The Supreme Court's *Mayo/Myriad/Alice* Decisions: Their Overinterpretation vs. Oversimplification of ET CI Interpretations. Scientification of SPL Precedents as to ET CIs in Action. The CAFC's *Myriad* & *CET* Decisions.

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I. GUARANTEEING THE ROBUSTNESS OF PATENTs ON ET CIs[1)]

The Supreme Court's *KSR/Bilski/Mayo/Myriad/Biosig/Alice* decisions on ET CIs led the author, by rigorously scientifying SPL precedents, to FSTP Technology [150, 151]. It not only enables achieving this headline's objective[1)], but also analyzing scientifically the recent CAFC decisions, started by [138].

Thus, here is shown, what •) comments FSTP Technology delivers on these CAFC decisions, if it checks their meeting the Supreme Court's *Mayo/Myriad/Alice* decisions' requirements, •) way the total CAFC[2)] and the PTO will take is still unclear: Follow the guidance provided by these 3 Supreme Court decisions[3)] and elaborate on it for developing for ET CIs a refined claim construction[5)] – or use also for an ET CI the claim construction sufficient for CT CIs and try to reconcile this "second way" with these Supreme Court decisions' requirements by oversimplifying this ET CI's interpretation, i.e. overinterpreting *Mayo/Myriad/Alice*.

Unlike earlier [92III.], this "second way" may be taken also silently, i.e. not openly rejecting the ET CIs' need of a refined claim construction[4)], i.e. of a refined SPL precedents. The CAFC just needs to pretend by lip service to obey this Supreme Court guidance, yet simply not concretely refine it as needed for everyday assessments of ET CIs being patent-eligible and/or definite, i.e. not working it out[9.a)] in more detail for its practicability, as the Supreme Court asked for[5)] (and FSTP Technology actually did).

This paper continues on [138] in Section II by commenting on the two most recent CAFC decisions as to ET CIs' patent-eligibility. It is vastly digestible also without AIT [2] knowledge, in spite of its heavy use – by then intuitively grasping it.

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1 This little paper is a continuation of [150,151,138], not repeating their definitions of notions. This headline is chosen for clearly countering the recently indeed much talking about "patent doomsday" caused by *Alice* [165].

2 not just this or that of its panels, as in [138] and in what follows

3 indicated by the Supreme Court's above quoted line of decisions, starting with *KSR,* providing clear guidelines – not yet being worked out as a detailed procedure how to solve these new problems[4)], such as the FSTP-Test – how to principally deal[5)] with the hitherto hardly noticed problems in SPL precedents coming along with ET CI's.

4 as ET CIs are inevitably model based (at least partially), and models are purely/absolutely fictitious, which to handle the classical claim construction has no provisions for, as such models don't occur in CT CIs. This need comes down to being notionally much more precise/concise/complete than what is needed by SPL precedents dealing only with CT CIs, being much more "loophole/fault tolerant" and hence intellectually much less demanding.

5 E.g., Justice Breyer metaphorically confirmed that this more concrete guidance is eventually needed [69p.28]:

„.... But I think it's pretty easy to say that Archimedes can't just go to a boat builder and say, apply my idea. ... Now we take that word 'apply' and give content to it.

And what I suspect, in my opinion, Mayo did and Bilski and the other cases is sketch an outer shell of the content, hoping that the experts, you and the other lawyers, and the -- circuit court, could fill in a little better than we done the content of that shell. ...

Now, will you at some point in the next few minutes give me your impression of, if it were necessary to go further, what could the right words or example be?"

[693] explains, why this question – implicitly yet clearly manifesting itself in all Supreme Court decisions *KSR/.../Alice* – could not be replied by its "exclusively legal" environment. SSBG with its AIT background could meet this need by its FSTP project, principally and practically (see the full Reference List below), and is evidently worldwide the only party familiar with the epistemological amenability to scientification of SPL precedents.

II. THE CAFC's USE OF THIS SUPREME COURT's GUIDANCE

II.1 / II.2 show: The CAFC's *Myriad / CET* decision does not / does follow *Alice*[6].

