

## The PTAB's *Schulhauser* Decision is Untenable as Contradicting *Alice*<sup>1.a)</sup>

Sigam Schindler  
TU Berlin & TELES Patent Rights International GmbH

The PTAB's *Schulhauser* decision<sup>[362]</sup> shows exemplarily, how the BRI<sup>USPTO b)</sup> allures examiners and judges into misinterpreting a patent(application)'s specification of an Emerging Technology Claimed Invention ("ETCI") — for deriving, by Substantive Patent Law ("SPL") of the Supreme Court's *MBA* flavor<sup>b)</sup>, from this claim interpretation for the ETCI the decision about the ETCI's satisfying SPL.

**Ad I:** Due to the BRI<sup>USPTO</sup>, the PTAB decision indeed ●ignores that the Supreme Court by its *MBA* framework requires — implicitly but unmistakably — that the claim interpretation for an ETCI applies rational "refined claiming" <sup>[354,355]</sup> and ●stays with its key postulate of the *Schulhauser* decision<sup>c)</sup> in highly speculative Metaphysics, as rationally this PTAB postulate is contradictive in itself<sup>d)</sup>. Put in other words: This Metaphysic evidently makes this PTAB decision immediately drawing the metarational conclusion that claim1 is obvious as M1 is obvious — which contradicts the rational<sup>[355]</sup> *MBA*-framework-based test of claim1, determining that claim1 satisfies SPL<sup>e)</sup>.

**Ad II:** The *MBA* framework (implicitly<sup>[355/2.b.2)]</sup>) requires that the claim interpretation for claim1 represents this ETCI's rational total inventivity, defined as the conjunction of the set of all rational inventive increments A-/E-crCs of this ETCI<sup>[355/II]</sup>. The claim interpretation for claim1 by the BRI<sup>USPTO d)</sup> cannot rationally represent the ETCI's total inventivity — neither metarationally<sup>f)</sup>. Instead, the PTAB decision encompasses only a freestyle interpretation of the wording of claim1<sup>c)</sup> being rationally contradictive in itself<sup>d)</sup>.

**Ad III:** Instead of claim1's alias the ETCI's 'total inventivity' (as in II just discussed) — totally unknown in pre-*MBA*-framework alias classical<sup>[354/2.h)]</sup> claiming — also its scope(ETCI) could be taken<sup>g)</sup>.

<sup>1. a</sup> This mail about the BRI<sup>USPTO</sup> of a patent specification's claim is kept extremely short and simple. Nevertheless 3 different decisive arguments, even independent of each other, are provided by this mail — denoted by I, II, and III, whereby only I needs to be explained, as II and III then follow the basically same pattern as I — for showing that the PTAB's decision about the meaning of the term "claim interpretation" of claim1 is untenable: The PTAB's claim interpretation for claim1 namely rationally/mathematizably<sup>[355/4.c)]</sup> contradicts the rational/mathematizable *MBA*-framework-based claim interpretation.

All 3 rational arguments (indeed fully mathematizable proofs!) leverage that what is being interpreted by the PTAB decision (yet not claimed by *Schulhauser* and not rationally defined by the PTAB decision) is some method — evidently/trivially existing as implied by<sup>c),d)</sup> — different from that of claim1, but also from M1<sup>c),d)</sup>, whereby M1 is shown by the PTAB decision to be obvious.

There are more than 3 independent of each other such arguments, but only very simple ones are currently presented by this mail. They are clearly exposed and should be immediately comprehensible as this mail is solely a condensed repetition of<sup>f)[354,355]</sup>. If needed by somebody, additional such arguments and/or their details would short term be provided, otherwise perhaps in<sup>[182]</sup>.

For the time being this simplicity suffices for explaining, why rightfully ●Chief Justice Roberts called the BRI<sup>USPTO</sup> 'bizarre' <sup>[355/2.b.3)]</sup>, and ●Chief Judge David Rusccke of the PTAB emphasizes on the first page of OA<sup>[362]</sup> that he took no part in this decision. This simplicity is achieved by focusing on the quite principle misunderstanding the PTAB's interpretation rests on of the notion 'claim interpretation' for an ETCI, the wording of which comprises a claim1-like condition.

