

III. HURDLE #1: The First Hurdle To Cross (Ourselves).

"To Be (invented) or Not To Be (invented): That is the Question."

1. The *Jesus* Patent Strategy:

Based on the desire to give to the world, and not to acquire money and/or fame, this strategy involves the act of allowing any potential patents or other exclusionary rights to pass and allows the world access to the technology.

Note: This method is not recommended unless you are prepared to be nailed to a cross.

2. The *Balanced* Patent Strategy:

Recognizing the following, one takes necessary measures to maintain a balanced level of protection:

1. If there is no protection, there are often no investors.
2. If there are too many, then there is often no development.
3. If there is no protection, then there is often no ability to control other's unethical use of the invention.

1
00:00:07,430 --> 00:00:03,830
our speaker stephen parker

2
00:00:10,310 --> 00:00:07,440
is a managing partner of the wpnd law

3
00:00:13,190 --> 00:00:10,320
offices in washington d.c

4
00:00:16,230 --> 00:00:13,200
he works a lot with patent law

5
00:00:18,390 --> 00:00:16,240
and with regard to medical devices and

6
00:00:19,990 --> 00:00:18,400
he's also been engaged in remote viewing

7
00:00:21,910 --> 00:00:20,000
experiments with the university of

8
00:00:23,830 --> 00:00:21,920
virginia

9
00:00:27,189 --> 00:00:23,840
he's studying obes and other mental

10
00:00:30,390 --> 00:00:27,199
states for over 20 years in today's talk

11
00:00:33,590 --> 00:00:30,400
sponsored by john valentino

12
00:00:36,630 --> 00:00:33,600
is the patent hurdles faced by companies

13
00:00:40,150 --> 00:00:36,640

seeking to protect inventions in

14

00:00:41,270 --> 00:00:40,160

emerging and or not widely accepted

15

00:00:46,150 --> 00:00:41,280

sciences

16

00:00:49,750 --> 00:00:47,750

thank you very much

17

00:00:51,990 --> 00:00:49,760

so now that we start talking about

18

00:00:56,630 --> 00:00:52,000

winning lotteries and making money then

19

00:00:59,990 --> 00:00:58,310

i think i would like to talk about

20

00:01:02,310 --> 00:01:00,000

patents and intellectual property i

21

00:01:03,910 --> 00:01:02,320

think it's good for people uh doing

22

00:01:06,230 --> 00:01:03,920

research to realize that there are

23

00:01:09,270 --> 00:01:06,240

sometimes practical things you can do

24

00:01:11,030 --> 00:01:09,280

and to have a better understanding that

25

00:01:12,789 --> 00:01:11,040

maybe you need to try to

26

00:01:15,590 --> 00:01:12,799

focus on the business side and try to

27

00:01:17,990 --> 00:01:15,600

protect your inventions

28

00:01:19,109 --> 00:01:18,000

mostly i'm focusing on patents

29

00:01:20,710 --> 00:01:19,119

because they tend to be the most

30

00:01:22,950 --> 00:01:20,720

important uh

31

00:01:27,350 --> 00:01:22,960

type of intellectual property for

32

00:01:28,710 --> 00:01:27,360

inventions and technology development

33

00:01:30,310 --> 00:01:28,720

and some of my

34

00:01:31,350 --> 00:01:30,320

captions are meant to be silly a little

35

00:01:32,230 --> 00:01:31,360

bit

36

00:01:35,030 --> 00:01:32,240

okay

37

00:01:36,789 --> 00:01:35,040

physical property things you know

38

00:01:38,630 --> 00:01:36,799

bicycles or whatever

39

00:01:41,830 --> 00:01:38,640

everyone knows when you have it it's

40

00:01:43,670 --> 00:01:41,840

your bicycle it's in your in your garage

41

00:01:46,069 --> 00:01:43,680

if you don't do

42

00:01:47,270 --> 00:01:46,079

certain things take certain acts

43

00:01:48,789 --> 00:01:47,280

something that you think is your

44

00:01:52,469 --> 00:01:48,799

invention

45

00:01:54,310 --> 00:01:52,479

follow certain legal principles it just

46

00:01:56,550 --> 00:01:54,320

won't exist so it's very important to

47

00:01:58,709 --> 00:01:56,560

understand certain basic things like you

48