II.1. In the *Myriad* opinion[7.a] [159] a CAFC panel found its "composition of matter" and "method" kinds of ET CIs patent-noneligible as representing a "natural phenomenon" resp. an "abstract idea" – below shown to be legally erroneous as this panel's inventive concept determination for these ET CIs overinterprets *Alice*[7.b].

The CAFC's *Myriad* decision namely considers of the *Myriad* ET CIs solely compound inventive concepts, BOD-/BAD-crCs[8] – according to its interpretation of the Supreme Court's *Alice* decision – although these crCs' notional resolution is too coarse for exactly describing these ET CIs. I.e., it bars correctly describing these ET CIs by crCs of this low notional resolution[8], i.e. it enforces oversimplifying the *Myriad* ET CIs. Consequently: The CAFC thus overinterprets the Supreme Court's *Alice* decision.

The *Alice* decision explicitly warned that it did not "*delimit the precise contour of the 'abstract ideas' category*" (Opinion, p. 10) and analyzed ET CI SPL precedents (Op, p. 11-16) for stating the requirement that an ET CI's specification is to be screened for its new and useful inventivity[8] – which nothing delivered in *Alice* (Op, p. 14-15) – for not exempting from patent-eligibility an ET CI as comprising a patent-noneligible element, just because its BOD-inC does not exclude this exemption, although its BED-crCs do (the last words being FSTP jargon, for exactness and conciseness).

For an ET CI under *Alice* test, the latter's overinterpretation takes inevitably place iff it enforces this ET CI is oversimplified in this test by not considering all its BED-crCs[9.a]. I.e., barring detecting a part of a BAD-crC and potentially of ET CI's patent-eligibility, by not refining this ET CI's interpretation to the BED level of notional resolution when "*Alice* testing" it, is not what Supreme Court recently asked for[5].

The CAFC's *Myriad* decision thus got itself into a fundamental legal error, disabling it to recognize *Myriad*'s true inventive concept(s). **This fundamental legal error committed by the CAFC – to oversimplify *Myriad's* ET CIs by overinterpreting the Supreme Court's *Mayo/Myriad/Alice* decisions – was until today only felt; now it is scientifically proven**[9.b].

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6 As seen by FSTP Technology, i.e. by scientific patent-eligibility checks by *Alice* in Supreme Court interpretation.

7 **.a)** The early comments on the *Myriad* decision in [138] are here recapitulated, first, and thereby refined.
.b) Thereby the Supreme Court requires by *Alice*, for both grounds of patent-(non)eligibility and both kinds of ET CIs, to apply the same "two step test" for determining their resp. patent-(non)eligibility.

8 FSTP Technology distinguishes the BOD/BAD/BED/BID levels of decreasing abstraction of "creative/inventive concepts, crCs/inCs", i.e. levels of increasing notional resolution of these BOD/BAD/BED/BID-crCs/inCs – whereby BOD stands for "binary original disclosed", BAD for "binary abstract disclosed", and BED/BID for "binary elementary/(elementary&independent) disclosed", and "original" stands for the original/documented KR (= Knowledge Representation) of an ET CI[12], "abstract" for an initial "attribute KR" of the same information, and "elementary" for its final[15.b] "predicate KR" [150]. A concept represents its mirror predicate and vice versa [74].

Thereby any inventive concept, inC, is defined to be a pair <leC,crC>, i.e. of a legal and a creative concept.

The FSTP-Test shows the transitions of crCs into inCs [150[4.a],74] and the equivalence of a BOD-crC with the conjunctions $\wedge^{\forall BAD\text{-}crC}$BAD-crC $\equiv \wedge^{\forall BED\text{-}crC}$BED-crC $\equiv \wedge^{\forall BID\text{-}crC}$BID-crC, modeling this ET CI's total inventivity.

