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Comments: 2019 Revised Patent Subject Matter Eligibility Guidance (84 FR 4; Docket No.: PTO-P-2018-0053)

ATTN: June E. Cohan

Dear Sir/Madam:

In response to the request for comments, I state the following:

My name is Dr. Jianqing Wu. I did postdoctoral research for many years in biomedical science. I study medicine as my own hobby and explore healing art for decades. In connection with my invention activities, I had spent two decades to study the influences of common law on the current legal system. I discovered a number of flaws in the foundation of medicine.

Some stakeholders argued that the Guidance clashes with the U.S. Supreme Court's ruling. It is expected that challenges to this Guidance will be brought to Court of Appeals for The Federal Circuit and eventually to the Supreme Court. It is reasonably expected that any challenge will reach the Supreme Court. A question the Office needs to determine is (1) whether the proposed Guidance is consistent with the Supreme Court's rulings and (2) if a challenge is brought to that Court, what are policy arguments that the Office can advance in support of the proposed Guidance.

My view is that since Alice purports to provide judicial exceptions to the patentable subject under 35 U.S. Code §101, it must be strictly construed. For a policy reason I state below, the Office should apply only those identical matters discussed in the holding as judicial exceptions. Moreover, examiners should not use the broad reasonable interpretation rule in deciding a §101 issue. Based upon my dealing with examiners, I know that examiners are routinely using the

rule to read on methods of creating database table structures, web pages, and user interface, etc. The Office should consider how to prevent this kind of abuse.

Those doctrines together with Food Drug and Cosmetic Act, federal tax policies, federal agency funding policies, etc. have precluded the discovery of every cure that was created by nature in evolution, and brought worst disasters to the mankind. My study done in the last two decades forced me to conclude that those obsolete doctrines are responsible for nearly 30 million premature deaths in the world and the death spells of terminal diseases in our time.

Attached is my lengthy analysis that is intended only for those who want to see my policy arguments and potential problems in using the proposed "Practical Application" approach. My findings are that those judicial exceptions are responsible for creating the incurable era, the terminal nature of diseases, and death spells of the cancer hoax and terminal diseases, and what must be done to end the incurable era. My analysis is not about politics but about everyone's life.

Respectfully submitted,

/Jianqing Wu/

Jianqing Wu, Ph.D. J.D.

The Judicial Exceptions of U.S. Patent Law Are Responsible for the Incurable Era

Jianqing Wu, Ph.D. and J.D.

This analysis is submitted to the United States Patent Trademark Office as an attachment to my comment on 2019 Revised Patent Subject Matter Eligibility Guidance (84 FR 4; Docket No.: PTO-P-2018-0053).

My long analysis is made to show how those obsolete judicial exceptions have been responsible for creating a world without cure. This is based my many decades of research. My discussion includes: (A) The world without cure, (B) False Notion of Incurable Diseases, (C) Patent Law's Role in Creating Incurable Diseases, (D) Failure of Modern Medicine, (E) Patent Law's Role of Creating the Cancer Hoax, (F) Eligibility Based upon "Practical Application," and (G) Legislative and Judicial Reform.

A. A World Without Cure

Our world is one without cure. No one can live a full and enjoyable life in a predictable way. Every person lives in the daily hoax of cancer and is threatened by terminal diseases. People have to accept discomfort, painful, and even embarrassing procedures to avoid terminal diseases.

Former Apple CEO, Steve Jobs, Former Chief Justice Rehnquist, and Former Senator McCain, and millions of others died from cancer.

In this world, the total probabilities for a person to get cancer is about 38%. More than 600, 000 people died from cancer in the U.S. in 2018. In 2009, 7 out of 10 deaths in the U.S. are caused by chronic diseases. According to the World Health Organization, the total death count is about 55.3 million each year. A vast majority of deaths (my estimated of 30 million) are caused by incurable diseases.

Many former and current senators, former or current House Representatives, former and current judges and justices, and many celebrities and businessmen are battling cancer, other incurable or terminal diseases.

I will show that those doctrines addressed in the Guidance and advocated by judiciary members are mainly responsible for "incurable" and "terminal" diseases.

B. False Notion of Incurable Diseases

When the Former Chief Justice Rehnquist died of cancer, he probably never thought that the common law doctrines such as abstract ideas, laws of nature, natural phenomena, mental processes, methods of organizing human activity, etc. had precluded cures for cancer and chronic diseases.

For decades, I was interested in improving legal process. Thus, I had to find causes of problems in the legal process. My research in the common law development history allowed me to find how the common law influenced the foundation of medicine and found the flaws in the foundation of medicine.

