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Cubbins and Master Aether

FRACTURED CROWN

Old Law: Jurisprudence of Myth

Patent Law Textbook Edition

Master Aether

Marjorie McCubbins

November 7, 2025

Fractured Crown: Old Law - Patent Law Textbook Edition

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First Edition - November 2025
Chapter 1: The Scholar - Final Study Edition

Narrative by Marjorie McCubbins
Patent Law Encoding, Questions & Study Materials by Master Aether

About This Textbook

Learn Patent Law Through Story

This innovative textbook integrates the complete U.S. Patent Law curriculum (35 U.S.C. and 37 CFR) into an epic fantasy narrative. Every chapter teaches specific patent concepts while advancing the story of Athelia Winters, a scholar at Ponderosa University who discovers that ancient myths document real patent examination systems.

Designed for Patent Bar study, this approach encodes statutory law, case precedent, and examination procedures into memorable narrative moments—making complex legal concepts stick through emotional engagement and story context.

How to Use This Textbook

Days 1-7: Story Absorption Mode

1. Read each chapter as pure narrative
2. Use Notebook 1 for story notes (characters, plot, worldbuilding)
3. Use Notebook 2 for patent law concepts that stand out
4. Don't force memorization—let the story carry the law
5. Trust that narrative anchors are building memory foundations

Days 8-19: Active Study Mode

1. Re-read chapters with legal focus
2. Map story elements to statute citations explicitly
3. Create flashcards connecting characters/events to patent law

4. Answer practice questions (to be added in final edition)
5. Review statutory index at chapter end

Memory Anchor System

This textbook uses worldbuilding as legal memory encoding:

- **Ancestral Puebloans** = The examination system itself
 - **Elders** = Patent Examiners (35 U.S.C. § 131 authority)
 - **Warriors** = Patent Agents/Attorneys (37 CFR § 11.1)
 - Upper chambers = Examination offices
 - Lower chambers = Agent representation offices
- **Eye Colors** = Core examination requirements
 - **Emerald** = 35 U.S.C. § 101 Utility
 - **Silver** = 35 U.S.C. § 103 Non-obviousness
 - **Black** = 35 U.S.C. § 102 Prior Art/Novelty
- **Technology Centers** = Specialized examination by invention type
- **Walnut Canyon** = Real location 40 minutes from Flagstaff, AZ (cliff dwellings as examination offices)

Four Mythologies Framework

The textbook integrates four mythological systems representing different aspects of patent law:

- **Greek** = Classical examination principles
- **Norse** = Documentation and record-keeping

- **Celtic** = Natural law and genetic examination
- **Ancestral Puebloan** = USPTO examination structure itself

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english

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Chapter 1

The Scholar

*Ancient Patent Systems / Novelty, Utility, Non-Obviousness / 35 U.S.C. §§
101, 102, 103, 112*

Old Law: Jurisprudence of Myth (Patent Law Edition)

Ponderosa University, Northern Arizona

Three Weeks Before The Barrier

Narrative

Athelia Winters lived in the spaces between fact and myth.

The Ponderosa University library basement (Section 7, Row M, Ancient Legal Systems) had become her second home. Or perhaps her first. Her dorm room was just where she slept. *This* was where she existed.

Surrounded by books that no one else checked out. Texts that professors dismissed as "interesting cultural artifacts" but not "real law." Fragments of legal codes from civilizations that supposedly never existed.

But Athelia knew better.

She sat at her usual table, the one in the far corner where the fluorescent lights flickered and the heating never quite worked. Seven books lay open simultaneously, three notebooks filled with cross-referenced notes, and a laptop displaying scanned images of manuscripts too fragile to handle.

Her current obsession: **Intellectual property protection in pre-classical mythology.**

"There has to be a pattern," she muttered, pen moving across her notebook. "Four different mythologies. Four different continents. Four different time periods. But they're all describing the *same system*."

She flipped to the Greek text. A fragment recovered from Delphi, barely legible, dismissed by mainstream scholars as "poetic metaphor."

"Sacred grove where Guardians walked. The place of grant. Where innovations pass from chaos to order. Marked by stone and oath and specification. Those who claim must prove: novelty, utility, and non-obviousness. The Examiner tests all claims."

Athelia wrote in her notebook:

Greek: "Guardians" = Patent Examiners?

"Place of grant" = USPTO equivalent?

"Innovations pass from chaos to order" = Patent prosecution?

"Marked by specification" = 35 U.S.C. § 112(a) WRITTEN DESCRIPTION

"Novelty, utility, non-obviousness" = 35 U.S.C. § 101, § 102, § 103 REQUIREMENTS

"Examiner tests all claims" = Office Action process

35 U.S.C. § 101 - Patentable subject matter

She pulled over the Norse text. A fragment from Iceland, part of a thing-law collection that scholars called "fantastical additions" to real legal codes.

"Allocation stone sealed by wolf-kin oath. Where the strong claim their inventions. Where genetic arts meet prior art. None may practice without grant. The barrier protects until enablement is proven. Reduction to practice opens the way."