Any ET CI has only a single BOD-inC – whereby several CIs[12] of the same claim may have one or several BOD-inCs [74] – in which BOD-leC is replaced by "T" or an "***Alice* axiom**, **AA**" inventive concept expanding these conjunctions for BOD-crC, denoted by BOD^{0}-inC resp. BOD^{AA}-inC, too. If for an ET CI its BOD^{AA}-inC exists, its evident relation "is more than, **>**" to BOD^{0}-inC is abbr. by BOD^{AA}-inC **>** BOD^{0}-inC[28]. In this FSTP terminology, the Supreme Court's *Alice* decision says: A *xyz* ET CI[12] with a patent-noneligible BAD-inC is patent-eligible, iff its AA^{xyz} exists, is patent-eligible, and its BOD^{AAxyz}-inC **"significantly">** BOD^{0xyz}-inC[28]. This relation always holds, if for an ET CI its BOD^{0}-inC/BOD^{AA}-inC are determined by ignoring one/none of its patent-eligible BID-inCs[9)28].

9 **.a)** As in the *Myriad* decision of this CAFC panel, aggravating recognizing *Myriad*'s correct inventive concept.
.b) Up to the public opinion, the CAFC committed this fundamental error repeatedly, anyway also in [62,63].

The *Myriad* decision's procedural causes[10] of its fundamental legal error are[11]:

1) It starts its patent-eligibility analysis of *Myriad*'s ET CIs[12] by not trying first or later to construe for them their *Mayo/Alice* conforming claim constructions[13]. It thus begins disabling itself to avoid committing the legal errors, it does commit[14]. For these errors – by **2)-4)** caused (contributorily) – see below this item list's summary
2) It continues this notional self-disablement to avoid legal errors by, for a term used by an ET CI, not determining its meaning by screening its specification[15] – but determining this meaning out of only the ET CI's/claim's wording, although this contradicts any SPL precedents, always requiring to try to regain the inventor's understanding of his invention by checking also the specification for such disclosures.
3) It expands this notional self-disablement to avoid legal errors by not really clarifying, in the patent-eligibility analysis of *Myriad*'s ET CIs, the resp. claim interpretation standard[16] for any ET CI – although this BRI[14] actually applied is often determinative for the outcome of the patent-eligibility analysis – and instead performs an absolutely freestyle BRI^{pto} (see below), definitively not that limited as required by the Supreme Court's *Mayo* decision and hence legally too broad, anyway [122].
4) It completes this notional self-disablement by not determining, as required[4] by the Supreme Court's *Alice* decision, the inventive concept of *Myriad* ET CIs, due to **1)-3)**.

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10 A reader may bypass the discussion of such "behavioral failures" in orderly/scientific thinking, jump to the proof of the *Myriad* opinion's fundamental legal error on p. 5, and may from there refer the context provided on pages 3-4. In both cases: The following reasoning's fine notional resolution is indispensable for any science: Only this notional scrutiny enables achieving unassailable results – as known from Mathematics.

11 The measures **1)-4)** are im- or explicitly performed in any *Mayo/Alice* conforming, i.e. scrutiny driven, SPL satisfaction or only patent-eligibility test of any ET CI. Thus, being aware of their indispensability helps avoiding committing exactly the legal errors committed by the CAFC's *Myriad* decision (shown below).

12 The Acronym "CI" stands for "c(laimed) i(nvention)", i.e. for this claim under this interpretation of it [58].

13 and then iteratively sharpening and completing them, whereby they potentially differ from each other

14 Another CAFC panel in the *DDR* case had recently shown [138] that a missing claim construction **1)** sometimes is replaceable by reinvesting into measures **2)-4)** the scrutiny spared for **1)**. Thus, the *DDR* decision does perform the refinement of its BOD^{ddr}-crC into BED^{ddr}-crCs – implicitly, without noticing it[22)28)].

15 **.a)** For a claim[16], there is a notional hierarchy between the terms "claim term interpretation", "claim interpretation", and "claim construction" for the claim [150] – the "use" hierarchy. The notion of

- "claim term interpretation" (i.e.: determining the meaning of this claim term), is used by the notion of
- "claim interpretation" (i.e.: determining the meaning of this CI[12] using all its claim terms), which is used by the notion of
- "claim construction" (i.e.: determining of part or all of a claim, whether the meaning of this claim (part) and of its(part's) claim terms meet the resp. part or all of the SPL requirements.