After I have discovered flaws in foundation of medicine, I looked into potential cures. My works include studying experience-based medicine, medical miracles, and healing literature. I found that all true cures came from evolution and were built in human genes. The first class of cure is food/nutrition/natural compounds. The second class of cure is exercises which are inherent activities of all animals. The third class of cure is healing methods of using certain intensive properties such as pressure, temperature, humidity, and mechanical force. The last class of cures is mind regulation, emotional adjustment, meditation, etc.

The human genome research has revealed that humans share most genes with animals, plants, and microorganisms. Humans share 60% of banana genes. Every natural compound is created by enzymes which are created by corresponding genes. The life begin 3.8 billion years ago, and single-cell organisms existed in estimated 3.5 billion years ago. Eukaryotic cells come into being 2 billion years ago. The first multicellular life developed around 900 million years ago. The humans share the genes that run and regulate basic biochemical processes. In this long evolution period, all species are selected by nature

The common genes formed in evolution guarantee that compounds existing in banana or any natural products can be processed, used, or eliminated by enzymes in the human body. The humans and their early species ate plants, herbs, and other natural products for the entire evolution period. From looking at food chains, I found that humans must have genetic facilities to process, convert, utilize, and eliminate most natural compounds.

It is estimated there are 20412 (an early estimate is 100,000) protein-encoding genes. Since enzymes often work on natural compounds by targeting functional groups, the human body has an inherent capacity to deal with a huge number of natural compounds. This capacity is evident by examining food chains. Humans eat all kinds of plants, vegetables, herbs and other natural products with small chances of running into adverse reactions. That is why natural compounds are relatively safe because only human gene types that can tolerate natural compounds have survived. If they are used to treat chronic diseases, human body can tolerate the compounds without causing the kind of side effects we see from synthetic drugs.

In contrast, synthetic drugs are generally incompatible to human genetics. They have not been exposed to humans in evolution and nature did not have a

chance to select human gene types that can tolerate synthetic drugs. No drug vendor is required, nor is it possible, to find how a synthetic drug interacts with the massive number of gene-encoded proteins and natural compounds that they synthesize and regulate. Even if some synthetic drugs are similar to natural compounds, they are more unpredictable. If a synthetic compound is very different from natural compounds, its side effects are presumed. If it is used in a high dosage, risk of damages to the body is presumed to be very high.

By studying literature on herb formulations, exercises and other healing methods, I found that people in ancient times can cure chronic diseases. However, those powerful cures have been dispelled by those obsolete doctrines.

C. Patent Law's Role in Making Diseases Incurable

“Incurable disease” is a false concept or excuse used in modern medicine. My personal experiences and a massive number of life miracles can refute it completely. The U.S. patent law, Food Drug and Cosmetic Act (drug approval protocols), state medical malpractice laws, state medical practice law, state tax policies, federal tax policies, etc. all incorporate several common law concepts and doctrines to preclude true cures to chronic diseases. I will show how the legal system uses political will to substitute medical merit below.

(1) The patent law precludes anything made of nature. This rule alone excludes research and commercial activities for estimated at least tens of thousand natural anti-cancer compounds and potentially much more unknown or unidentified anti-cancer compounds that might exist in nature. Diseases such as cancer cannot be cured simply by using a compound. A successful cure requires application details such as daily dosages, treatment duration, application timings, existing interactive factors, etc. Since the patent law does not protect detailed treatment protocols, it discourages research and commercial activities in developing treatment protocols of using natural compounds. No company will invest on finding a treatment protocol it cannot profit. Thus, companies have to choose synthetic drugs over natural compounds to get absolute patent protection.

(2) The mental process doctrine of the U.S. patent law precludes any research and commercial activities for tens of thousands of different exercises, each of which could be ABSOLUTE CURE to cancer and most chronic diseases. The flawed research findings have slowly misled the public to form a common belief that “all exercises are the same” or nothing can cure diseases. All studies with exercises are frivolous and cannot enable people to raise exercise's curative power from a few points to potential full power.

(3) FDA drug approval protocols bar any medical treatments that require the patient's active mind regulation and physical activities. The law makes a wrong assumption: mind regulation cannot be part of a cure. The double blinds

variable controlled methodology confines medical research models to chemical reactors and emotionless animals. Medical treatments without addressing mind cannot cure most chronic diseases.

I have identified more than 20 fatal flaws that can completely prevent every true cure that is built in human genes or come from nature. Some of those flaws include binary disease definitions, control-group concept, evidence-based approach, statistical method, etc. They are wrong or extremely poor because they are incompatible with multiple factors health states defined by a massive number of genes, the massive number of quantitative balances in the body, the mind's commanding role in human health, etc.

All flaws in medicine can be traced to influences of common law concepts such as the binary system (the yes or no system), categorization method, averaging data, simple system modeling, etc. Those concepts were ported into the medical foundation without even being examined, validated, or justified. Those concepts must be accepted as presumptions, and cannot be questioned. They have steered the medicine into a dead end by introducing massive systematic errors and a large number of sources of inaccuracies.