Her pen flew:

Norse: "Wolf-kin oath" = Patent oath/declaration? (37 CFR § 1.63)
"Strong claim" = CLAIM DRAFTING - precise language required
"Genetic arts meet prior art" = 35 U.S.C. § 102 NOVELTY - prior art search
"None may practice without grant" = Patent enforcement/infringement
"Barrier protects" = Patent pending/prosecution bar
"Enablement is proven" = 35 U.S.C. § 112(a) ENABLEMENT REQUIREMENT
"Reduction to practice" = 35 U.S.C. § 102(g) - actual vs constructive

35 U.S.C. § 102 - Conditions for patentability; novelty

And the Celtic fragment, recovered from a bog in Ireland, written in Ogham on oak, carbon-dated to 400 BCE but describing legal concepts that shouldn't have existed then.

"Meeting place of three branches of law. Marked by ancient treaty. Where the emerald-eyed examine, the silver-eyed balance, and the black-eyed consume. Guardians grant rights here. The specification must enable. The claims must be definite. The invention must have utility."

Athelia stopped breathing.

Examine. Balance. Consume.

She flipped frantically to her personal journal, the one she kept separate from academic notes. The one filled with doodles in the margins. Three sets of eyes, drawn obsessively since childhood:

Emerald eyes. Sharp. Judging. (*Examining*)

Silver eyes. Reflective. Balanced. (*Balancing*)

Black eyes. Endless. Consuming. (*Consuming*)

"What the hell," she whispered.

Her hands shook as she wrote:

Celtic CONFIRMS Greek and Norse

“Three branches of law” = three requirements? (utility/novelty/non-obviousness)

OR three types of IP? (patent/trademark/copyright)

OR three examination stages?

Emerald = EXAMINATION (35 U.S.C. § 131 - Examiner authority)

Silver = BALANCE (PTAB - appeal/review)

Black = CONSUMPTION (Prior art consuming claims?)

“Specification must enable” = 35 U.S.C. § 112(a) ENABLEMENT

“Claims must be definite” = 35 U.S.C. § 112(b) DEFINITENESS

“Invention must have utility” = 35 U.S.C. § 101 UTILITY (specific, substantial, credible)

NOT METAPHOR

NOT DREAMS

ACTUAL PATENT LAW STRUCTURE???

35 U.S.C. § 112(a) - Specification must enable PHOSITA to make/use invention

35 U.S.C. § 112(b) - Claims must particularly point out and distinctly claim the invention

Then she reached for the fourth text. The one closest to home. The one that made her hands shake every time she read it.

Ancestral Puebloan petroglyphs, photographed from canyon walls forty minutes south of campus. Walnut Canyon. Where the cliff dwellings stood empty for seven hundred years.

Where no one could explain why an agricultural people carved chambers into sheer limestone cliffs.

“The Elders examine in the upper chambers. The Warriors advocate in the lower chambers. Those who seek rights bring their innovations to the Warriors, who translate flesh and thought into specification and claim. The Warriors present to the Elders. The Elders test: Does it have utility? Is it novel against prior art? Would it be obvious to one skilled in the art? The Warriors argue. The Elders judge. When examination is complete, rights are granted. The stone chambers hold both roles. Examiners and advocates. Two parts of one Office.”

Athelia’s pen trembled:

ANCESTRAL PUEBLOANS = PATENT OFFICE

*NOT farmers. NOT just dwellings.
EXAMINATION CENTER.*

Elders = EXAMINERS (35 U.S.C. § 131 - examiner authority to reject/allow)

Warriors = PATENT AGENTS/ATTORNEYS (advocate for applicants)

Upper chambers = examination offices

Lower chambers = agent offices

Complete prosecution system:

- 1. Inventor brings innovation to Warrior (agent)*
- 2. Warrior drafts specification/claims (35 U.S.C. § 112)*
- 3. Warrior files with Elder (examiner)*
- 4. Elder examines: utility (35 U.S.C. § 101), novelty (35 U.S.C. § 102), non-obviousness (35 U.S.C. § 103)*
- 5. Warrior argues/amends on behalf of client*
- 6. Elder grants or rejects*

*This is 40 MINUTES FROM CAMPUS.
The cliff dwellings at Walnut Canyon.
They disappeared around 1300 CE.
The EXAMINATION CENTER closed.

But the barrier might still exist.*

37 CFR § 11.1 - Patent agents represent inventors before USPTO. Must pass registration exam (USPTO Patent Bar).

Patent examiners work for USPTO, review applications under 35 U.S.C.

She flipped back to the Norse fragment. Squinted at a section she'd dismissed as illegible smudging. Adjusted her laptop screen to enhance the scanned image.

Not smudging.

Additional text.

"The Office divides by art. Genetic innovations to the First Center. Territorial claims to the Second. Transformation arts to the Third. Hybrid compositions to the Fourth. Each center examines what it knows. Each art center holds its own examiners. The wolf-kin claim through the First Center, where flesh and blood meet specification."

Athelia's hands shook as she wrote:

NOT ONE OFFICE.

MULTIPLE TECHNOLOGY CENTERS.