The "use" hierarchy exists between terms A and B iff "A does and may use B iff B is totally defined" [122].

.b) There is only a single situation, in which a claim term's "claim term interpretation" is safely dispensable: Iff the meaning of this claim term is not disaggregatable into a legally and technically equivalent logical conjunction of more elementary[8] (ex- or implicitly disclosed) claim terms than the one started with, and which in addition are independent of this claim's other claim terms. The latter actually says: Below the BED level[8] there is an even finer BID level of notional resolution [150], usually necessarily considered here – easily to grasp when looking at the FSTP-Test and SPL logic determining it.

16 For a claim[15], 3 decreasingly broad BRIs (= "Broadest Reasonable Interpretations") must be distinguished: The BRI^{pto}, the BRI^{phi}, and the $BRI^{mayo} \equiv BRI^{alice}$. Thereby hitherto practically (almost) always the BRI^{pto} is used, in particular by the PTO but also by the CAFC [121] (thus diametrically violating its own *Phillips* decision defining the BRI^{phi} as it recognized the BRI^{pto} is too broad [121], and also violating the BRI^{mayo} defined by the Supreme Court's *Mayo* decision, **whereby the BRI^{mayo}, much tighter than the BRI^{phi}, is scientifically the only correct BRI, as only it is consistent to the Supreme Court's above line of groundbreaking decisions in ET CIs' SPL precedents**), in spite of the Supreme Court's *Biosig* decision explicitly forbidding using the BRI^{pto} for legal decisions! A careful analysis of this "BRI Schism" is provided by [79,113].

I.e.: By allowing itself this notional generosity as to these three crucial terms[15], the CAFC generated totally inconsistent SPL precedents for ET CIs – and now, by further maintaining this untenable notional generosity, overinterprets the clear guidance the Supreme Court provided for finishing this debacle.

FSTP Technology here leads to two important insights into the logical structure of the *Alice* test:

- An ET CI satisfies SPL iff it passes the FSTP-Test [150], the 4 measures all belong to its § 112 tests[17], and the *Alice* test is part of the FSTP-Test [150][18];
- Interpreting for a nontrivial ET CI – such as an *Alice*, or *DDR*, or *Myriad* ET CI – a refined, i.e. "high scrutiny", patent-eligibility or even SPL test[19], is of enormous complexity[20] [18,19], as shown briefly by FIG 1 and completely by the FSTP-Test [150].

Ignoring all 4 above quoted measures[9] therefore means a significant lack of – not an increased – scrutiny. It hence is extremely error prone: It misled this CAFC panel to construe, in its *Myriad* decision, a fundamentally wrong interpretation of the Supreme Court's *Alice* test[21]. This is strange as another panel knew the latter's basically correct interpretation[22], and applying at least this one to the *Myriad* ET CIs would have avoided the fundamentally wrong determination of their inventive concept(s) – by simply overinterpreting the Supreme Court's *Alice* decision at the expense of oversimplifying the *Myriad* ET CIs. To this end the CAFC tried to construe two analogies: between the Supreme Court's *Myriad* resp. *Alice* decision and its own here commented on *Myriad* decision (Opinion, p. 6-9 respectively p. 13-17). But, in truth, there is no such analogy[23], as shown by the end of II.1

Speaking in terms of the total inventivities[8] embodied by the *Myriad* ET CIs (at issue) and by the *Mayo* resp. *Alice* ET CIs, i.e. in terms of the inventive concepts their patents disclose for disaggregating their resp. total inventive concepts, BOD-inCs, as required by *Alice*[5][8]: The *Myriad* ET CIs do embody at least one patent-eligible BID-crC – while the *Mayo* and *Alice* ET CIs don't[24] (see the next paragraphs).