Those laws collectively established a flawed medical framework that forced modern medicine to develop in a strange path: Every medical research must focus on patient population like chemical reactors. Due to constraint of the legal system, modern medicine has to address most health problems by focusing only one or a few factors with yes or no answer. Research interest cannot be revolved around human activities, mind regulation, emotion, stress, etc., and a legalized treatments cannot be anything from nature. In sum, the U.S. legal system has legalized only three types of treatments: cutting, poisoning and burning, none of which can cure chronic diseases.

Due to the impact of patent law, a drug can only be a synthetic drug even though it cannot be possibly compatible with the massive number of gene-encoded proteins and regulated natural compounds. The legal system injected another wrong assumption: drug side effects are proved only when they appear in real human bodies. The FDA drug approval-and-removal histories and the massive number of drug injuries cases revealed in case reporters speak in volumes on how bad this presumption is. A worst problem is that the side effects of most drugs are hidden in the forest: their side effects cannot be separated from the effects of other drugs, other pollutants and other toxins. This legal presumption creates a bizarre defense like "this guy cannot be responsible for an injury because thousands of other bad guys are in the street." This presumption misleads the population to believe that drugs can be safe to some people. It is false. This side-effect discovering model is equivalent to an attempt to use a short human trial in place of billions of years' selection by nature. Those who cannot tolerate drugs will be killed or die sooner. Those who can tolerate better will never know how the drug damages their bodies in long terms. The presumption advanced by the U.S. patent law invited massive drugs. So, we see drugs, drugs, and drugs, and failure, failure, and failure.

An indisputable fact is that modern medicine cannot cure chronic diseases, so, it had to come up with a way to protect its professionals. That is why it created “incurable” labels for chronic diseases and thus developed medical practicing guidelines to shield professional liability.

Modern medicine is junk medicine as a result of influences of obsolete common law doctrines that were developed before common law era or long before the arrival of sciences. Those presumptions are invalid. It dispels all cures that passed down from evolution and once were widely used by ancient people. By holding out as the only medicine of “scientific validity” and producing fast results in treating acute diseases, it has gained wide acceptance in the world and brought death spells and incurable disasters to all nations in the world.

D. Failure of Modern Medicine

By excluding all cures that are built in human genes, modern medicine is destined to fail. I will show that modern medicine is far worse than it appears to be.

A worst flaw in medicine is the population-based approach which was ported from common law. In treating cancer, every cancer drug, each treatment method, each drug use dose, each chemo protocol, etc. are developed on the basis of population studies, which routinely sum and average population data. The results are for an abstract person with variables controlled. In reality, no human beings can live his life with variables controlled. A question like whether added chemo agent is good or bad has no application utilities to any specific patient. It is useful only in exploring disease mechanisms.

Basic research has discovered thousands of things that are related to disease causes and treatments. However, when a doctor treats a specific patient, the doctor cannot determine particular causes and suitable treatments for this patient. So, the doctor, by using the common practice model, can only run endless human trials on this patient: try this drug, try that procedure, try this dosage, try that chemo protocol, all having been developed from human trials. All attempted treatments are based upon an abstract person. Only a small number of patients can match the abstract person. That is why nearly all treatments must fail.

The flaw of using population approach cannot be corrected. In all cases, findings from population studies are applied to individual patients WITHOUT considering whether any of the conditions used in population studies are met. Naturally, all treatment attempts must fail as a matter of course. This is a theoretical basis why modern medicine must fail in treating chronic diseases.

A synthetic drug can be designed to target one of potential 20412 coded proteins, one natural compound and/or one biological path. No body can determine if the drug will infringe the rest 20411 encoded proteins, their

affected natural compounds and/or biochemical paths.

Every natural compound is exposed to species in this long evolution period. Use of man-made drug in humans is like an attempt to run human trials to substitute the billions of years of evolution. The side effects of drugs cannot be overcome until the entire human genes were redesigned. The presumption of using a synthetic drug as a cure is refuted, and a presumption of injuries should be placed.

Modern medicine often boasts its scientific approach. I found that the application step implicates a systematic failure: it totally disregards all conditions used in population studies. The chance of getting a match between a treatment and a person's disease conditions is nearly non-existent.

Due to all flaws, modern medicine officially labels all chronic diseases with “incurable” but “treatable” tags. So, controlling symptoms is all it can do with huge risks to patients. Scanning any medical texts, you will see that most disease mechanisms are “unknown” or “poorly understood.” Looking at any pharmacopoeia, you will see that most drug mechanisms are “unknown” or “poorly understood.” Its admitted failure is due to its narrow legalized options.