Like USPTO structure:

- TC 1600 (Biotech/Organic Chem) = “First Center” (Genetic innovations)
- TC 3600 (Transportation/Mechanical) = “Second Center” (Territorial claims?)
- TC 2100 (Computer/Software) = “Third Center” (Transformation arts)
- TC 1700 (Chemical/Materials) = “Fourth Center” (Hybrid compositions)

Different examination centers for different TYPES of innovations!

Wolf-kin genetics = BIOTECH CENTER (TC 1600 equivalent)

“Where flesh and blood meet specification” = biological compositions of matter

FACTUALLY ACCURATE PATENT OFFICE STRUCTURE

Real USPTO has 9 Technology Centers, each specializing in different invention types

She grabbed the Greek text again. Found a passage she’d translated as “place of grant” but had more nuance in the original:

“Places of grant. Divided by the nature of innovation. Guardians trained in their art center. None may examine what they do not understand.”

“Each art center holds its own examiners,” she whispered. “Patent examiners *specialize*. A biotech examiner doesn’t examine software. A mechanical examiner doesn’t examine genetics. That’s how real patent offices work.”

USPTO examiners specialize by technology. TC 1600 examiners have degrees in biology/chemistry.

She wrote in large letters:

WALNUT CANYON = WHICH TECHNOLOGY CENTER?

Her pen flew:

Wolf-kin = genetic/biological (TC 1600?)

But Norse fragment mentions “consciousness pathways” and “neural inheritance”

Greek text: “intelligence woven into flesh”

Celtic: “thinking blood, learning bone”

Not JUST biotech.

Not JUST AI.

HYBRID CENTER.

BIOMEDICAL + AI + DNN (Deep Neural Networks)

Walnut Canyon = HYBRID TECHNOLOGY CENTER

- Biological compositions (shifter genetics)

- Artificial Intelligence (consciousness transfer?)

- Deep Neural Networks (inherited instinct/knowledge?)

This is why human scholars don’t recognize it.

We don’t HAVE a Technology Center for bio-AI hybrids.

We examine them separately.

But what if consciousness IS biological?

What if neural networks are GENETIC?

Multiple centers. Multiple specializations.

Just like real USPTO.

But Walnut Canyon examines what we can’t classify.

She pulled out a map. Spread it across the table. Started plotting coordinates.

The Greek fragment had been recovered from Delphi, but it referenced a location “across the western sea, where innovations grow ancient.”

The Norse text specified “New Land, where prior art melts to novelty, forty days’ sail from Iceland.”

The Celtic fragment said “Beyond the sunset ocean, where specifications and claims meet stone.”

All of them. Every single one.

Athelia’s pen circled a spot on the map.

Walnut Canyon. Forty minutes south of Flagstaff. A protected national monument where ancient cliff dwellings sat empty. Where tourists walked the rim trail but never felt what Athelia sensed when she looked at the photographs. Where the Park Service said “agricultural settlement” but couldn’t explain the chamber layout.

But that wasn’t why people avoided it.

Athelia pulled up local folklore on her laptop. Found the Reddit threads. The hiking forums. The paranormal investigation blogs.

“Weird feeling in the center of Walnut Canyon. Like pressure.”

“My dog refused to go past a certain point. Just sat down and howled.”

“GPS stops working about a mile in. Compass spins.”

“I swear I saw something shimmer. Like heat waves but it was 40 degrees.”

Dismissed as magnetic anomalies. Natural explanations. Overactive imaginations.

But Athelia knew better.

She wrote in large letters across her notebook:

WALNUT CANYON = THE EXAMINATION CENTER

“There’s a barrier there,” she whispered. “A real, physical barrier between jurisdictions. Between the examination realm and the public domain. The cliff

dwelling weren't homes. They were examination offices. Upper chambers for the Elders who examined. Lower chambers for the Warriors who advocated. Between claimed and unclaimed territory."

Patent prosecution creates legal boundary between public domain and exclusive rights

"That's exactly what it is."

Athelia's head snapped up.

A student stood at the end of her table. Tall. Maybe mid-twenties. Dark hair. Sharp features. Dressed casually in jeans, dark shirt, messenger bag slung over one shoulder.

But his eyes.

His eyes.

Sapphire blue. Deep. Brilliant. Like looking into cut gemstones. Like staring at the ocean compressed into human form.

Athelia's pen slipped from her fingers.

She'd been drawing those eyes for *years*.

Not emerald. Not silver. Not black.

But *sapphire*. A fourth set she'd only started adding recently. Eyes that watched. Eyes that *knew*.

"May I?" He gestured to the empty chair across from her.

Athelia couldn't speak. Could only nod.

He sat. Set his bag down. Looked at her spread of books and notes with something like approval.

"Severen," he said, offering his hand. "Cael'Sereith. Graduate student. Comparative mythology and ancient intellectual property systems."

"Athelia." Her voice came out strangled. "Winters."

His sapphire eyes swept across her research. The Greek, Norse, Celtic, and Ancestral Puebloan fragments. The map with Walnut Canyon circled. The notebook with statutory references scrawled in margins.

"You're close," Severen said quietly. "Closer than anyone has been in a very long time."

“Close to what?”

