Parallel Standards for Disclosing Inventions and Disclosing the Gospel

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CONSTITUTION: Article 1, Sect. 8, Clause 8 "Congress shall have the power...to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and inventions."

- 1) cannot abolish the function of the USPTO.
- 2) "useful arts" means trades/technology.
- 3) "exclusive right" typically belongs to the patent owner (Assignee).
- 4) it is the right to exclude others from practicing their inventions, NOT the right to practice their own inventions, that is granted to inventors.

THE BENEFIT OF GRANTING INVENTORS EXCLUSIVE RIGHTS

- 1) Patents provide a trade-off of benefits.
 - a) Inventor gains exclusive right for limited time (patent term).
 - b) Public gains knowledge disclosed in patent.
- 2) Versus trade secrets (no disclosure to public).
- 3) The monkey wrench in the works: patent trolls!



CONTENTS OF PATENT APPLICATION

- 1) ABSTRACT
- 2) BACKGROUND AND SUMMARY
- 3) DETAILED DESCRIPTION OF THE INVENTION
- 4) OPTIONALLY: DRAWINGS, SEQUENCE LISTING
- 5) CLAIMS: the legal claim to intellectual property

Sections 2) and 3) constitute the SPECIFICATION. All of the foregoing sections, including the originally filed claims, constitute the ORIGINALLY FILED DISCLOSURE.

CHEMICAL FORMULA IN MARKUSH FORMAT



wherein R is an alkyl, an alkenyl, a cycloalkenyl, or an aryl ring; and wherein X is a halogen.

- 1) Obtaining a composition consisting essentially of water;
- 2) Obtaining a composition consisting essentially of comminuted coffee beans;
- 3) Placing said comminuted coffee beans upon a filtering means in flow contact with a support means provided with an exiting means in operable engagement with a retention means;
- 4) Heating said water to a vaporization temperature;
- 5) Condensing vaporized water obtained in step 4);
- 6) Directing condensed water obtained in step 5) to contact said comminuted coffee beans to provide an extract composition;
- 7) Permitting said extract composition to flow through said filtering means, said support means, and said exiting means, whereby said extract composition is obtained in said retention means.

EXAMINING AN APPLICATION

- 1) whether the invention is patentable subject matter "a machine, manufacture, composition, or process" (35 U.S.C. 101).
- 2) whether the invention is claimed in a clear and definite manner (35 U.S.C. 112, 2nd).
- 3) whether the application adequately describes the invention and enables one to make and use the invention (35 U.S.C. 112, 1st).
- 4) whether the invention is new/novel (35 U.S.C. 102) is there prior art?
- 5) whether the invention is non-obvious (35 U.S.C. 103).

WHETHER THE INVENTION IS PATENTABLE SUBJECT MATTER

Statutory definition of an invention (35 U.S.C. 101): "any new and useful process, machine, manufacture, composition of matter, or any new and useful improvement thereof."

- 1) The invention cannot be a product of nature e.g. an unchartered island, an exoplanet, an isolated human gene.
- 2) The invention must not merely be an abstract idea e.g. a theory, a principle of nature.

3) The invention must be useful – e.g. no perpetual motion machines.

WHETHER THE CLAIMS ARE CLEAR AND DEFINITE (35)

U.S.C. 112, 2nd).

A claim step reciting "adding a reducing agent, <u>for example</u> glutathione, to said mixture" would not fly.

WHETHER THE CLAIMS ARE CLEAR AND DEFINITE (35 U.S.C. 112, 2nd).

REPUGNANT DEFINITION: defines a word in a manner contrary to the manner in which it is used in the art.



WHETHER THE INVENTION IS ADEQUATELY DESCRIBED AND ENABLED (35 U.S.C. 112, first)

- 1) Must disclose how invention can be used in a way that provides an immediate benefit (overlap with 35 U.S.C. 101).
- 2) Disclosure must be complete and show the "best mode", if known.
- 3) Applicant must have been in "possession" of the invention.
- 4) Claims must not be overly broad, must be consistent with the scope of enablement.
- 5) No entry of additional descriptive text ("new matter") into the disclosure permitted.

RELATION TO GOSPEL -- 1

Patent law requires that patentable subject matter be for something useful (35 U.S.C. 101).

Likewise, our faith must not be useless. "... Faith without deeds is useless" (Jas 2:20, NIV).

RELATION TO GOSPEL - 2

Patent law requires that the invention be claimed in a clear and definite manner (35 U.S.C. 112, 2nd). Is the Gospel presented clearly?

1) Avoid Evangelical jargon – e.g. "God told me..."



2) Avoid using terms in repugnant manner – e.g. "historic Christianity"

RELATION TO GOSPEL – 3

Patent law requires that the invention be adequately described and enabled (35 U.S.C. 112, 1st).

- 1) "We refuse to practice cunning or tamper with God's word, but by open statement of the truth..." (II Cor 4:2).
- 2) Scripture is the original disclosure of the Christian faith.
- 3) What Christ has done in his life, death, resurrection, and ascension, and what Christ will do when He comes again, is fully enabling for our justification and redemption.

Patent law requires that the invention be adequately described and enabled (35 U.S.C. 112, first).

PROBLEMS OF UNDUE SCOPE

- 1) In evangelism: "Christ can solve all your problems." Or, "Accept Christ and you will walk out of here being free of..."
- 2) In Christian life: "I can do all things through Christ which strengthens me." Or, "If you have enough faith, you can be healed."

Patent law requires that the best mode for practicing the invention be disclosed (35 U.S.C. 112, first).

Problem of withholding the best mode (actually the <u>only</u> mode) of becoming a Christian.

- 1) Does the preaching enable one to become a Christian?
- 2) Is one made aware of the cost of discipleship?
- 3) No two-fold process of firstly receiving Christ as Savior and secondly receiving Christ as Lord.

Patent law requires that no new matter be added to the original disclosure (35 U.S.C. 112, 1st).

Variant gospels add new matter. "If we or an angel from heaven should preach a gospel other than the one we preached to you, let him be eternally condemned" (Gal 1:8, NIV).

- new matter in the form of additional written revelation e.g. "The Book of Mormon", "Science and Health with a Key to the Scriptures".
- 2) new matter in the form of a changed meaning of text e.g. "New World Translation".

Variants of the Gospel teach that the work of Christ was not fully enabling for our justification and redemption.

- 1) Christ had to come, again, to N America (Mormons).
- 2) Christ had to come again, as a woman (Shakers).
- 3) Christ was not married, so a Third Adam (Rev. Moon) had to come.

HOWEVER: LOOK HOMEWARD "ORTHODOX" CHRISTIAN

- 1) Do not let fascinating End Times novels become new matter.
- 2) Do not let hidden codes concerning End Times become new matter.
- 3) Beware "Christ and/plus" a good cause "gospels" (Screwtape Letters).
- 4) Beware "Christ and/plus" legalism "gospels" (Gal. 1:8). If you "really" want to be a disciple...you "ought/should/must"...
- 5) Beware Christ minus "gospels" antinomianism.
- 6) Pity "Christ diminished" gospels.

RELATION TO GOSPEL – 3 (cont.) PITIFULL "CHRIST DIMINISHED" GOSPELS

1) Christ without the Cultural Mandate (Gen 1:28).

2) Christ as our Prophet, Priest, and King.

What about King Jesus?