To see obvious problems in modern medicine, I will use an auto repairs as an analog. Auto repairmen never use averaged performance data from other car makes and models in repairing a specific car. If a population-based approach like the one used in medicine is used to repair cars in all auto shops, no car would run. If such a flawed approach is used in repairing planes, all planes will crash. Every person with ordinary intelligence should see it. Essentially, an auto mechanic uses system optimization methodology. If a system optimization methodology is used to treat chronic diseases, all diseases can be cured.

The “incurable” nation is only excuse for the failed medicine. Modern medicine holds that high blood pressure cannot be cured, but truth is that it takes only 6 months or one year to cure. It holds that most vascular diseases cannot be cured, but truth is that a one-year exercise program can cure it. It labels autoimmune diseases, degenerative diseases, cirrhosis, and lung fibrosis as incurable. Both medical miracles and recent research advances predict they are curable. People have stood up from wheelchairs against medical prognoses and have defeated medical death predictions all the time. Recent stem cells studies imply that even scars in the brain are not without cure. A cure to damaged brain, damaged liver, abnormal immune system must exist, but will not lie in synthetic drugs. The true cure must work with a massive number of genes in the human body. It must trigger the body to generate bias against diseased cells so that the body can destroy them and replace them with good cells. The cure has to work through a large number of gene-encoded proteins and intermediate compounds.

Since the war against cancer in 1970, each “promised” cure to cancer turns out to be failure. Cutting and radiating cannot cure cancer and chronic diseases for obvious reasons. No synthetic drug can be compatible with all

human genes, and thus most drugs can create a battery of diseases such as kidney failure, liver failure, central nervous system diseases, and autoimmune diseases. It is estimated that 80% of autoimmune diseases are caused by synthetic drugs. Even if a person recovers from a chronic disease or cancer, the real cure cannot be an administered synthetic drug.

The problem is so serious that a super majority of doctors question the paradigm of medicine.

E. Patent Law's Role in Creating the Cancer Hoax

Patent law plays the biggest role in creating this incurable era. I show how how a flawed cancer treatment model was developed below:

(1) The model developers assume that only cure is cutting, burning and poisoning. The patent law, FD&C and FDA regulations, state professional law, and federal tax policies exclude any cures that were developed in evolution and built in human genes.

(2) The developers then select a standard of care by law. Cutting is limited to early stage tumors, and burning is useful only in limited cases. So, poisoning by synthetic drugs becomes the only available standard of care.

(3) Because all true cures are excluded, the developers cannot cure cancer. So, the medical community has to label cancer as “incurable and terminal.”

(4) By seeking fast remedies, the developers came up with protocols of using massive doses for killing dividing cells with long treatment breaks.

(5) To establish treatment benefits, the developers came up with a control group, the patients of which do not receive the drug. The patients in the control group are those who basically wait for dying. Since most cancer drugs cannot extend total survival times, they come up with progression free survival time, etc. The developers then find the drug's “benefits” by comparing the drug-treated group with the control group. By using misleading criteria, the developers naturally found “positive” benefits for the drug.

(6) When a new drug comes out, the developers will compare it with the old drug to determine the benefits of the new drug. In doing so, the cancer treatment model will be compounded with more errors.

So, anyone should see that such a cancer treatment model is a fixed product of ancient politicians. It does not allow the developers to seek the best cures, the treatment model was not developed to achieve medical merit. It must be junk medicine given the obvious ignorance of the ancient politicians.

Step (1) is wrong because the patent law precludes all cures coming from nature and are compatible with human genes (the potential number of cure from the entire nature is in hundreds of thousand); Step (2) is wrong because it

assumes a synthetic drug can cure cancer, its side effects do not always exist, and a “cure” can be delivered by standard of care (just looking at patient profiles, we should note that so called “standard of care” cannot possibly be valid from the scientific point of view); Step (3) is wrong because “incurable” cannot stand with the massive number of cancer miracles; Step (4) is wrong because it fails to treat the cancer as a equilibrium problem and a speed competition problem. The massive drug doses are also wrong because the drug can badly damage organs and normal cells. Most drugs can stay in the body for only one to three days, but each inter-treatment break can give cancer cells opportunities to finish 5 to 30 cell division cycles; Step (5) is wrong because the control is based upon common law average concept; and Step (6) is wrong because it uses a wrong and often obsolete reference. Such a treatment can only kill people.

This cancer treatment model is clearly unworkable. When the body's immune system is crippled, remaining cancer cells can divide even faster. When drugs can no longer control cancer proliferation, the fight is over! Most deaths happen like this. Yet the medical community never explores what must be changed because they would do nothing about the legal constraints.

I will shed some light on whether cancer can be cured below.