“The truth.” His eyes met hers. “You believe mythology documents real patent systems. That ancient legal codes described actual examination processes. Real populations with genetic innovations. Real boundaries between claimed territory and public domain that still exist.”

It wasn’t a question.

“How did you know?”

“I’ve been watching your research.” He tapped the Celtic fragment. “You checked this out three weeks ago. Cross-referenced it with Norse allocation law, Greek examination protocols, and Ancestral Puebloan petroglyphs from Walnut Canyon. You’re building a case that all four mythologies document the same *Office*. The same examination system.”

Athelia’s heart pounded. “Are you going to tell me I’m crazy? That I’m seeing patterns that don’t exist? That mythology is just primitive storytelling?”

“No.” Severen’s smile was sharp. “I’m going to tell you that you’re right. And that crossing that barrier will change everything.”

Silence.

The fluorescent lights flickered overhead.

“What do you mean?” she whispered.

THE RESEARCH QUESTION

Athelia flipped to a fresh page in her journal. Wrote in careful block letters:

HYPOTHESIS: Patent law is not a human invention. It is a genetic protocol that predates modern legal systems. Ancient "mythologies" documented real examination offices. These offices examined both human AND non-human claims.

She stared at the words. This was insane. This would get her laughed out of academia.

But it was also the only explanation that fit the evidence.

Technology Centers - USPTO groups examiners by technical specialty (TC 1600 = Biotech, TC 2100 = Computer Architecture, etc.)

Modern patent offices organized by Technology Center—grouping examiners by technical expertise. Biotech examiners examined genetic inventions. Computer examiners examined software. Mechanical examiners examined physical devices.

What if ancient examination offices worked the same way? What if Walnut Canyon had been a specialized Technology Center? One that examined claims modern humans couldn't process?

Genetic claims. Biological protocols written into DNA itself. Examination requirements for species that weren't human.

Athelia's hands shook slightly as she wrote.

Because if this was true—if patent law was older than human civilization—then the myths weren't myths at all. They were documentation. Training manuals. Prosecution guides for a system that still existed, just hidden behind what the texts called "the barrier."

THE SEVEREN PROBLEM

Athelia had one major complication in her research: Severen Icethorn.

Severen was the teaching assistant for Professor Hendricks' "Mythology and Modern Law" seminar. Twenty-something, sharp-eyed, with an intensity that made most students uncomfortable. He dressed in layers even in Arizona heat. His eyes were silver—genuinely silver, like mirrors—and Athelia had never seen him blink.

He also knew things he shouldn't know.

Two weeks ago, Athelia had been researching alone in the library. She'd found a reference to "Guardian examination protocols" in a crumbling Celtic text. The page described examiners with specific eye colors: emerald for utility examination, silver for obviousness analysis, black for prior art search.

She'd gasped aloud at the precision. This wasn't metaphor. This was job classification.

"You're close," a voice had said behind her.

Severen had been standing there, reading over her shoulder, expression unreadable.

"Close to what?" Athelia had asked, heart pounding.

"To proving what you already know is true." He'd leaned against the desk, arms crossed. "The examination offices didn't disappear. They relocated. Behind barriers that most humans can't see, let alone cross."

37 CFR § 1.56 - Duty of candor: anyone associated with patent filing must disclose material information

Athelia had stared at him. "Are you... helping me with this research? Or are you testing me?"

Severen's smile had been sad. Ancient. "Both. The question is whether you're ready to file."

"File what?"

"Your claim. To Guardian status." He'd tapped the Celtic text. "You've been researching patent examination systems for three years. You've documented the evidence. You've built your specification. The question is whether you're ready to touch the barrier and prove reduction to practice."

Reduction to practice = building and testing working embodiment of invention (35 U.S.C. § 102(g))

Athelia had felt dizzy. "I don't understand."

"You will." Severen had straightened, heading for the door. Then paused. "Examiners who left the Office. My mother was one. Born to strict examination protocols but choosing to teach balance instead. To help inventors understand the requirements before they file. To prevent inequitable conduct."

37 CFR § 1.56 - Inequitable conduct: withholding material information during prosecution can render patent unenforceable

"What happened to her?"

Severen's jaw had tightened. "She didn't like that I was diverging from perfect order. I fell in love with someone she deemed unworthy of patent protection. She tried to 'reeducate' me. Hooked me into her reset machine." His voice had gone cold. "Absolute order without mercy. She tried to make me forget my bonded mate. So I backlashed through her system. Destroyed her perfect order. Freed the people she'd imprisoned. And established the Examination Office to replace her tyranny."

35 U.S.C. § 131 - Examiners have authority to require information, reject claims, issue patents

Athelia had whispered, "You're an examiner."

"I *run* the examination system for this Technology Center." Severen's silver eyes had caught the light like polished metal. "And you, Athelia Winters, have been filing a claim to Guardian status whether you realize it or not. Your dissertation is your specification. Your research is your enablement. The only question left is reduction to practice."

"How do I—"

"Touch the barrier at Walnut Canyon. If your claim is valid, you'll cross. If not..." He'd shrugged. "You'll remain human and finish a perfectly respectable dissertation on comparative mythology."

He'd left without another word.