00:02:00,469 --> 00:01:58,719

could work for a company

49

00:02:02,469 --> 00:02:00,479

develop some wonderful thing and come

50

00:02:04,389 --> 00:02:02,479

out and tell everybody about it

51
00:02:07,429 --> 00:02:04,399
a year later you have nothing you've

52
00:02:10,710 --> 00:02:09,270
so i think that's a very important thing

53
00:02:13,110 --> 00:02:10,720
to understand

54
00:02:15,030 --> 00:02:13,120
at least the basics of of uh what you're

55
00:02:15,990 --> 00:02:15,040
dealing with

56
00:02:18,390 --> 00:02:16,000
um

57
00:02:22,390 --> 00:02:18,400
this this basically lists uh sort of the

58
00:02:24,229 --> 00:02:22,400
basic types of intellectual property um

59
00:02:26,949 --> 00:02:24,239
patents as i mentioned and that gives

60
00:02:28,470 --> 00:02:26,959
you the right to exclude that's like a

61
00:02:29,430 --> 00:02:28,480
word that i think most of people here

62
00:02:31,910 --> 00:02:29,440
don't like

63
00:02:33,990 --> 00:02:31,920

exclude others how could i do that

64

00:02:35,110 --> 00:02:34,000

for making using and selling an

65

00:02:36,869 --> 00:02:35,120

invention

66

00:02:38,390 --> 00:02:36,879

for 20 years

67

00:02:40,949 --> 00:02:38,400

trademarks i think people understand

68

00:02:43,030 --> 00:02:40,959

protect names of companies and stuff

69

00:02:44,550 --> 00:02:43,040

but usually your company is not

70

00:02:46,309 --> 00:02:44,560

so much based on the name unless you're

71

00:02:48,229 --> 00:02:46,319

selling a soda pop or something like

72

00:02:49,750 --> 00:02:48,239

that it's all on marketing

73

00:02:51,350 --> 00:02:49,760

copyrights i think a lot of you

74

00:02:52,949 --> 00:02:51,360

understand copyrights

75

00:02:53,910 --> 00:02:52,959

doing a lot of publications and things

76

00:02:55,670 --> 00:02:53,920

like that

77

00:02:56,550 --> 00:02:55,680

um but they generally are not going to

78

00:02:58,309 --> 00:02:56,560

be the type thing that's going to

79

00:03:00,309 --> 00:02:58,319

protect a business because they're

80

00:03:01,670 --> 00:03:00,319

they're cut they're protecting someone

81

00:03:03,990 --> 00:03:01,680

preventing someone from actually

82

00:03:06,309 --> 00:03:04,000

accessing and copying some article or

83

00:03:08,550 --> 00:03:06,319

some creative work

84

00:03:10,470 --> 00:03:08,560

trade secrets i think actually is an

85

00:03:12,390 --> 00:03:10,480

important area for for people to focus

86

00:03:14,070 --> 00:03:12,400

on

87

00:03:16,149 --> 00:03:14,080

especially in technologies that take a

88

00:03:18,630 --> 00:03:16,159

long time to develop you're not sure

89

00:03:20,390 --> 00:03:18,640

what technology might come out of it

90

00:03:22,309 --> 00:03:20,400

you want to become known in the in the

91

00:03:24,949 --> 00:03:22,319

market and give talks and things like

92

00:03:27,110 --> 00:03:24,959

this but sometimes you have to balance

93

00:03:28,229 --> 00:03:27,120

uh maintaining trade secrets if you see

94

00:03:30,070 --> 00:03:28,239

a business

95

00:03:32,710 --> 00:03:30,080

side to something

96

00:03:34,550 --> 00:03:32,720

and i always put in contracts um

97

00:03:37,110 --> 00:03:34,560

a lot of intellectual property is

98

00:03:39,350 --> 00:03:37,120

protected by contracts you have

99

00:03:40,789 --> 00:03:39,360

developers you have people filming

100

00:03:43,110 --> 00:03:40,799

things for you

101
00:03:45,430 --> 00:03:43,120
recording doing programming if you don't

102
00:03:47,750 --> 00:03:45,440
do the correct contracts to kind of set

103
00:03:49,030 --> 00:03:47,760
up your your foundation you can run into

104
00:03:52,070 --> 00:03:49,040
trouble and i just wanted to give you

105
00:03:54,710 --> 00:03:52,080
guys a general idea of uh the types of

106
00:03:55,910 --> 00:03:54,720
intellectual property there are

107