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17 – i.e. to ET CI's ordinary claim construction, being only a small part of its refined claim construction–

18 Any scrutiny controlled patent-eligibility test of an ET CI comprises much of its test for satisfying SPL, as immediately follows from a look at the FSTP-Test [150].

19 Notionally more explicitly/precisely: "Construing this interpretation"

20 There is no faintest indication of evidence that this high amount of unquestionable complexity and its details have ever been recognized by anybody active in SPL precedents business before – and this in spite of its being absolutely inevitable if dealing with ET CIs [18,19].

21 It is easily seen that, if the CAFC had applied this scrutiny by orderly applying the FSTP-Test to the *Myriad* ET CIs, it would have avoided its below shown fundamental legal error. Though, seemingly there may exist ET CIs, where applying only the FSTP-Test may not suffice. These were ET CIs, in the application of the FSTP-Test on them an input to it provided by its user/posc is to be qualified by it by inquiring the PTO's new guideline [157], yet not needed here.

22 A CAFC panel had recognized the basically correct *Alice* interpretation and used it in its *DDR* decision[14] [138$^{III.1.3}$]. Thereby holds: This *DDR* interpretation of the *Alice* test is still incomplete [138$^{III.1.3}$] – which with the *DDR* just as with the *Myriad* ET CIs is not result-determinative, but could be with other ET CIs.

23 Instead: This analogy[23] does exist between the CAFC's earlier *DDR* and *Myriad* decisions, shown on p. 5.

24 For the Supreme Court's *Alice* decision – providing just a guideline for how SPL precedents must structure the analysis of ET CIs satisfying SPL, and with *Alice* having selected particular simple ET CIs to decide – there was no need to go explicitly into the BED-level[5] as it is indispensable for a procedure applicable by "*the experts, you and the other lawyers, and the -- circuit court*"[5] in everyday SPL business with ET CIs.

The Supreme Court emphasized the need to elaborate on the "*contour of the 'abstract ideas' category*", stressing that it itself has not put it precisely[26].

The FSTP Project enables this elaboration and shows by the FSTP-Test that this contour is – for most ET CIs, i.e. all except those of the last sentence of ftn[21] – solely by their resp. BED-/BID-inCs precisely defined. These BED-/BID-inCs start defining this contour also for the ET CIs of[21], but for them said PTO guideline is needed, too.

This difference exemplifies the famous and often quoted "fine line" separating patent-eligible from patent-noneligible ET CIs[25)]. In more detail, for the Supreme Court's *Mayo/Alice* and the CAFC's *Myriad* ET CIs holds:

- For the *Alice* ET CIs "not enough" patent-eligible inventivity is disclosed by their patents, following/explicating the Supreme Court's reasoning: The latter found that they disclose not a single patent-eligible BED-/BID^{alice}-inC (alias patent-eligible elementary inventive concept [121[1)2)],150]) transforming its resp. BOD^{alice}-crC into a patent-eligible application of the several patent-noneligible BED-/BID^{alice}-inC (alias abstract ideas alias building blocks of human ingenuity) it identified[26)].

  For the *Mayo* ET CIs holds the same, evidently.

- For the *Myriad* ET CIs "enough" patent-eligible inventivity is disclosed by their patents' BOD/BAD/BED/BID^{myriad}-inCs, by ●) "*for determination of a nucleotide sequence of a BRCA1 gene by a polymerase chain reaction*" (in composition of matter ET CIs[27.a)], Opinion, p. 6) resp. by ●) "*detecting … indicat[ion of] the presence of said allele in the subject*" (in method ET CIs, Opinion, p. 10).

  Both disclosures are ignored by the CAFC panel and here interpreted[8)27.b)] as a *Myriad* ET CI's AA^{myriad}, which consists[28.a)] of an ET CI element ("*for determination of*" resp. "*detecting … indicat[ion of]*"), and this element's property (to determine "*a nucleotide sequence of a BRCA1 gene by a polymerase chain reaction*" resp. to detecting … indicating "*the presence of said allele in the subject*").