Abbreviations/ideas/arguments from preceding publications, e.g. <sup>[354,355]</sup>, are often not repeated, here, as assumed to be known.

<sup>b.</sup> The BRI<sup>USPTO</sup> unreasonably allegedly entitles the PTAB, as some see it, in a precedential decision — i.e. in an allegedly post-examination situation, if it is disregarded that SOP2 clarifies: "Precedential" may be overcome by subsequent binding authority" — to ●ignore the Supreme Court's "*MBA* framework", i.e. its *KSR/Bilski/Mayo/Myriad/Biosig/Alice* decisions, and to ●reason as done by the CAFC prior to its *DDR/Enfish/TLI*... decisions, i.e. to continue the CAFC's earlier always and recently occasional (i.e. if the CAFC panel at issue concurs with<sup>[358,365]</sup>) confrontational policy against the Supreme Court<sup>[362/ftn.4 & p.10]</sup>.

Anyway, this SPL satisfiability test by the claim interpretation for the ETCI is called claim construction for the ETCI.

<sup>c.</sup> This key postulate of the PTAB's *Schulhauser* decision reads as follows: "... claim1 as written covers at least two methods, M1&M2, one in which the prerequisite condition for the triggering step is met, M1, and one in which the prerequisite condition for the determining step is met, M2. Thus the broadest reasonable interpretation encompasses a method M1 where only the steps ..... The Examiner determined that the prior art would have rendered obvious this method M1 covered by claim 1, ..."<sup>[362/p.8]</sup> [M1&M2 added]

<sup>d.</sup> Seen from the Supreme Court's *Alice* point of view, the quotation<sup>c)</sup> from the PTAB decision represents wishful thinking, i.e. highly speculative Metaphysics. Logically it namely is wrong to assume M1 were a method independent of M2, just because the (more or less incidental) wording of claim1 allegedly seems to indicate this — it does not. A second glance at the claim1 method as well as the M1 & M2 methods shows that M1 depends on M2, irrespective of what is told by<sup>[562/ftn.4)]</sup>.

The reason for this dependency being that the assumption M1 were independent of M2 implies a contradiction to the claim1 specification/wording: From this assumption namely follows that — as at the start of the claim1 method is unknown (and hence also for M1 & M2), whether said single prerequisite condition in<sup>c)</sup> would indeed select its triggering exit (then M1 could terminate) — M1 must wait if said prerequisite condition in<sup>c)</sup> would select its determining exit. But the claim1 specification/wording comprises no such waiting!

<sup>e.</sup> The *Alice*-Transformation<sup>[354/II.1&9]</sup> of the nPE TTO ::= M1 maps the latter into the PE ETCI ::= claim1,  
as  $A_{NoTTO} ::= claim1 \setminus TTO$  and  $AliceE_{ANoTTO-crCS} \neq \emptyset$ , evidently.

**NOTE:** By<sup>[355/II.10]</sup> holds that scope(TTO) is based on  $K^{TTO}$  E-crCs of  $TTO$ <sup>[354/FIG2]</sup> and scope(ETCI) on  $K^{ETCI} > K^{TTO}$  E-crCs of ETCI. Therefore is wrong what the PTAB decision assumes, namely that  $scope(M1) \subset scope(claim1)$  (in spite of  $COM(M1) \subset COM(claim1)$ ). Accordingly, also<sup>c)</sup> is wrong, as "... claim1 as written covers NO two methods", M1&M2, especially not M1.

I.e., the PTAB's prima facie case<sup>[362/p.9]</sup> has a scope of dimensionality  $K^{M1}$  only, and hence M1 is not encompassed by any whatsoever BRI<sup>USPTO</sup> of claim1<sup>c)</sup>, the scope of which always is of dimensionality  $K^{claim1} > K^{M1}$  (whereby both dimensionalities are invariant).

<sup>f.</sup> The BRI<sup>USPTO</sup> ignores the Supreme Court required rational<sup>[355/4.c)]</sup> notion 'inventive concept(s)' of an ETCI and instead uses its classical metaphysical or metarational<sup>[354/2.h)]</sup> notion of 'limitation(s)', and hence is incapable of representing an ETCI's total inventivity<sup>[355]</sup>.

