

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.

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

Brian L. Frye
Associate Professor of Law
University of Kentucky College of Law

DOUG SELBY, DISTRICT ATTORNEY

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

To the Bag

and equity, not caring a fig about his batting average as a prosecutor; or about his image in the press.

Also, I'm on the Executive Council of the Old-Time Radio Researchers (otrr.org), an all-volunteer, non-profit organization dedicated to the preservation and study of the Golden Age of Radio. As part of our library of over 50,000 freely available public-domain radio episodes, we have 75 episodes of the "Mr. District Attorney" radio program. You can access them through our library (otrlibrary.org) or through our On-Demand Server HOTROD (otrpedia.net/HOTROD). We also maintain a database of information about the programs. The list of links for Mr. District Attorney (including articles in Time Magazine) can be found at here: otrpedia.net/?cat=prog&id=6428&tab=3.

Sincerely,
Paul Kornman
Old Time Radio Researchers
www.otrr.org

GB