

Mr. Stopes, III

Thank you for your response. When my page is next updated it will be included.

There is no reason for me to doubt the retired Florida college physics professor who said to me, in the 50's, his invention had been classified and he was prevented from developing it.

----- Original Message -----

From: Arthur Stopes, III.<<mailto:arthurstopesiii@yahoo.com>>

To: byronw1@msn.com<<mailto:byronw1@msn.com>>

Sent: Saturday, September 10, 2005 4:06 PM

Subject: Re: "Energy Information" and Patent Suppression. - from C.U.R.E.

Dear Byron Wine:

My lawfully-informed radio host, Frederick-Earl (of "Freedom's Questions", KZFR 90.1 FM, Chico, California), sent me the "URL" to your article; named above. For other readers of this letter (that is, the many inventors to whom this article should be forwarded), the 'URL' referred to is: < <http://byronw.www1host.com/><<http://byronw.www1host.com/>> >.

You wrote:

"Need further proof that information is suppressed? See this web site<<http://byronw.www1host.com/FILES/Energy%20suppression.pdf>> document. You might find the 1980 letter, near the bottom, to an inventor from the (U.S.) Commissioner of Patents interesting. The letter prevents the inventor from proceeding with his invention on security grounds."

[Emphases added.]

As Director of the Center for Unalienable Rights Education (C.U.R.E.), and a Legislative Analyst and Writer (L.A.W.), I find the letter "prevents" NOTHING.

Can you accept some "Good News"? The unwitting inventors (Adam Trombly and Joseph Kahn, Ph.D.), also "naively believed" that violation of the purported "SECRECY ORDER" would result in "penalties" being imposed on them, et al. Doubtless, they (and You?) were/are unfamiliar with statutory language, even in its most rudimentary form. Have You read the "letter" v-e-r-y c-a-r-e-f-u-l-l-y? Probably not. I de-code the Internal Revenue Code and others, such as "Title 35".

Some basic principles apply, to the reading and/or application of federal (and "State"), Codes, Rules, and Regulations. Briefly, they are:

1. To whom do they apply? And, where do they apply?
2. What exactly, is being said (written), and what exactly, is being referred to? And;
3. How does one determine whether the "SECRECY ORDER" (sic), really has the "force and effect" of law, as applied to oneself? I.e.; Challenge "Authority"!

Re 1.: The Codes, Rules, and Regulations (such as "35 U.S.C. [1952] 182, 186"), apply primarily to U.S. government employees and officers, on federal territory and property, unless a specific court injunction or order has been issued, under the stringent rules of "due process".

Re 2.: Again; have You read the "letter" v-e-r-y c-a-r-e-f-u-l-l-y? I present below, the true and complete text(s) of the United States Code, Sections 182 and 186 -
TITLE 35 - PATENTS / PART II - PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS
CHAPTER 17 - SECRECY OF CERTAIN INVENTIONS AND FILING APPLICATIONS IN FOREIGN COUNTRY

Sec. 182. Abandonment of invention for unauthorized disclosure

The invention disclosed in an application for patent subject to an order made pursuant to section 181 of this title may be held abandoned upon its being established by the Commissioner of Patents that in violation of said order the invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor, his successors, assigns, or legal representatives, or anyone in privity with him or them, without the consent of the Commissioner of Patents. The abandonment shall be held to have occurred as of the time of violation. The consent of the Commissioner of Patents shall not be given without the concurrence of the heads of the departments and the chief officers of the agencies who caused the order to be issued. A holding of abandonment shall constitute forfeiture by the applicant, his successors, assigns, or legal representatives, or anyone in privity with him or them, of all claims against the United States based upon such invention. [Emphases added.]

Question: Where in the "letter" that the writer (or the "Commissioner of Patents") captioned "SECRECY ORDER", is "an order made pursuant to section 181 of this title"?

- A. If there is no valid "order"; there need be no "abandonment". Was there a "holding of abandonment"? (I think not.)
- B. Also, "section 181" appears only in a caption, above "NOTICE:" (thus having no legislative effect), and is not referred to, or invoked, in the "letter".
- C. Where is the writer's wet-ink signature? Any such legal determination must be made in writing, and signed under penalty of perjury, or (in the case of a government employee or officer), signed under penalties of perjury. For these several reasons, the "letter" is legally VOID, ab initio. (From the beginning.)

Sec. 186. Penalty

Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 181 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed the invention, or material information with respect thereto, or whoever willfully, in violation of the provisions of section 184 of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than two years, or both. [Emphases added.]

Question: Where in the "letter" that the writer (or the "Commissioner of Patents") captioned "SECRECY ORDER", is any evidence that "Whoever's" invention has "been ordered to be kept secret", or "withheld pursuant to section 181 of this title"?

- A. IF there is no valid "order to be kept secret"; there can be no "conviction". Hence: "Take up Thy Invention, and Walk! (Free.)
- B. Again, "section 181" appears only in a caption, above "NOTICE:" (having no legislative effect), and is not referred to or invoked in the "letter".
- C. Again, where is the writer's wet-ink signature? Any such legal determination must be made in writing, and signed under penalty of perjury, or (in the case of a government employee or officer), signed under penalties of perjury. For these reasons, the "letter" is legally VOID, ab initio. (From the beginning.)