00:03:57,750 --> 00:03:55,920
um

108
00:04:00,229 --> 00:03:57,760
now i'm going into some of the hurdles

109
00:04:02,869 --> 00:04:00,239
faced by people and trying to patent

110
00:04:05,190 --> 00:04:02,879
things in these kinds of areas

111
00:04:06,550 --> 00:04:05,200
and so i i put this caption a to be or

112
00:04:09,190 --> 00:04:06,560
not to be

113
00:04:11,030 --> 00:04:09,200

protected that is the question

114

00:04:12,949 --> 00:04:11,040

will you protect your invention or will

115

00:04:15,509 --> 00:04:12,959

you give it to the world

116

00:04:16,870 --> 00:04:15,519

so this is my being silly the jesus

117

00:04:19,670 --> 00:04:16,880

patent strategy

118

00:04:21,670 --> 00:04:19,680

now jesus decides that he's you know

119

00:04:23,189 --> 00:04:21,680

giving to all and why protect this thing

120

00:04:24,469 --> 00:04:23,199

you want to get out everything out to

121

00:04:26,629 --> 00:04:24,479

the public

122

00:04:29,510 --> 00:04:26,639

um and you know you're not in it for a

123

00:04:31,270 --> 00:04:29,520

personal gain and stuff like that

124

00:04:33,749 --> 00:04:31,280

but i think

125

00:04:36,469 --> 00:04:33,759

the reality of our lives

126
00:04:37,430 --> 00:04:36,479
that we need to work and survive make

127
00:04:38,790 --> 00:04:37,440
money

128
00:04:41,189 --> 00:04:38,800
and uh

129
00:04:42,950 --> 00:04:41,199
unless i'm sorry to put like graphic

130
00:04:44,310 --> 00:04:42,960
there maybe someone be offended by that

131
00:04:46,550 --> 00:04:44,320
i joke you

132
00:04:48,629 --> 00:04:46,560
but unless you're really uh willing to

133
00:04:50,629 --> 00:04:48,639
put your whole life out there and and

134
00:04:53,110 --> 00:04:50,639
give it all up i don't recommend that

135
00:04:55,510 --> 00:04:53,120
first strategy i think approaching

136
00:04:57,430 --> 00:04:55,520
patents and realizing that if you can

137
00:04:59,830 --> 00:04:57,440
you can get a patent on something you

138
00:05:01,670 --> 00:04:59,840

know maybe certain technology you can if

139

00:05:04,310 --> 00:05:01,680

you don't want to make money on it you

140

00:05:05,830 --> 00:05:04,320

can at least steer the the community you

141

00:05:07,670 --> 00:05:05,840

know if like

142

00:05:09,830 --> 00:05:07,680

if you patent something perhaps you can

143

00:05:11,510 --> 00:05:09,840

actually help guide the direction of

144

00:05:13,830 --> 00:05:11,520

some where it will go

145

00:05:16,310 --> 00:05:13,840

and if you can you want to get into

146

00:05:18,230 --> 00:05:16,320

research you need funding and investors

147

00:05:21,990 --> 00:05:18,240

and usually they like to see patents and

148

00:05:26,070 --> 00:05:23,990

now here's another the second hurdle

149

00:05:28,150 --> 00:05:26,080

which i kind of would say is really a

150

00:05:31,670 --> 00:05:28,160

lot of hurdles in there

151
00:05:34,550 --> 00:05:31,680
is that for patents usually you're

152
00:05:36,710 --> 00:05:34,560
focusing on technology that's developed

153
00:05:38,310 --> 00:05:36,720
a new widget a new projector or

154
00:05:41,430 --> 00:05:38,320
something very things that people can

155
00:05:43,350 --> 00:05:41,440
look at and and see

156
00:05:45,350 --> 00:05:43,360
one of the standards for obtaining a

157
00:05:47,830 --> 00:05:45,360
patent is that it has the patent has to

158
00:05:50,950 --> 00:05:47,840
have utility usefulness

159
00:05:52,469 --> 00:05:50,960
um and there's a case law and things

160
00:05:53,990 --> 00:05:52,479
that have developed over time

161
00:05:55,909 --> 00:05:54,000
basically setting forth certain things

162
00:05:57,510 --> 00:05:55,919
that you couldn't patent

163
00:05:59,749 --> 00:05:57,520

you can't patent something that covers

164

00:06:01,590 --> 00:05:59,759

basic law of nature and a lot of things

165

00:06:04,150 --> 00:06:01,600

