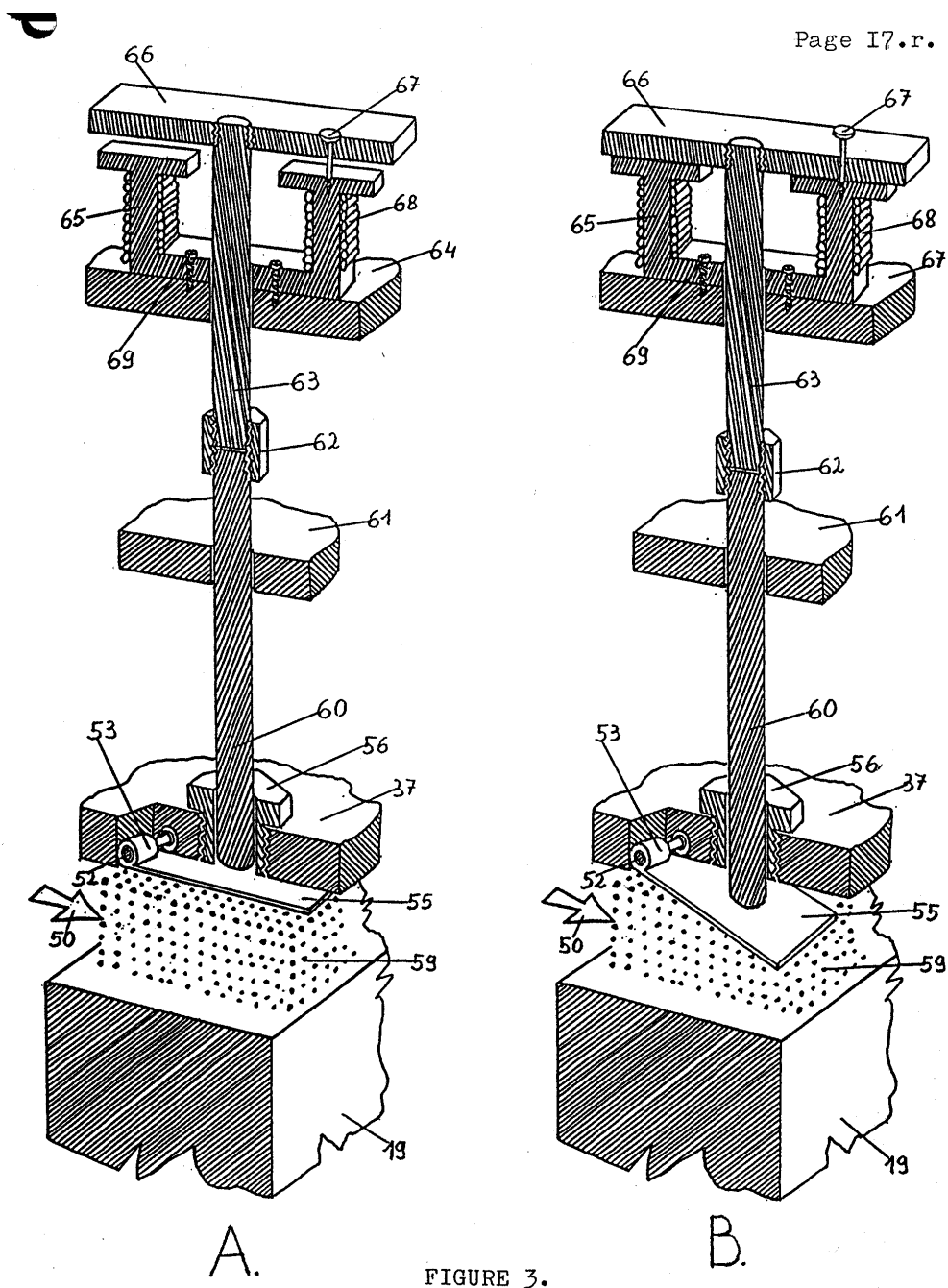
Leslie Georges Meszaros

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Montreal, Quebec

H3N 2L4

This decision deals with the Applicant's request for a review by the Commissioner of Patents of the Examiner's Final Action dated July 30, 1998, on application 2,145,007 , filed on March 20, 1995 and entitled "I.S.B.E.P. AS INNER SUPPORT BASED ELECTROMAGNETIC PROPULSOR". The inventor is Leslie Georges Meszaros and Mr Meszaros has prepared, filed and prosecuted his own application without the assistance of a registered patent agent. A hearing before the Patent Appeal Board, composed of Peter Davies, Chair, Michael Gillen and Murray Wilson, members, was held on September 4, 2002. Mr.Meszaros appeared at the hearing and the Patent Office was represented by Peter Ebsen, the Examiner=s Section



Head.

The application relates to an engine which is useful in the controlled propulsion of air and space vehicles.

Figure 3A shows the engine in the non-actuated position and figure3B it in an actuated position.



Mercury [59] is caused to rotate at high speed inside a container by the actions of a paddle [19]. Rods [60], attraction plates [66] and electromagnet units [65] are mounted around the container. In order to activate the propulsor, the electromagnets are activated causing the rods to force the plates into the stream of mercury. The rotating mercury exerts a force on the plates and the force is transmitted through the rods to the electromagnetic units which are attached to the container. By moving the plates on one side of the container into contact with the mercury and leaving all other plates out of the stream of mercury, a force in a chosen direction [up, down or any horizontal direction] can be generated.