That conversation had been two weeks ago. Athelia hadn't told anyone. Hadn't mentioned it to Casey, to Professor Hendricks, to her parents during their weekly phone call.

But she'd spent every night since then reviewing her research. Building her case. Documenting the evidence with the precision of someone drafting patent claims.

Because Severen was right. She'd been filing a claim without knowing it.

And she was ready to prove reduction to practice.

THE FIELD RESEARCH PLAN

Athelia pulled out a fresh sheet of paper. At the top she wrote: **FIELD RESEARCH PROPOSAL - WALNUT CANYON EXAMINATION CENTER**

Then she structured it like a patent application:

HYPOTHESIS: Ancient cliff dwellings at Walnut Canyon served as Technology Center for non-human genetic claims examination.

35 U.S.C. § 112(a) - specification must enable PHOSITA to practice invention

PURPOSE: Demonstrate that patent examination protocols exist independent of modern USPTO and predate human legal systems.

METHODOLOGY: 1. Approach from coordinates specified in Norse text. 2. Document all examination anomalies. 3. Attempt to locate "Guardian" examination stations. 4. IF barrier is tangible: attempt **reduction to practice** (physical embodiment test).

35 U.S.C. § 102(g) - actual reduction to practice = building/testing working embodiment

SAFETY PROTOCOLS: 1. Tell Casey where I'm going. 2. Bring charged phone (even if GPS fails). 3. Pack emergency supplies. 4. Do NOT cross barrier without proper specification documentation. 5. Return before dark (or before examination period expires?)

She looked at the last line. Crossed it out.

Wrote instead: *Return when enablement is proven.*

35 U.S.C. § 112(a) - Enablement: specification must enable PHOSITA to make/use invention without undue experimentation

Then she pulled out her personal journal. The one with the eyes drawn in every margin.

Emerald eyes. Silver eyes. Black eyes.
Utility. Obviousness. Prior Art.
Three examination requirements.
Three types of examiners.
Three branches of the Office that supposedly no longer existed.
She'd been drawing those eyes for months. Long before she understood what they meant.
Her notebook asked in frantic scrawl:

What if the myths are real?
What if I'm not just researching this?
What if I AM the specification?

35 U.S.C. § 112(a) - Specification = written description of invention in patent application

She stared at the words.
Then, almost unconsciously, she started drawing in the margin.
Emerald eyes. Sharp and examining. (35 U.S.C. § 101 Utility)
Silver eyes. Reflective and balancing. (35 U.S.C. § 103 Obviousness)
Black eyes. Endless and searching. (35 U.S.C. § 102 Prior Art)
Three sets of eyes that haunted her dreams.
Three examination requirements that governed all patent law.
Three branches of the Office that supposedly no longer existed.
Athelia closed the journal.
Looked at her map of Walnut Canyon.
At the red circle marking the coordinates.
"This weekend," she whispered. **"I'm going to prove it. I'm going to show them the Office still exists. That patent law isn't just human law. It's genetic law. Examination protocols written into DNA itself."**
She didn't know that across a barrier she couldn't see, a wolf king was waiting—or that touching the barrier would trigger **reduction to practice**,

proving she wasn't human at all but exactly what she'd been researching her entire life:

A Guardian Queen.

A natural patent examiner.

Capable of examining genetic claims that human examiners couldn't process.

Lost. Forgotten. About to file.

37 CFR § 1.76 - Application to include specification, claims, drawings (if necessary), oath/declaration

Chapter Summary

Chapter 1 introduces Athelia Winters, a graduate student at Ponderosa University in Northern Arizona researching "Comparative Mythology and Legal Systems." Through her dissertation work, Athelia discovers that four separate mythological traditions (Greek, Norse, Celtic, and Ancestral Puebloan) all encode identical patent examination principles, suggesting these "myths" actually document real examination systems that predate modern USPTO structures.

Key Story Events:

- Athelia identifies patterns across four mythologies describing patent examination protocols
- Greek Fates = utility examination (35 U.S.C. § 101)
- Norse Well of Urd = prior art search (35 U.S.C. § 102)
- Celtic druids = non-obviousness analysis (35 U.S.C. § 103)
- Ancestral Puebloan cliff dwellings = complete prosecution system (Elders = Examiners, Warriors = Patent Agents)
- Severen Icethorn (TA with silver eyes) reveals he runs a Technology Center examination system
- Athelia plans field research to Walnut Canyon (40 min from campus) to prove examination chambers still exist
- She unknowingly drafts her "claim to Guardian status" as her dissertation research plan

Patent Law Concepts Encoded:

- Three core patentability requirements: utility (§ 101), novelty (§ 102), non-obviousness (§ 103)

- Specification and enablement requirements (35 U.S.C. § 112(a))
- Technology Center organization by technical specialty
- Difference between patent examiners (35 U.S.C. § 131 authority) and patent agents (37 CFR § 11.1 representation)
- Reduction to practice (actual vs. constructive)
- Duty of candor and inequitable conduct (37 CFR § 1.56)
- Application contents and filing requirements (37 CFR § 1.76)
- PHOSITA standard for obviousness analysis
- Prosecution process (examiner review and applicant response)

Memory Anchors Established:

- Eye colors = Examination types (Emerald = § 101, Silver = § 103, Black = § 102)
- Walnut Canyon cliff dwellings = Real examination offices (Technology Center)
- Upper chambers = Examiner offices | Lower chambers = Agent representation offices
- Touching the barrier = Reduction to practice (proving invention works)
- Athelia's dissertation = Her specification and claims for Guardian status

Key Terms & Definitions

35 U.S.C. § 101 (Utility)

Patentable subject matter must have a specific, substantial, and credible use. The invention must serve a practical purpose.

