

Justice Breyer [69]: *“Different judges can have different interpretations. All you’re getting is mine, ok? I think it’s easy to say that Archimedes can’t just go to a boat builder and say, apply my idea [of a law of boats’ water displacement]. All right. Everybody agrees with that. But now we try to 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 to sketch an outer shell of the content, hoping that the experts, you and the other lawyers and the CAFC, could fill in a little better than we had done the content of that shell. So far you’re saying, well, this is close enough to Archimedes saying “apply it” that we needn’t go further.”*

The last sentence’s criticism clarifies the point: The term “apply it” does need an appropriate refinement of Archimedes’ water displacement semiotics being the “**outer shell**” of a new boat building semantics – but these patent experts filled nothing alike into this “*outer shell*”.