The Examiner issued a Final Action on July 30, 1998 refusing the application under Section 2 of the Patent Act on the grounds that the device described and claimed lacks utility.

In his Final Action the Examiner stated, in part:

The subject matter of this application is outside the definition of invention as given in Section 2 of the Patent Act because the invention is not operable by the means described by the inventor.

This application describes a propulsion system comprising one or more containers in which liquid mercury is caused to rotate. Top, bottom and sides of the container contain a plurality of small flaps which can be pushed into contact with the circulation liquid by rods activated by electromagnets. The moving liquid exerts a force on the flaps which is transmitted to the rod and

then the electromagnet. Therefore, activating numerous flaps all on the same side (or top or bottom) results in a considerable force in that direction.

However, as the rotating liquid mercury is applying a force to the extended flaps, the flaps are applying an equal and opposite force to the circulating mercury. The assumption that this opposing force is nullified or overwhelmed by the high speed mercury inside the container<sup>②</sup> is not valid and directly violates Newton's third law of motion.

Newton's third law of motion states: "To every action there is always opposed an equal reaction; or, the mutual actions of two bodies upon each other are always equal, and directed to contrary parts."<sup>③</sup>

In other words, if body A exerts a force on body B (ie the rotating liquid exerts a force on the flap), then body B exerts an equal but oppositely directed force on body A (ie the flap exerts an opposite force on the rotating liquid) . If these action and reaction forces act on the same overall body (ie the propulsion system) there can be no acceleration because the resultant force is always zero.

It thus follows from Newton's third law that in order to accelerate an object in a certain direction, it is always necessary to accelerate another object in the opposite direction. The applicant's invention does not have this capability and thus violates this law.

Newton's third law of motion is one of the fundamental laws of physics and is universally accepted by the scientific community. Thus, until the unlikely event that this law is refuted, this office is obliged to reject any application that violates its principles.

In his reply to Final Action, Mr Meszaros stated, in part:

Concerning your main objection of operability, your interpretation of Newton's third law is too simple and can not be applied in such a way in this case, since the rotating liquid mercury (ring) is not a solid and it has an acceleration away from centre and a direction of force of flow at 90 degrees angle and at this maintained force, that the equal and opposite acceleration of the body is applied or said rotating mercury is used as support base when activation force is applied against it.

I realize your difficulty understanding two closed systems forming one. Probably you would not object to operability if the flow of mercury would come from an outside entity, however it can be considered as an outside source,

because it is realized in a closed system and nature of the force is of origin of rotation.

I believe it is not necessary to restate the fantastic forces arising from rotation and that these forces are radiating in a straight line, therefore a source of linear motion, I have quoted examples in my previous reply.

At the hearing, Mr Meszaros provided a brief for the Board together with a copy of his booklet entitled PROPULSION MYSTERY OF FLYING SAUCERS, SPHERES, DISC, SOLVED and explained to the Board the way that he believes his device works.

The Board must decide if the device which is disclosed in the instant application falls under the definition of invention which is contained in Section 2 of the Patent Act. The word invention is defined as follows:

invention means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter.

The Examiner has indicated that he believes the device described in this application is not useful because it lacks utility. Tests for utility have been set out in a number of court decisions. These tests are summarized in Canadian Patent Law and Practice, fourth edition, Fox, page 150, as follows:

The true test of utility of an invention is whether it will, when put into practice by a competent person, do what it assumes to do, and be practically useful at the time when the patent is granted, for the purpose indicated by the patentee.

The applicant indicates that when flaps in one area of the periphery of a container full of spinning mercury are forced into the path of the mercury, the mercury exerts a force on the flaps which

is then transmitted to the container itself. Since the flaps are concentrated in one area of the periphery, the transmitted force is also concentrated in that one area and in one direction. This force causes the container to move in that direction. To change the direction of movement, other flaps are activated.

The Examiner has pointed out that mercury exerts a force in one direction on the flaps and the flaps exert exactly the same force in exactly the opposite direction on the mercury. These forces cancel each other and the container remains motionless. This phenomenon was described in Newton=s Third Law of Motion. This Law is believed to be universally true. The applicant has not set forth any reason why it would not apply to his device.

As a result, the Board concludes that the device described and claimed in the instant application does not fall within the definition of invention contained in the Patent Act because it lacks utility.

Therefore, the Board recommends that the rejection of the Examiner be upheld and that the grant of patent from the instant application be refused.

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P. J. Davies

Michael Gillen

Murray Wilson

Chairman

Member

Member

Patent Appeal Board

Patent Appeal Board

Patent Appeal Board

I concur with the findings and the recommendation of the Patent Appeal Board. Accordingly, I refuse to grant a patent on this application. Under Section 41 of the Patent Act, the Applicant has six months within which to appeal my decision to the Federal Court of Canada.

David Tobin

Commissioner of Patents

dated at Gatineau, Quebec

this 28<sup>th</sup> day of April, 2003