  The 2 above quoted claims' wordings of *Myriad* explicitly disclose this element and this property, modeled by BAD^{myriad}-inC* ≡ BED^{myriad}-inC* ≡ BID^{myriad}-inC*[8)].

  For this AA^{myriad} holds that it does not model only "*a nucleotide sequence of a BRCA1 gene*" resp. "*said allele*"[28.b)]. But, it models also its resp. property by BAD^{myriad}-inC* ≡ BED^{myriad}-inC* ≡ BID^{myriad}-inC* such that together for a person – identified by some ET CI specific tissue and on it some ET CI specific operations – is clarified, whether it has a BRCA1 indicated disease or increased risk of encountering one[28)]. Hence AA^{myriad} is new and extremely useful, and BOD^{AAmyriad}-inC ≫ BOD^{0myriad}-inC[8)].

  Finally AA^{myriad} evidently is not exempted from patent-eligibility as not belonging to one of the Supreme Court defined 3 exemption categories; hence *Myriad* is patent-eligible by § 101. I.e.: As this total inventive concept of any *Myriad* ET CI at issue,

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25 This often quoted "fine line" has never before been specified, not to speak of even been quantified [150,151].

26 – unless the search by the Supreme Court of finding a patent-eligible AA^{alice} was not careful enough (not assumed here). In this search for it (needed for transforming BOD^{0alice}-inC into a patent-eligible application of its building blocks of human ingenuity, BOD^{AAalice}-inC[8)24)]), it refined *Alice*'s total inventivity, BOD^{0alice}-inC, to the BAD level[8)] inventive concepts, BAD^{alice}-crCs, without identifying their BED/BID^{alice}-crCs[24)] – just as the CAFC in its later *DDR* decision[14)]. This need not to be reconsidered.

27 .a) The author here is not quite sure yet as to the "composition of matter" kind of *Myriad* ET CIs: Whether they are not method or system ET CIs in truth, as their claims' wordings comprise a step, each.
.b) Anyway, he does not see why an ET CI of this kind should deserve another rationale, in its *Alice* test, than an ET CI of the "method" kind.

28 .a) An AA may be, for an ET CI's patent, any predicate disclosed by it ≡ this predicate's mirror concept[8)].
.b) By ftn[8)] holds, in other words: This nucleotide sequence/gene/allele/…, as such, together with its indicative property, is modeled by BOD/BAD/BID-AA$^{myriad28.a)}$. I.e.: AA^{myriad} (modeling that this sequence … has additionally to its other specified properties also an indication property) also implies the modeling of the property (by BOD/BAD/BID-crC*/inC*) of this indication, logically both forming a conjunction as defined in ftn[8)].

BOD^{AAmyriad}-inC, is "much more" than the conjunction of all its BAD^{myriad}-inC and BAD^{myriad}-inC*– as just shown – it transforms this ET CI into a patent-eligible application of its building blocks, even if all of them are patent-noneligible. *q.e.d.*

By contrast to the just presented analysis of the *Myriad* ET CIs, the CAFC decision's analysis performs it by oversimplifying these ET CIs by ignoring their 2 decisive limitations quoted above of which the *Alice* axiom AA$^{alice8)28.a)}$ consists (being 2 independent BED-inCs) due to overinterpreting the Supreme Court's *Mayo/Alice/Myriad* decisions and also considering only the BOD/BAD levels, as only these were explicitly referred to by them[5)] – whereby none of these two fundamental legal errors is corrected, although large sections of the *Myriad* specifications discuss and the claims' wordings even explicitly quote the indicative qualities/properties alias BOD/BAD/BID^{myriad}-inCs of the *Myriad* ET CIs', these two fundamental legal errors being the two sides of the same coin.

II.2 In the *CET* opinion [162] another CAFC panel proceeds in its comme il faut substantiations[29)] exactly as required by the Supreme Court's *Alice* decision, though also here the analysis of the *CET* ET CIs is not refined to their BED level – but here *CET* has provided no hint that this might make any sense[29)]. Thus, this case does not embody the SPL precedents problem with ET CIs, addressed by the CAFC's *Myriad* decision discussed in II.1 and by the *Interval* decision discussed in [138][30)].