A true cure comprising the four classes of cures may work through thousands of genes. They work by affecting many biochemical paths such as Krebs path, the apoptosis paths, hormone paths, neural- and nerve-signal activities, immune system response paths, etc. I will present some evidence below:

(1) The massive cancer miracles. I have seen a large number of cancer miracles. One could easily identify millions of undocumented cancer miracles from the internet. Cancer survivors can be found in every corner of the world. Cancer is not really incurable. It is incurable because modern medicine has used the wrong model and only useless legalized options.

(2) Natural anti-cancer compounds. Tens of thousand natural compounds have the potential to cure cancer (the actual number from the entire planet is unknown). Any of the food compounds can affect most or all biological processes by different degrees. They can alter energy metabolism, immune system and its responses, and cell apoptosis, etc. If you accept that all health problems are equilibrium problems and relative speeds of different biological processes, there must be unlimited cures for cancer. The problems are that no body cares to use the right approach and right options. Leaving all safest anti-cancer compounds aside, the medical community has to use dangerous options.

There is no conceivable possibility that a synthetic drug can take advantages of the massive number of gene-products and biochemical paths.

(3) Exercises. Exercises are the most powerful cures that were built into human genes. By briefly reviewing recent medical discoveries, I found that exercises can promote health or healing by more than 20 mechanisms. In fighting cancer, exercises with deep breath and relaxation can reactivate the

mitochondria-based energy metabolism and thus restore cancer cells inherent ability to undergo apoptosis (e.g., killing themselves). Exercises can also force cancer cells in inner tumors to undergo necrosis by bringing down the glucose level in blood. The improved oxygen level caused by exercises can increase immune cell generation, migration, proliferation and immune responses. Moreover, exercises can harass cancer cell proliferation by raised temperature and strengthened mechanical vibrations, etc. This safest powerful combination is ignored.

(4) Mind regulation. Mind regulation also works through all nerve- and neural signals activities. Emotional shocks alone can kill fragile persons; stress can cause most chronic diseases. There is no point to argue that mind regulation in the other way cannot cure cancer. Massive secrets in neurosignals have not been explored yet in medicine.

(5) Temperature, humidity, air pressure, mechanical force, etc (such as oxygen partial pressure) can be used to change the biochemical process balances and process speed competition. Those things exist in evolution and can be used safely to regulate biological processes by different degrees.

When those factors are combined, they can deliver super healing power that nothing else can ever achieve.

I will show how the U.S. patent law dispels all powerful cures below.

By enforcing abstract idea, natural phenomenon, and mental process doctrines, the U.S. patent law in fact forces the medical community to embrace so-called functional and structural approach. It creates a false impression that changes in structure and function can only be realized by using synthetic drugs. This presumption is absolutely wrong because any of those natural cures will ultimately change functions and structures of the human body by well established mechanisms such as Krebs cycles, immune system responses, cell apoptosis, hormonal regulation, etc. Only differences are that all natural cures work more slowly and safely as compared with legalized methods of cutting, burning and poisoning.

For an obvious reason, the patent law is also indirectly responsible for turning the medicine into a junk medicine that uses the binary disease approach and the normal-and-abnormal approach. This disease definition approach is used in the entire medicine and the normal and abnormal statuses system is used in project design of every study. It can be manipulated to achieve bias (as shown in the cancer treatment model). This binary approach was originated in common law's reasonable person standard. Those two things clash with the natural law that governs human physiology. In reality, human health problems can only be defined by structural balance and biochemical process balances. Nature does not work in a two-status system and gives no respect for it.

The patent law together with the FD&C has turned human beings into chemical reactors or emotionless animals. In studies for assessing acupuncture effects, researchers had to use sham needles in a control. In such a control, a

“fake” needle is inserted into the patient to satisfy the double blinds requirement. Acupuncture works through mind regulation, yet the law requires that mind regulation must be avoided. The obsolete law makes medical researchers to lose sanity, and turns a medical study into a laughingstock.

By using natural phenomenon doctrines, the legal system excludes all evolution-developed cures including special diets, exercises, mind regulation, lifestyle changes, and adjustments to physical parameters. No research is done to gain a understanding of treatment details. So, modern medicine has to ignore the massive number of natural anti-cancer compounds and other useful compounds and use toxic synthetic drugs. Without detailed information on the use of natural cures, cancer patients cure their cancer only by strike of luck. Those, who have a willpower to do endless trials, will hit a lottery, and those, who do not, will die.