Now, let us look boldly at the fearsome "section 181", and see how it could apply - since it was not directly invoked in the "SECRECY ORDER" (sic):

Sec. 181. Secrecy of certain inventions and withholding of patent

[1.] Whenever publication or disclosure by the publication of an application or by the grant of a patent on an invention in which the Government has a property interest might, in the opinion of the head of the interested Government agency, be detrimental to the national security, the Commissioner of Patents upon being so notified shall order that the invention be kept secret and shall withhold the publication of the application or the grant of a patent therefor under the conditions set forth hereinafter.

[2.] Whenever the publication or disclosure of an invention by the publication of an application or by the granting of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner of Patents, be detrimental to the national security, he shall make the application for patent in which such

invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

[3.] Each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Commission, the Secretary of a Defense Department, or the chief officer of another department or agency so designated, the publication or disclosure of the invention by the publication of an application or by the granting of a patent therefor would be detrimental to the national security, the Atomic Energy Commission, the Secretary of a Defense Department, or such other chief officer shall notify the Commissioner of Patents and the Commissioner of Patents shall order that the invention be kept secret and shall withhold the publication of the application or the grant of a patent for such period as the national interest requires, and notify the applicant thereof. Upon proper showing by the head of the department or agency who caused the secrecy order to be issued that the examination of the application might jeopardize the national interest, the Commissioner of Patents shall thereupon maintain the application in a sealed condition and notify the applicant thereof. The owner of an application which has been placed under a secrecy order shall have a right to appeal from the order to the Secretary of Commerce under rules prescribed by him.

[4.] An invention shall not be ordered kept secret and the publication of the application or the grant of a patent withheld for a period of more than one year. The Commissioner of Patents shall renew the order at the end thereof, or at the end of any renewal period, for additional periods of one year upon notification by the head of the department or the chief officer of the agency who caused the order to be issued that an affirmative determination has been made that the national interest continues so to require. An order in effect, or issued, during a time when the United States is at war, shall remain in effect for the duration of hostilities and one year following cessation of hostilities. An order in effect, or issued, during a national emergency declared by the President shall remain in effect for the duration of the national emergency and six months thereafter. The Commissioner of Patents may rescind any order upon notification by the heads of the departments and the chief officers of the agencies who caused the order to be issued that the publication or disclosure of the invention is no longer deemed detrimental to the national security. [All emphases added.]

Comment: In the "letter" that the writer (or the "Commissioner of Patents") has captioned

"SECRECY ORDER", if the Commissioner of Patents did "order that the invention be kept secret", where are stated "the conditions set forth hereinafter"? There are no such "conditions", stipulated. (They are merely assumed.)

Re 3.: How one determines whether the "SECRECY ORDER" (sic), has the "force and effect" of law, as applied to oneself -

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES / PART I - THE AGENCIES GENERALLY

CHAPTER 5 - ADMINISTRATIVE PROCEDURE / SUBCHAPTER II - ADMINISTRATIVE PROCEDURE

Sec. 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision

(d) Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed on a rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form. [Emphasis added.]

Comment: There are certain "legal technologies", by which (as I like to say), "the Truth may be elicited"; unlike the current mal-Administration's policies, this has nothing to do with "coerced confession"; i.e., Torture! No. Instead, a series of specific questions, required to be directly answered (and signed to), within a specified period of time (under penalty or penalties of perjury), is sent to the sender of such a "letter" or so-called "SECRECY ORDER". The principle here is clearly stated by the following court ruling, which should preface such specific questions, posed by an inventor confronted by the suppression of "free speech"

(in the form of a suppressed Patent), resulting from what is known as the "color of law" (not true Law). Non-answers can be used as court-admissible Evidence.

NOTICE

[Re Demands, hereinafter.]

"SILENCE can only be equated with FRAUD where there is a legal or moral duty to speak or where an inquiry left unanswered would be misleading..."

- U.S. v. Tweel, 550 F2d 297.

Conclusion:

As 35 U.S. Code, Section 181 was not invoked in the "letter" / "SECRECY ORDER", the author(s) of the spurious document could be required to provide, (as described after "Comment", above) just WHY such a "letter" / "SECRECY ORDER" was issued. Absent such evidence, the Inventor and would-be Patentee is free to do whatever he or she wants to do. Anyone who wishes to learn more about how to present such a legitimate Demand of Authority, may communicate with the writer at: < arthurstopesiii@yahoo.com<<mailto:arthurstopesiii@yahoo.com>> >, or by calling (510) 548 - 5238, at Berkeley, California state, u.s.A. (California Inhabitant; not a U.S. "resident".)

Sincerely, Arthur Stopes, III.

N.B.: The original recipient of this e-mail, Byron Wine, may distribute this Information to all known (and unknown) inventors and others concerned with the retention or reclamation of their "unalienable Rights". Further, Mr. Wine is welcomed to shorten, or "abstract", this Information, as he deems necessary. Other Information is available about the true nature of the so-called "income tax" scam; the writer has not paid "income taxes" for 20 years (lawfully). - A.S., III.

