

THE LANGUAGE OF PATENT LAWYERS  
IS COMPRISED OF MANY USAGES

To the *Bag*:

As always, I am enjoying the most recent issue of the *Green Bag*. I write with an observation on Bryan Garner's "usage gaffe" #6. (Bryan A. Garner, *The 15 Biggest Usage Gaffes in 2017 Law Journals*, 21 *Green Bag* 2d 93, 94 (2018).) While Garner is correct that the phrase "is comprised of" is widely derided by grammarians, it is also in common usage by patent lawyers. "As of 2007, 134,000 U.S. patents included 'comprised of' language." Indeed, it appears in the USPTO's self-description:

This office is comprised of the Office of Patent Resources and Planning, the Office of Patent Information Management and the Office of Innovation Development.

[www.uspto.gov/about-us/organizational-offices/office-commissioner-patents/office-patent-administration](http://www.uspto.gov/about-us/organizational-offices/office-commissioner-patents/office-patent-administration).

While I am not necessarily a descriptivist, surely long usage counts for something.

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To the *Bag*:

A colleague sent me a link to your paper, "The Pastiche Prosecutor," 15 *Green Bag* 2d 303 (2012). I enjoyed it and I thought I would send you some related information.

You mention Perry Mason in your article. You may not know that Erle Stanley Gardner also had a much-shorter series of books about a small-town district attorney named Doug Selby, whose novels ran from 1937 to 1949. From Wikipedia:

It should be noted that A.B. Carr [a private defense attorney in the series] was portrayed as a kind of Bizarro World opposite of Perry Mason – unscrupulous, amoral and cynical; and Doug Selby as the opposite of Hamilton Burger, being concerned solely with justice