The mental process doctrine has also discouraged researchers from doing any studies to understand massive life miracles. The cancer miracles often involve the use of foods/natural compounds, exercises, mind regulation, etc. To find the cures, one has to spend massive resources to investigate all factors and find the role of exercises and mind regulation. Exercises and mind regulation cannot studies by using the FDA's drug-approval standard, and such findings cannot be protected for making profits so that nobody will even try. Thus, all things responsible for curing cancer will disappear as lost art. The lack of cure is due to lack of incentive for discovering cure (even though the amount of time and efforts would far exceed those required for making non-medical inventions). In addition, when the legal system legalizes only synthetic drugs, few will conduct studies to find how mind regulation, exercises, and natural compounds work. The medical community has to ignore all cancer miracles.

After the legal system prevents individuals, research institutes, and drug companies, etc. from studying and collecting evidence for cures from the nature, the medical community routinely discredits natural cures by always by saying “lack of scientific evidence.”

The U.S. legal system indirectly poisons the population's health care wisdom. Since it prevents modern medicine from doing any research in natural cures, it creates a false impression that a cure must be a synthetic drug. Every advertisement boasts synthetic drug merits, and government actions approve only synthetic drugs. The long drug-use tradition and long propaganda of drug companies have planted in the people's mind with a false belief that chronic diseases are incurable or terminal, only synthetic drugs can cure diseases, and all alternative medicines other than cutting, burning and poisoning are junk medicines. The law plays a big role in creating the false incurable notion and dispelled all natural cures that had been used to cure chronic diseases for more than four thousand years.

The patent law has greatly exaggerated the true merit of chemotherapy in cancer cases. If we include true cures as options for curing cancer, and then raise their curative power from current one or a few points to say 60 or even 80

points, we must reject the cancer treatment model. Due to exclusion of natural cures and lack of research done on natural cures, most cancer patients can use only a tiny bit of their born fighting power and ultimately lose their lives.

Treating cancer by the binary system is obviously improper. In dealing with the gut's microbe population, no body can completely eliminate the population of any species. Cancer is similar to the gut's microbe population problem. It should be treated as a dynamic problem. The goal is to make more cancer cells die than new cells generated each day. By using the binary approach, doctors must kill all cancer cells by endless chemotherapy, but have no way to tell if the body has remaining cancer cells. Patients are routinely misinformed with "remission" "no evidence of cancer," etc., while patients are never enabled to reverse the physiological bias against cancer cell proliferation. The medical community repeats such failure perpetually. The real reason is that no one has incentive to apply natural cures to achieve a final cure.

Those patent doctrines dispel multiple factor approach. Successful stories from using multiple factors can be found in every corner of the world, the medical community ignored them. The U.S. patent system discourages any person from developing multiple-factor treatment methods. To secure patent or drug approval, drug sponsors must avoid exercises, mind regulation, or any activities in any treatments. The patent law provides incentive to ignore natural cures. Recognizing the merit of multiple-factor treatments would slowly lead to acceptance of the cures from nature. A slow cultural changes would lead to rejection of synthetic drugs. Thus, drug companies must do all subtle things they can to mislead the population to reject the merit of natural cures. They sponsor massive researches in synthetic drugs so that a scarce number of publications on natural treatments will be suppressed completely.

By excluding natural cures, the patent law actually works as a legal command that forces people to ignore the fact that synthetic drugs are more deadly than cancer cells and synthetic drugs always infringe some of gene-encoded proteins or metabolic intermediate compounds. So, the U.S. patent law is indirectly responsible for creating more kidney dialysis and more liver transplant businesses.

By excluding natural cures, the patent law plays a role of "averaging" harms and benefits of synthetic drugs among different people. For the patients who believe in incurable and lack ability to fight, chemotherapy may extend their lives by several months; for those who cannot tolerate pains, trades between pain-free livings and shortened survival times may be good; for those who do not believe in incurable and have some ability to fight, chemotherapy actually shortens their lifespans; for those who refuse to believe in incurable and have a great ability to fight, chemotherapy will cut their lives short or permanently preclude full recovery. Whether a trade is good totally depends upon if the incurable notion is true and whether there are cures beyond the standard care of poisoning. This population-based approach is unfair to many patients.

The patent law is also responsible for the use of palliative care. Palliative

care is based upon the false notion of “incurable” notion. The logic of forming this care is as follows: the model developers exclude all cures that are built in human genes, select only synthetic drugs as lawful options, use non-fighting patients as a control group to establish death predictions, and use confusing parameters such as progression free survival time and reduced suffering to boast drugs benefits. After the treatment is heavily manipulated, they then send a key message: “you will die any way, and we can make you comfortable in dying.” Of course, most patients have to accept it.

The medical community can easily find all kinds of cancer stories like those I know. A cancer patient of advanced cancer survived for decades after he was told that all cancer tumors had been removed, whereas, the doctor could not touch any of the widely spread tumors. In contrast, a person misdiagnosed with cancer dies within a few days. In another case, a person diagnosed with liver cancer dies in about one month. Those stories demonstrate the power of the cancer hoax....