<sup>g.</sup> — being known in pre-*MBA*-framework claiming, but not rationally describable in classical claiming (yet in refined claiming by<sup>[355/II.10]</sup>).

### The FSTP-Project's Reference List

FSTP = Facts Screening/Transforming/Presenting (Version of 08.03.2017)

Most of the FSTP-Project papers below are written in preparation of the textbook [182] – i.e. are not intended to be fully self-explanatory independent of their predecessors.

[2] AIT: "Advanced Information Technology" alias "Artificial Intelligence Technology" denotes cutting edge IT areas, e.g. Knowledge Representation(KR)/Description Logic (DL)/Natural Language (NL)/Semantics/Semiotics/System Design, just as MAI: "Mathematical Artificial Intelligence", the resilient fundament of AIT and FSTP: "Facts Screening/Transforming/Presenting", developed in this FSTP-Project.

[5] S. Schindler: "Math. Model. Substantive. Patent Law (SPL) Top-Down vs. Bottom-Up", Yokohama, JURISIN 20<sup>17</sup>

[6] S. Schindler, "FSTP" *pat. appl.*: "THE FSTP EXPERT SYSTEM", 2012<sup>1</sup>.

[7] S. Schindler, "DS" *pat. appl.*: "AN INNOVATION EXPERT SYSTEM, IES, & ITS PTR-DS", 2013<sup>1</sup>.

[9] a S. Schindler, "Patent Business – Before Shake-up", 2013<sup>1</sup>.  
b S. Schindler, "Patent Business – Before Shake-up", 2015<sup>1</sup>.

[35] S. Schindler, IPR-MEMO: "Definitional Distinctions between — and Common Base Needed of — Subs. Trademark Law, Subs. Copyright Law, and Subs. Patent Law", in prep.

[37] D. Bey, C. Cotropia, "The Unreasonableness of the BRI Standard", AIPLA, 2009<sup>1</sup>.

[64] B. Wegner, S. Schindler: "A Mathe. Structure Modeling Inventions", Coimbra, CICM-2014<sup>1</sup>.

[69] USSC, Transcript of the oral argument in *Alice Corp. v. CLS Bank*, 31.03.2014<sup>1</sup>.

[91] B. Wegner, S. Schindler: "A Math. KR Model for Refining Claim Interpret. & Constr.", in prep.

[113] S. Schindler: "The CAFC's Rebellion is Over – The USSC, by *MaydiBiosig/Alice*, ...", published 07.08.2014<sup>1</sup>.

[160] S. Schindler: "The USSC *MaydiMyriadAlice* Decisions, The PTO's Implementation by Its IEG, The CAFC's *DDR & Myriad* Recent Decisions", publ. 14.01.2015<sup>1</sup>, its short version<sup>1</sup>, and its PP presentation at USPTO, 21.01.2015<sup>1</sup>.

[163] S. Schindler: "The USSC's *MaydiMyriadAlice* Decisions: Their Overinterpret. vs. Oversimpl. of ETCIs – Socie. of SPL Prec. as to ET CIs in Action: The CAFC's *Myriad* & CET Decisions", USPTO, 07.01.2015<sup>1</sup>.

[171] S. Schindler: "Semiotic Impacts of the Supreme Court's *MaydiBiosig/Alice* Decisions on Leg. Anal. ETCIs".

[175] S. Schindler: "Patent's Robustness & 'Double Quantifying' Their InCs as of *MaydiAlice*", WIPIP, USPTO&GWU, 06.02.2015<sup>1</sup>.

[182] S. Schindler: "Basics of Innovation-Theory and Substantive Patent Law Technology", Textbook, in prep.

[211] S. Schindler: "The Cons. of Ideas Mo. USSC's MBA-Semiotics and its Hi-Level", in prep.

[212] R. Merges: "Uncertainty, and the Standard of Patentability", 1992<sup>1</sup>.

[214] K. O'Malley, .....: "Pat. Lit. Case Man.: Reforming the Pat. Lit. Proc. ...", FCBA, 25.06.2015.

[215] R. Chen, .....: "Claim Construct.", FCBA, 26.06.2015.

[217] S. Schindler: "The US NPS: The MBA Framework a Rough Diamond – but Rough for Ever? Teva will Cut this Diamond and thus Create a Mega-Trend in SPL, Internat.", publ. 21.07.2015<sup>1</sup>.