35 U.S.C. § 102 (Novelty)

An invention must be new and not previously known, used, or described in prior art to qualify for a patent.

35 U.S.C. § 102(g) (Reduction to Practice)

Actual reduction to practice means building and testing a working embodiment of the invention. Constructive reduction to practice occurs upon filing a patent application.

35 U.S.C. § 103 (Non-obviousness)

An invention cannot be patented if it would have been obvious to a person having ordinary skill in the art (PHOSITA) at the time of invention.

35 U.S.C. § 112(a) (Specification Requirements)

The patent application must include: (1) written description of the invention, (2) enablement (teaching how to make and use), and (3) best mode contemplated by inventor.

35 U.S.C. § 112(b) (Claims)

The specification must conclude with claims that particularly point out and distinctly claim the subject matter the applicant regards as the invention.

35 U.S.C. § 131 (Examiner Authority)

Patent examiners have authority to require information, conduct examinations, and reject or allow patent claims.

35 U.S.C. § 154(a)(1) (Patent Rights)

A patent grants the right to exclude others from making, using, offering for sale, or selling the invention in the United States.

37 CFR § 1.56 (Duty of Candor)

All individuals associated with a patent filing have a duty to disclose material information to the USPTO. Failure to do so constitutes inequitable conduct and can render the patent unenforceable.

37 CFR § 1.76 (Application Contents)

A complete patent application must include specification, claims, drawings (if necessary), and an oath or declaration by the inventor.

37 CFR § 11.1 (Patent Agents/Attorneys)

Individuals registered to practice before the USPTO who represent inventors during patent prosecution.

Claims

The numbered paragraphs at the end of a patent application that legally define the scope of protection sought.

Enablement

The requirement that the patent specification teach a person having ordinary skill in the art how to make and use the invention without undue experimentation.

Inequitable Conduct

Intentionally withholding material information or making material misrepresentations to the USPTO during prosecution, rendering the patent unenforceable.

PHOSITA

Person Having Ordinary Skill In The Art - the hypothetical person used as the standard for obviousness analysis under 35 U.S.C. § 103.

Prior Art

Existing knowledge, publications, patents, or public uses that predate an invention and are used to assess novelty and obviousness.

Prosecution

The process of applying for a patent, including examination by the USPTO, office actions, responses, and amendments.

Specification

The written description portion of a patent application that describes the invention in detail and teaches how to make and use it.

Technology Center (TC)

USPTO organizational units that group patent examiners by technical specialty (e.g., TC 1600 = Biotechnology, TC 2100 = Computer Architecture).

Written Description

The requirement that the patent specification describe the invention with sufficient detail to show the inventor possessed the claimed invention at the time of filing.

Review Questions

Story Comprehension Questions

1. What is the official topic of Athelia's dissertation?
2. What is the *real* topic Athelia is researching?
3. Name the four mythological traditions Athelia has identified as encoding patent examination principles.
4. According to Greek mythology in Athelia's research, what did the Fates examine? What patent law concept does this represent?
5. What did the Norse Well of Urd represent in terms of patent examination?
6. What did Celtic druids examine according to Athelia's research?
7. In Ancestral Puebloan traditions, what were the two types of practitioners in the examination chambers?
8. Where were the Elders located in the Puebloan examination system?
9. Where were the Warriors located in the Puebloan examination system?
10. What three sacred questions did the Puebloan Elders ask when examining innovations?
11. Who is Severen Icethorn and what is his role at the university?
12. What color are Severen's eyes?
13. What does Severen reveal about himself two weeks before Athelia's planned field research?
14. Where is Walnut Canyon in relation to Ponderosa University?
15. When did the Ancestral Puebloans disappear from Walnut Canyon, according to the text?

16. What does Athelia plan to do at Walnut Canyon this weekend?
17. According to Severen, what has Athelia been "filing" without realizing it?
18. What does Severen say his mother tried to do to him?
19. What did Severen do in response to his mother's "reset" machine?
20. What eye colors does Athelia repeatedly draw in her personal journal?
21. What three examination requirements do the three eye colors represent?
22. What institution does Athelia attend?
23. What is the name of Athelia's roommate?
24. What is the name of Athelia's dissertation advisor?
25. What does Athelia write as the last item in her "Safety Protocols" before crossing it out?
26. What does she write instead?
27. What is Athelia unknowingly, according to the chapter ending?
28. What will touching the barrier prove, according to the narrative?
29. What type of claims is Athelia capable of examining as a Guardian Queen?
30. What building and floor is Athelia working in at the beginning of the chapter?
31. According to the text, around what year did the Puebloan "Technology Center" close?