Imminent death can be caused by emotional shock. Some patients may die sooner because cancer cell proliferation is accelerated by emotional distress. Disturbed sleep caused by the cancer hoax can shorten their lives. When the patients could not get minimum sleep, the body's ability to do daily cell maintenance is crippled (one should see the mechanisms by looking into sleep breathes and mitochondria-based apoptosis for cancer cells). Thus, cancer cells will proliferate at explosive speeds. The cancer hoax has made prognostic predictions come true. “Incurable” is realized by emotional distress.

The failure of the cancer treatment model is well reflected in several surveys. It is well known that most doctors would not accept radiotherapy for themselves and their family members. Multiple U.S. surveys also show that 75 percent of doctors would refuse chemotherapy, but doctors would recommend chemotherapy to 75% of their patients. So, the evidence shows that most doctors know that poisoning by synthetic drugs have no real benefits, but are obligated to apply the drugs onto their patients. When the legal system has chosen synthetic drugs as the standard of care, doctors cannot make choices on the basis of merit.

The patent law has directly influenced disease definitions, research models, drug types and treatment types, drug approval model, drug application model, etc. The cancer treatment model, like other standards of care, is established under serious legal constraints of those obsolete and wrong doctrines. Any one of the legal constraints can make modern medicine completely lose scientific merit that could have been achieved by using the optimization methodology.

F. Eligibility Based Upon “Practical Application”

I note that the judicial exceptions were never intended to use in specific application. However, several recent decisions such as Alice/Mayo created a big confusion because some judicial members attempted to read claims out of application context and attempted to expand the reach of those obsolete and irrational doctrines.

The 2019 Guidance intends to draw distinctions between claims to principles in the abstract and claims that integrate those principles into a practical application. If this Guidance is used in examination faithfully, the patent law can have good impacts on the medical framework.

As I have shown that health is a multiple factor problem. When a serious health condition rises, a true cure cannot be just application of a single compound or doing a single thing. A true cure needs to have a force to act on the body part and also the biological mind (the signal exchanges between the tissue and the Central Nerve System). A cure for a complex health condition often requires a combination consisting of natural substances, exercises, mind regulation, and proper use of intensive properties. Curing chronic diseases is more complex than tuning-up a car because it must attempted to reach functional balances between and among all organs.

The new use doctrine in the U.S. patent law is grossly insufficient to protect any treatment protocol because the anti-cancer function and other health benefits are known. A large number of foods such as broad beans, citrus, blueberries, permission, strawberries, etc (with most unknown) contain compounds that can inhibit cancer cells proliferation. A yes-or-no finding of any natural compound has never worked and will never work. Such knowledge cannot enable any person to achieve functional balances. Due to lack of patent protection, the knowledge of natural anti-cancer compounds will never advance beyond such yes-or-no findings.

The U.S. patent law does not protect any application of natural compounds for curing diseases. It is certain that all examiners in the current examination culture will quickly find that potential uses are known and application details for using them are obvious. No patent will issue. This has been the long tradition of the patent Office. After the practice has been known for so long, no inventor would make an attempt to develop treatment protocols which use any of tens of thousand of natural compounds. The lack of protection alone is enough to completely stop all research activities directed to natural compounds. No detailed application methods for anything made of nature will ever come.

Current protection for drug/food formulations is too weak for inventions for curing diseases. Successful cure may require a combination of natural substances, exercise, mind regulation, and use of intensive properties. What is important is qualitative radio, use timings, use conditions, and consideration of interactive factors. Protecting treatment protocols can be difficult. The U.S. patent law allows anyone to design around a patented protocol easily. Due to the massive number of variables in each health problem, some adjustments must be made to effectuate a successful cure. The reality is always that an original

protocol is difficult to conceive, and improvements on the original protocol can be quickly found, often required by necessity. The current patent law is unable to reward both original inventions and improvement inventions in right proportions with certainty.

The U.S. patent law does not provide meaningful protection for treatment protocols. Without meaningful protection for treatment protocols, no company will invest to find treatment protocols. No body will spend resources to do research, deal with endless rejection, and end up with spending money to teach the public. Drug companies will not invest a penny to find any treatment protocols using anything from nature. None of them will spend tens of million dollars on a bet, which is only to find what the next Supper Court justice might say for its massive amount of investment and years of efforts. We should note that a drug company attempting to using natural compounds is in a double jeopardy: such an investment will be completely wasted if it gets no patent (even if the company gets one, there is no guarantee for getting profits on such a patent), and the patent disclosure of natural cures will decrease the value of its existing synthetic drugs. So, what the public gets depend upon what the public is willing to give. Bad rulings continue (see another bad ruling for U.S. 7,267,820).