that we're talking about

166

00:06:07,350 --> 00:06:04,160

are perhaps basic laws of nature can you

167

00:06:10,309 --> 00:06:07,360

heal by certain thought processes and

168

00:06:15,270 --> 00:06:12,550

as well as the patent office and i was

169

00:06:16,870 --> 00:06:15,280

actually a patent examiner in the 80s

170

00:06:18,629 --> 00:06:16,880

and i remember one of my friends coming

171

00:06:20,550 --> 00:06:18,639

in going look someone's applying a

172

00:06:22,070 --> 00:06:20,560

patent they have a wheel that basically

173

00:06:23,670 --> 00:06:22,080

they think rolls further than the

174

00:06:24,950 --> 00:06:23,680

regular wheel it's like

175

00:06:27,350 --> 00:06:24,960

they were so excited to be like

176

00:06:29,590 --> 00:06:27,360

rejecting it on being a perpetual motion

177

00:06:31,430 --> 00:06:29,600

machine because that's not possible

178

00:06:33,110 --> 00:06:31,440

so the patent office will will basically

179

00:06:35,430 --> 00:06:33,120

look at some technologies if you say i

180

00:06:37,430 --> 00:06:35,440

have an invention that you can then by

181

00:06:39,430 --> 00:06:37,440

based on your thought process change the

182

00:06:41,029 --> 00:06:39,440

color of the light in your room and you

183

00:06:42,469 --> 00:06:41,039

know i think you'll get

184

00:06:44,710 --> 00:06:42,479

uh the patent office having a difficult

185

00:06:47,909 --> 00:06:44,720

time accepting that whether or not there

186

00:06:49,430 --> 00:06:47,919

might be some uh basis or articles and

187

00:06:50,550 --> 00:06:49,440

things that you probably

188

00:06:52,469 --> 00:06:50,560

many of you have written that would

189

00:06:53,590 --> 00:06:52,479

support some of these things

190

00:06:56,790 --> 00:06:53,600

um

191

00:06:58,309 --> 00:06:56,800

as well as basic mathematical algorithms

192

00:06:59,589 --> 00:06:58,319

um

193

00:07:01,110 --> 00:06:59,599

you know some of the things that we're

194

00:07:04,150 --> 00:07:01,120

talking about

195

00:07:06,390 --> 00:07:04,160

you know statistical methods for

196

00:07:07,670 --> 00:07:06,400

improving accuracy for winning the

197

00:07:08,950 --> 00:07:07,680

lottery

198

00:07:10,790 --> 00:07:08,960

those types of things are hard to patent

199

00:07:12,070 --> 00:07:10,800

so some of the things that you're coming

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00:07:13,670 --> 00:07:12,080

up with

201
00:07:15,430 --> 00:07:13,680
might have

202
00:07:17,110 --> 00:07:15,440
you might see benefits to it but

203
00:07:19,430 --> 00:07:17,120
sometimes it's hard to patent it

204
00:07:20,870 --> 00:07:19,440
sometimes you can patent an algorithm in

205
00:07:22,710 --> 00:07:20,880
some kind of context but you're

206
00:07:24,870 --> 00:07:22,720
definitely dealing with types of

207
00:07:27,430 --> 00:07:24,880
inventions that are in areas that are

208
00:07:28,950 --> 00:07:27,440
kind of on the fringes of patentability

209
00:07:30,710 --> 00:07:28,960
and probably one of the reasons most

210
00:07:32,950 --> 00:07:30,720
people here don't even think in terms of

211
00:07:34,629 --> 00:07:32,960
patents i would think

212
00:07:36,150 --> 00:07:34,639
as well as things that are purely mental

213
00:07:37,909 --> 00:07:36,160

steps you know if it's something that's

214

00:07:40,230 --> 00:07:37,919

just carried out in your head patent

215

00:07:41,990 --> 00:07:40,240

office doesn't care you know

216

00:07:43,830 --> 00:07:42,000

so they basically want something tied to

217

00:07:45,350 --> 00:07:43,840

a machine

218

00:07:46,870 --> 00:07:45,360

however

219

00:07:49,189 --> 00:07:46,880

there's a lot of mental steps and a lot

220

00:07:51,430 --> 00:07:49,199

of things that

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00:07:52,710 --> 00:07:51,440