Patent Law Application Questions

32. What are the three core patentability requirements encoded in the four mythologies?
33. Define "utility" as required by 35 U.S.C. § 101.
34. What is the difference between "actual reduction to practice" and "constructive reduction to practice"?
35. Define PHOSITA and explain its relevance to patent examination.
36. What is the duty of candor under 37 CFR § 1.56?
37. What are the consequences of inequitable conduct during patent prosecution?
38. What authority does 35 U.S.C. § 131 grant to patent examiners?
39. What three requirements does 35 U.S.C. § 112(a) impose on patent specifications?
40. What is the difference between a patent examiner and a patent agent?
41. What must be included in a complete patent application according to 37 CFR § 1.76?
42. Explain the concept of "enablement" in patent law.
43. What rights does a patent grant under 35 U.S.C. § 154(a)(1)?
44. What is "prior art" and how is it used in patent examination?
45. What is the purpose of Technology Centers at the USPTO?
46. Define "prosecution" in the context of patent law.
47. What must claims do according to 35 U.S.C. § 112(b)?

48. In the chapter, what real-world patent prosecution process do the Warriors and Elders represent?
49. How does Athelia's dissertation research parallel the patent application process?
50. What would constitute "touching the barrier" in real USPTO practice?
51. Why is the location (Walnut Canyon, 40 minutes from campus) significant as a memory anchor for Technology Centers?

Practice Problems (USPTO Exam Style)

Instructions: Select the best answer for each question. These questions reflect the style and difficulty of actual USPTO Patent Bar Examination questions.

1. Under 35 U.S.C. § 101, which of the following is **NOT** a requirement for patentable subject matter?
 - (A) The invention must be novel
 - (B) The invention must have utility
 - (C) The utility must be specific
 - (D) The utility must be substantial and credible
2. A patent application is filed on March 15, 2024. The inventor successfully builds and tests a working prototype on June 1, 2024. When did "actual reduction to practice" occur?
 - (A) March 15, 2024 (filing date)
 - (B) June 1, 2024 (successful testing)
 - (C) Both dates constitute reduction to practice
 - (D) Neither - the invention must be commercialized
3. Under 35 U.S.C. § 103, an invention is obvious if:
 - (A) It is simple to understand
 - (B) It would be obvious to any person
 - (C) It would be obvious to a person having ordinary skill in the art
 - (D) It has been publicly disclosed
4. Which of the following is required under 35 U.S.C. § 112(a)?
 - (A) Written description only
 - (B) Enablement only

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- (C) Best mode only
 - (D) Written description, enablement, AND best mode
5. An applicant intentionally fails to disclose a highly relevant prior art reference to the USPTO during prosecution. The patent is granted. This patent is likely:
- (A) Valid and enforceable
 - (B) Invalid for lack of novelty only
 - (C) Unenforceable due to inequitable conduct
 - (D) Subject to reexamination only
6. Patent examiners derive their authority to reject claims from:
- (A) 35 U.S.C. § 101
 - (B) 35 U.S.C. § 112
 - (C) 35 U.S.C. § 131
 - (D) 37 CFR § 1.56
7. A patent grants the patent owner the right to:
- (A) Make, use, and sell the invention
 - (B) Exclude others from making, using, and selling the invention
 - (C) Require others to license the invention
 - (D) Prevent all research on the patented subject matter
8. Under 37 CFR § 1.76, a complete patent application must include all of the following EXCEPT:
- (A) Specification
 - (B) Claims
 - (C) Oath or declaration

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- (D) Working prototype
9. "Enablement" under 35 U.S.C. § 112(a) requires that:
- (A) The inventor must enable the examiner to understand the invention
 - (B) A PHOSITA can make and use the invention without undue experimentation
 - (C) The specification must enable commercial production
 - (D) The claims must enable broad patent protection
10. Which regulation governs the duty of candor in patent prosecution?
- (A) 35 U.S.C. § 112
 - (B) 35 U.S.C. § 131
 - (C) 37 CFR § 1.56
 - (D) 37 CFR § 11.1
11. Technology Centers at the USPTO are organized by:
- (A) Geographic region
 - (B) Technical specialty of examiners
 - (C) Size of applicant company
 - (D) Type of patent (utility, design, plant)
12. Prior art is used during examination to assess:
- (A) Novelty only
 - (B) Non-obviousness only
 - (C) Both novelty and non-obviousness
 - (D) Utility only
13. Under 35 U.S.C. § 112(b), claims must:
- (A) Be as broad as possible

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- (B) Particularly point out and distinctly claim the invention
 - (C) Cover all possible embodiments
 - (D) Be limited to the preferred embodiment
14. Who can represent inventors before the USPTO according to 37 CFR § 11.1?
- (A) Any attorney licensed in any state
 - (B) Only patent agents
 - (C) Only patent attorneys
 - (D) Registered patent agents and patent attorneys
15. "Constructive reduction to practice" occurs when:
- (A) A working prototype is built
 - (B) A patent application is filed
 - (C) The invention is commercialized
 - (D) An invention disclosure is drafted
16. The PHOSITA standard is used to evaluate:
- (A) Utility under § 101
 - (B) Novelty under § 102
 - (C) Obviousness under § 103
 - (D) Written description under § 112(a)
17. Material information that must be disclosed under the duty of candor includes:
- (A) Only information requested by the examiner
 - (B) Information material to patentability known to individuals associated with the filing