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29 Unless *CET* should complain its position were misrepresented by the opinion (what is not assumed here).

30 The FSTP-Test [150] would have (probably[29)]) made it simpler by determining that the *CET* BAD-crCs embody nothing not belonging to posc.

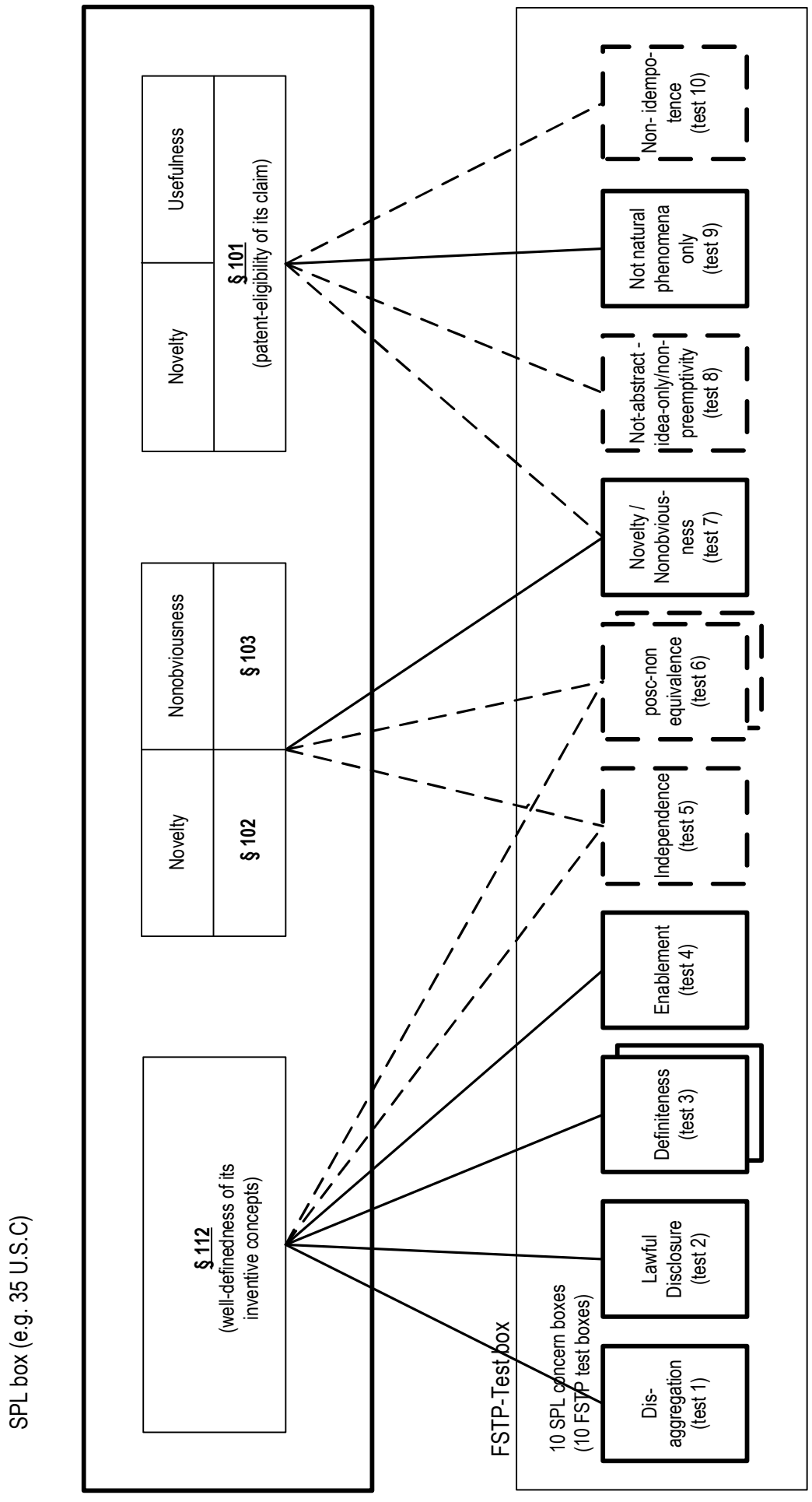
SPL box (e.g. 35 U.S.C)
§ 112
(well-definedness of its inventive concepts)
Novelty
§ 102
Nonobviousness
§ 103
Novelty
Usefulness
§ 101
(patent-eligibility of its claim)
FSTP-Test box
10 SPL concern boxes
(10 FSTP test boxes)
Dis-aggregation (test 1)
Lawful Disclosure (test 2)
Definiteness (test 3)
Enablement (test 4)
Independence (test 5)
posc-non equivalence (test 6)
Novelty / Nonobvious-ness (test 7)
Not-abstract - idea-only/non-preemptivity (test 8)
Not natural phenomena only (test 9)
Non- idempo-tence (test 10)