that one goes through in remote viewing

222

00:07:54,629 --> 00:07:52,720

and a lot of things

223

00:07:56,629 --> 00:07:54,639

where

224

00:07:59,510 --> 00:07:56,639

i think there's a lot of possibly

225

00:08:01,029 --> 00:07:59,520

invention i think maybe there's a

226

00:08:03,830 --> 00:08:01,039

issue there as to whether everyone you

227

00:08:07,029 --> 00:08:03,840

know it's old knowledge or whether some

228

00:08:08,550 --> 00:08:07,039

of it's actually can be developed

229

00:08:10,950 --> 00:08:08,560

that probably goes into someone else's

230

00:08:13,589 --> 00:08:10,960

lecture

231

00:08:15,110 --> 00:08:13,599

recently the federal circuit which is

232

00:08:17,749 --> 00:08:15,120

the patent court

233

00:08:20,550 --> 00:08:17,759

in dc has changed the law pretty

234

00:08:22,230 --> 00:08:20,560

substantially that limits the ability to

235

00:08:23,350 --> 00:08:22,240

patent software

236

00:08:26,550 --> 00:08:23,360

um

237

00:08:28,070 --> 00:08:26,560

and business methods and general methods

238

00:08:29,430 --> 00:08:28,080

previously

239

00:08:31,350 --> 00:08:29,440

as long as

240

00:08:33,589 --> 00:08:31,360

the invention created some kind of a

241

00:08:35,670 --> 00:08:33,599

tangible result i don't know if anyone's

242

00:08:38,230 --> 00:08:35,680

patented things maybe they've heard this

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00:08:40,149 --> 00:08:38,240

then the courts here would say yeah some

244

00:08:41,190 --> 00:08:40,159

tangible result printed out a number

245

00:08:44,550 --> 00:08:41,200

some kind of

246

00:08:45,910 --> 00:08:44,560

value uh to estimate the likelihood of

247

00:08:47,750 --> 00:08:45,920

of winning the lottery yeah that's a

248

00:08:49,910 --> 00:08:47,760

tangible result and they'd get like you

249

00:08:50,710 --> 00:08:49,920

get a patent on it now they actually

250

00:08:52,630 --> 00:08:50,720

want

251
00:08:54,389 --> 00:08:52,640
you to create something that's more tied

252
00:08:58,710 --> 00:08:54,399
to a machine

253
00:09:01,829 --> 00:08:58,720
and the functioning of the machine or

254
00:09:04,389 --> 00:09:01,839
transformed some article of manufacture

255
00:09:06,150 --> 00:09:04,399
the reason for that is more because of

256
00:09:07,829 --> 00:09:06,160
all these internet patents that came out

257
00:09:09,350 --> 00:09:07,839
and there's a lot of people trying to

258
00:09:10,870 --> 00:09:09,360
patent everything on the internet like

259
00:09:12,550 --> 00:09:10,880
you know clicking on one little thing

260
00:09:14,710 --> 00:09:12,560
and to get money

261
00:09:15,910 --> 00:09:14,720
but um it's just

262
00:09:17,590 --> 00:09:15,920
something to understand that it's a

263
00:09:19,030 --> 00:09:17,600

little bit difficult to obtain patents

264

00:09:20,949 --> 00:09:19,040

in these areas but

265

00:09:23,990 --> 00:09:20,959

not totally impossible

266

00:09:25,990 --> 00:09:24,000

um and then also you can't

267

00:09:27,990 --> 00:09:26,000

get patents on methods of actually

268

00:09:28,949 --> 00:09:28,000

treating patients that's the whole idea

269

00:09:30,070 --> 00:09:28,959

is to

270

00:09:31,990 --> 00:09:30,080

keep that

271

00:09:35,030 --> 00:09:32,000

open to the public

272

00:09:37,750 --> 00:09:35,040

there are some limitations on that

273

00:09:39,750 --> 00:09:37,760

one of the things one can do

274

00:09:42,310 --> 00:09:39,760

is if you have invention that's in some

275

00:09:44,389 --> 00:09:42,320

area where the patent office might

276

00:09:46,470 --> 00:09:44,399

consider that it has no utility or not

277

00:09:48,829 --> 00:09:46,480

believe that it will work in the way

278

00:09:51,350 --> 00:09:48,839

it's intended to work you could

279

00:09:53,590 --> 00:09:51,360

basically patent the device

280

00:09:56,310 --> 00:09:53,600

focusing on another utility of it you

281

00:09:59,590 --> 00:09:56,320

know maybe the it creates a novelty item