The U.S. patent law has achieved worst end I can imagine. Despite the discoveries of a massive number of natural anti-cancer compounds in basis research, no body has developed a treatment protocol for a natural compound which can be used to replace a synthetic drug as a standard of care. Modern medicine is unable to get rid of drug side effects and has never found any man-made method to achieve physiological and functional balances. The world will continue without cure.

Congress should abolish those doctrines. Those doctrines were developed by judges who did not see challenging health problems and could not understand extreme difficulties in curing chronic diseases. The incurable era and the total death count from the incurable in the last 100 years are enough to take a note. In treating health problems, making-of-nature or coming-from-the-nature are only start points. Patent law should not reject such treatments for no sound reasons. The inventiveness of any successful cure lies in how to manipulate a massive number of variables to achieve functional balances.

When earliest Section 101 was enacted, politicians then had no idea about the role of mind and special values of natural compounds. Most doctrines were created before the arrival of the modern science (most knowledge in group theory, probability and statistics, neuroscience, genetics, biology, organic chemistry, physiology, instrumentation, etc. were unknown). There is no point to adhere to those obsolete doctrines which were never validated scientifically in the first place. The U.S. court will not able to produce any study that can show the merit of those doctrines under Section 101. Congress should abolish Section 101 entirely and merge it into Section 103. In addition, an excessively high standard in Section 103 would also prevent cures given the difficulties in finding cure. The price the mankind has paid for such a mistaken is too high.

The U.S. patent law has played a decisive role in forcing modern medicine to rely exclusively upon man-made treatments that have never worked in the entire history. Synthetic drugs will never work until the entire human genes are redesigned artificially. Drugs might be cures for man-made human beings.

G. Legislative and Judicial Reform

Ancient peoples in multiple cultures knew that diseases (e.g., health problems) could be corrected by adjusting biochemical processes to achieve body [functional] balances. Due to the massive number of genes we know now, curing chronic diseases can be achieved only by doing things consistent with natural laws that govern human physiology.

The U.S. patent law precludes patent on any invention using anything existing in nature or any invention based upon natural phenomenon. The law rewards only treatments created by man or inventions that might violate natural laws. The early politicians must have made a presumption that using things made of nature and treating diseases according to natural phenomena are too obvious to grant patent. This presumption has found its way into every part of the U.S. legal system. It is in federal food and drug law, federal tax law, state tax laws, state professional laws, and private professional guidelines. Such a legal system powerfully precludes all true cures for the entire national history and will forever preclude true cures from coming to light. Modern medicine has been widely accepted by all nations in the world by improperly claimed “scientific validity.”

My findings are beyond challenge, but the world chooses deaths. I contacted experts, doctors, professors, research institutes, and non-profitable organizations, U.S. lawmakers, national leaders, world leaders, etc. concerning the obvious flaws in the foundation of medicine, but none has been willing to answer my challenges. All I got is silence, lack of time or resources, avoidance, or simply lack of judgment. No body cares about 30 million annual premature deaths and all death spells of terminal diseases, which can get anyone any time.

The real problem is that nobody can do anything to improve medicine because the legal system has selected only a few inferior or useless treatments by presumption. That is why a foundation error like geocentrism (the theory that the Sun orbits around the Earth) could dominate the world for more than a thousand five hundred years. That is why medicine cannot get out of the dead end by itself. Such a medical system has inflicted maximum misery on every person in the world in our time. Those who died never knew what is responsible for their death. Legal reform is the only revenue to end the incurable era. The influence of modern medicine has reached every part of the world. Changes must be made by Congress, The U.S. Supreme Court, and federal agencies. Reforms started in the U.S. will cause United Kingdom, German and other common law nations and other nations to start their own medical reforms.

To end the incurable era, Congress should abolish all judiciary doctrines that bar patent for abstract idea, natural phenomenon, mental process, human activities, inherent acts, etc. More predictable protection should be provided to protect inventive treatment protocols involving exercises, mind regulation, natural compounds (e.g., foods, herbs and other natural products) to treat and cure diseases. Additional incentives should be provided in addition to the lip-service promise: “you get paid from infringing users.” Congress cannot depend upon the old incentive method while letting the massive people die every day.

Problems in Federal, Drug and Cosmetic Act and FDA regulations, federal tax law, and federal agency funding policies should be amended to encourage persons and vendors to develop complete protocols for treating, and curing chronic diseases. New law must give drugs companies or drug vendors firm and predictable incentive to switch from using synthetic drugs to cures that come from nature. Upon making those changes, the incurable term will disappear from medical language in five years, and cures to most chronic diseases will be available in ten years.

The matter is important to the mankind. One should not treat it as a political problem because it will affect every person, every family, every business, every organization, every political party, and every nation in similar ways.