FIG 1

Abbreviated Reference List of the FSTP-Project

FSTP = facts screening/transforming/presenting
(Version_of_07.01.2015, i.e. of this paper, see the complete actual list on*)

[2] AIT, "Advanced Information Tech." or "Artificial Intelligence Tech.", denotes topical IT areas, e.g. AI, KR, DL, NL, Semantics, System Design Tech.

[18] SSBG AB to the Supreme Court in CLS, 07.10.2013*).

[19] SSBG AB to the Supreme Court in WildTangent, 23.09.2013*).

[58] SSBG's Amicus Brief to the Supreme Court as to its (In)Definiteness Quest's, 03.03, 2014*).

[62] .a) CAFC decision on reexamination of U.S. Pat. No. 7,145,902, 21.02.2014*).

[63] .b) CAFC decision on reexamination of U.S. Pat. No 6,954,453, 04.04.2014*).

[69] Official Transcript of the oral argument in U.S. Supreme Court, Alice Corp. v. CLS Bank, Case 13-298 – Subject to final Review, March 31, 2014, Alderson Reporting Company*).

[74] B. Wegner, S. Schindler: "A Mathematical KR Model for Refined Claim Construction, I ", 7. GIPC, Mumbai, 16.01.2015.

[79] S. Schindler: "On the BRI-Schism in the US National Patent System (NPS) – A Challenge for the US Highest Courts", 22.05.2014, sub. for pub.*)

[92] SSBG's Petition for Writ of Certiorari to the Supreme Court in the '453 case, 06.10.2014*).

[113] S. Schindler: "The CAFC's Rebellion is Over – The Supreme Court, by *Mayo/Biosig/Alice,* Provides Clear Guidance as to Patenting Emerging Technology Inventions", published 07.08.2014*).

[121] SSBG's Petition for Writ of Certiorari to the Supreme Court in the '902 case, 25.08.2014*).

[122] D. Parnas, see Wikipedia.

[138] S. Schindler: "The Supr. Court's Guidance to Robust ET CI Patents", ICLPT, Bangkok, 22.01.2015*).

[150] S. Schindler: "Alice-Tests Enable "Quantifying" Their Inventive Concepts and thus Vastly Increase the Robustness" of ET Patents – A Tutorial about this Key to Increasing a Patent's Robustness –", submitted for publication*).

[151] S. Schindler: "*Biosig,* Refined by *Alice*, Vastly Increases the Robustness of Patents – A Tutorial about this Key to Increasing a Patent's Robustness –", submitted for publication*).

[157] USPTO: "2014 Interim Guidance on Patent Subject Matter Eligibility", 16.12.2014*).

[159] CAFC Decision in *Myriad*, 17.12.2014*).

[162] CAFC Decision in *CET*, 23.12.2014*).

[165] "ALICE AND PATENT DOOMSDAY IN THE NEW YAR", IPO, 06.01.2015*).

*) available at www.fstp-expert-system.com