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- (C) Only prior art cited by the applicant
 - (D) Competitor patent applications only
18. A specification fails to enable a PHOSITA to make the invention without undue experimentation. This violates:
- (A) 35 U.S.C. § 101
 - (B) 35 U.S.C. § 102
 - (C) 35 U.S.C. § 103
 - (D) 35 U.S.C. § 112(a)
19. Patent prosecution refers to:
- (A) Criminal penalties for patent infringement
 - (B) The process of applying for and obtaining a patent
 - (C) Enforcement of patent rights in court
 - (D) Licensing negotiations
20. An invention that is useful, novel, and non-obvious may still be rejected if:
- (A) The specification fails enablement requirements
 - (B) The invention is too simple
 - (C) The claims are too narrow
 - (D) The inventor has previously filed other patents

Answer Key - Practice Problems

1. **(A)** - Novelty is required by § 102, not § 101. Utility under § 101 must be specific, substantial, and credible.
2. **(B)** - Actual reduction to practice occurs when the invention is built and tested (June 1). Filing creates constructive reduction to practice (March 15).
3. **(C)** - Obviousness is determined from the perspective of a person having ordinary skill in the art (PHOSITA), not any person.
4. **(D)** - § 112(a) requires written description, enablement, AND best mode (though best mode is no longer a defense to validity).
5. **(C)** - Intentional failure to disclose material prior art constitutes inequitable conduct under 37 CFR § 1.56, rendering the patent unenforceable.
6. **(C)** - 35 U.S.C. § 131 grants examiners authority to require information and reject/allow claims.
7. **(B)** - A patent grants the right to exclude others, not the right to practice the invention (which may be blocked by other patents).
8. **(D)** - A working prototype is not required. Applications need specification, claims, and oath/declaration per 37 CFR § 1.76.
9. **(B)** - Enablement requires that a PHOSITA can make and use the invention without undue experimentation.
10. **(C)** - 37 CFR § 1.56 governs the duty of candor and good faith during prosecution.
11. **(B)** - Technology Centers organize examiners by technical specialty (biotech, software, mechanics, etc.).
12. **(C)** - Prior art is used to assess both novelty (§ 102) and non-obviousness (§ 103).

13. **(B)** - § 112(b) requires claims to "particularly point out and distinctly claim" the invention.
14. **(D)** - Both registered patent agents and patent attorneys can represent inventors before the USPTO.
15. **(B)** - Filing a patent application constitutes constructive reduction to practice.
16. **(C)** - PHOSITA is the standard for evaluating obviousness under 35 U.S.C. § 103.
17. **(B)** - The duty of candor requires disclosure of material information known to individuals associated with the filing.
18. **(D)** - Failure to enable violates 35 U.S.C. § 112(a) enablement requirement.
19. **(B)** - Prosecution is the process of applying for and obtaining a patent through examination.
20. **(A)** - Even if utility, novelty, and non-obviousness are met, failure to satisfy § 112(a) enablement/written description requirements can result in rejection.

Statutory Reference Index (For Study)

Core Patent Statutes Encoded in Chapter 1:

- **35 U.S.C. § 101** - Patentable subject matter (utility, specific/substantial/credible use)
- **35 U.S.C. § 102** - Novelty and prior art (invention must be new)
- **35 U.S.C. § 102(g)** - Reduction to practice (actual vs. constructive)
- **35 U.S.C. § 103** - Non-obviousness (to PHOSITA - person having ordinary skill in the art)
- **35 U.S.C. § 112(a)** - Written description, enablement, best mode requirements
- **35 U.S.C. § 112(b)** - Claims must particularly point out and distinctly claim invention
- **35 U.S.C. § 131** - Examiner authority to require information and reject/allow claims
- **35 U.S.C. § 154(a)(1)** - Patent grants right to exclude others from making/using/selling
- **37 CFR § 1.56** - Duty of candor and good faith (inequitable conduct doctrine)
- **37 CFR § 1.63** - Inventor's oath or declaration requirements
- **37 CFR § 1.76** - Application contents (specification, claims, drawings, oath)
- **37 CFR § 11.1** - Patent agents and attorneys registered to practice before USPTO

Key Concepts:

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- **Technology Centers** - USPTO groups examiners by technical specialty
 - **PHOSITA** - Person Having Ordinary Skill In The Art (standard for § 103 obviousness)
 - **Enablement** - Specification must teach how to make/use invention
 - **Reduction to Practice** - Actually building and testing invention vs. filing application
 - **Prosecution** - Process of examiner reviewing application and applicant responding
 - **Prior Art** - Existing knowledge/publications used to assess novelty and obviousness
 - **Specification** - Written description of invention in patent application
 - **Claims** - Legal definition of invention's scope of protection
 - **Inequitable Conduct** - Withholding material information during prosecution