



Clocks and Calendars

BY MARK LEVY

I am now approaching the 30th anniversary of one of my unique client meetings. The client is David “Crawdad” Kendrick, and he lives in a cabin off the grid in upstate New York. How far off the grid? For starters, he has no indoor plumbing, electricity, or telephone. When he wants to take a bath, his first step is to collect wood so he can heat the water in his outdoor bathtub.

Crawdad had an invention that seemed as strange as his lifestyle. It was a wristwatch that ran backward.

“You know,” he said, “people take time for granted. If they knew how much time was left in their life, I think they would more mindful of many things they do every day. So I invented a wristwatch that the user sets according to actuarial tables. And every time the wearer does something harmful or risky, like smoke a cigarette or schedule a parachute jump out of an

Crawdad had an invention that seemed as strange as his lifestyle. It was a wristwatch that ran backward.

airplane, he can decrease time on his watch to reflect the amount of time left in his life.”

The watch could be set not only to estimate the wearer’s date of death, but any date in the future, such as when a person is planning to retire or get married or have a baby. Needless to say, I was intrigued by the client and the

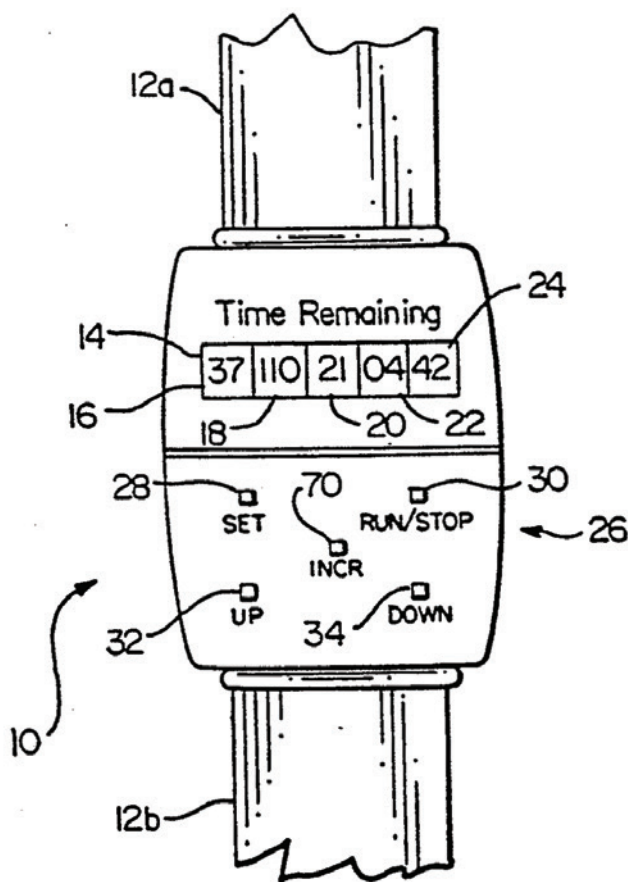
concept. I filed a patent application in the US Patent and Trademark Office. Apparently, the patent examiner assigned to that case was also impressed, as I received a notice of allowance in three weeks. (The response time to receive a notice of allowance for most patent applications can be as long as 22 months.) The patent issued as US Patent No. 5,031,161.

Shortly thereafter, the *New York Times* printed an announcement about the unusual patent and Diane Sawyer of ABC Evening News called him, which was no mean feat, since he still didn’t have a telephone. Ms. Sawyer’s producer located his brother, however, and left a message. Some 50 letters arrived at Crawdad’s cabin in the following months. A Swedish television crew wanted to fly to America to interview him. A federal prison wanted to order watches for its prisoners on death row. Crawdad received inquiries from insurance companies and the AARP.

Everyone wanted to see a working model or prototype but, unfortunately, Crawdad lacked the \$30,000 to have one made.

In the course of researching Crawdad’s invention, I became interested in calendars, which are more complicated than I had thought. I learned that Julius Caesar added a leap day (February 29) every year divisible by four. The calendar thus averages 365.2425 days a year. A solar year, however, the exact time it takes earth to revolve around the sun, is actually a bit less than that number of days. A solar year is 365.24219 days long, so Pope Gregory revised the calendar in 1582 to exclude a leap day every century year (those that end in 00), even though those years are divisible by four and would normally be leap years. In other words, if the century year is divisible by 400, it is a leap year after all. That’s why the year 2000 was a leap year. It was divisible by four, but it was also a century year, but it was also divisible by 400. Sort of an exception to the exception. The year 1900 had no February 29. You can look it up on <https://www.timeanddate.com/date/weekday.html>.

But even that 400-year correction was merely an estimate. The calendar had to be advanced by 11 days in 1752, since the calendar had been running ahead of the earth’s movement around




Kendrick's Life Expectancy Timepiece, from US Patent No. 5,031,161.

the sun a few minutes every year. By deleting 11 days, Wednesday, September 2 was followed by Thursday, September 14 in 1752, so the calendar could catch up to the earth's progression around the sun. The civilized world lost 11 days.

It occurred to me that the year 2100 will be the first year since computers were invented that we don't have a leap day, even though the year is divisible by four. I thought that could

signal the end of society as we know it, since our computer-run society would descend into chaos. But that was before Y2K, which turned out to be a non-issue.

Another one-day adjustment to our Gregorian calendar will have to be made in the year 4909 A.D., but that will be someone else's problem. I'm feeling much more optimistic about the future. 



Mark Levy is a registered patent attorney and intellectual property counsel for Block45Legal, LLC in Denver. He has contributed humorous essays to the public radio show "Weekend Radio" for a number of years, and his essays are now available in two paperback books available on Amazon: *Trophy Envy* and *They're Only Words*—creativelevy@gmail.com.

The SideBar is an informal space where members can share their experiences, offer practical advice, share law-related stories, and take a lighter look at the law. Send your SideBar submissions to Susie Klein at sklein@cobar.org.

“

The Value
of an Idea
Lies in the
Using of it


– Thomas Edison

But as you should
use it, you should
also protect it.

If you have a client with an invention or idea, we can help safeguard it and turn it into an asset. We have 28 years of experience in patent law – Intellectual Property is all we do – and clients across Colorado, the U.S., and the world.

Let us help you help your clients.

Talk to us today.



Local Firm Value with
Large Firm Capability

Fort Collins, CO | 970.224.3100
Denver, CO | 720.249.4700
San Diego, CA | 619.270.2100
idea-asset.com

Preparing & Prosecuting Patent Applications •
National & International Patent Enforcement •
Patentability Evaluations