[225] S. Schindler: "A PS to an Appraisal to the USSC's Teva Decision: CAFC Teaming-up with PTO for Barring Teva – and this entire 'ET Spint' Framework", pub 27.07.2015<sup>1</sup>.

[230] I. Kant: [https://en.wikipedia.com/wiki/Immanuel\\_Kant](https://en.wikipedia.com/wiki/Immanuel_Kant) & I. Kant: "Critique of Pure Reason", [https://en.wikipedia.com/wiki/I\\_Kant](https://en.wikipedia.com/wiki/I_Kant). I. Kant: "The Metaphysical Foundations of Natural Science", Wikipedia.

[235] a USPTO: "July 2015 Update on Subj. Matter Eligibility", 30.07.2015<sup>1</sup>  
b USPTO: "May 2016 Update: Memorandum – Recent Subj. Matter Eligibility Decisions", 19.05.2016<sup>1</sup>

[236] Concepts, <http://plato.stanford.edu/entries/concepts/>.

[237] S. Schindler: "The Supreme Court's Substantive Law (SPL) Interpretation – and Kant", publ. 13.04.2016<sup>1</sup>.

[238] R. Hanna: "Kant and the Foundations of Analytic Philosophy", OUP, 2001.

[240] USSC: *PHC* by Cuozzo<sup>1</sup>.

[241] S. Schindler: "Draft of an Amicus Brief to the USSC in Cuozzo supporting", publ. 05.11.2015<sup>1</sup>.

[243] M. Lee: Publ. Interview at Opening Plenary Session, AIPLA, DC, 21.10.2015.

[244] S. Schindler: "The IEG's July 2015 Update & the 'Patent-Eligibility Granted-/ing, PEG' Test", publ. 18.12.2015<sup>1</sup>.

[245] M. Lee: USPTO Director's Forum, "Enhanced Patent Quality Initiative: Moving Forward", 06.11.2015<sup>1</sup>.

[246] ISO/IEC Reference Model of Open Systems Interconnection, see Wikipedia.

[251] S. Schindler: "Patent-Eligibility and the 'Patent-Eligibility Granted-/ing, PEG' Test, resp. the CAFC Objectively Counters the Supreme Court's MBA Framework, by its *DDR* vs. *Myriad* Cuozzo Decisions", publ. 05.01.2016<sup>1</sup>.

[252] E. Coe: "Michelle Lee Steers USPTO Through Choppy Waters", Law360, 09.12.2015<sup>1</sup>.

[257] S. Schindler: "A PS as to the Molo Decision ...", 11.01.2016<sup>1</sup>.

[258] S. Schindler: "BRI<sup>PTO</sup> by the USPTO or BRI<sup>MA</sup> by the Supreme Court?", 03.02.2016<sup>1</sup>.

[259] S. Schindler: "Classical Limitations or MBA Framework's Inventive Concepts?", 08.02.2016<sup>1</sup>.

[260] S. Schindler: "Patent-Eligibility: Vague Feelings or an MBA Fact?", 12.02.2016<sup>1</sup>.

[261] S. Schindler, U. Diaz, T. Hofmann, L. Hunger, C. Negrutiu, D. Schoenberg, J. Schulze, J. Wang, B. Wegner, R. Wetzler: "The User Interface Design of an Innovation Expert System (= IES) for Testing an Emerging Technology Claimed Invention (= ETCI) for its Satisfying Substantive Patent Law (= SPL)", publ. 07.03.2016<sup>1</sup>.

[264] S. Schindler, U. Diaz, C. Negrutiu, D. Schoenberg, J. Schulze, J. Wang, B. Wegner, R. Wetzler: "The User Interface Design of the IES for Testing an ETCI's satisfying SPL", publ. soon in 2017<sup>1</sup>.

[264] W. Quine, see Wikipedia.

[266] "The Chicago Manual of Style Online", <http://www.chicagomanualofstyle.org>.

[267] S. Schindler: "IDL" *pat. appl.*: "THE IDL TOOLBOX", 2016, in prep.

[268] S. Schindler: "IES-UI" *pat. appl.*: "THE IES USER INTERFACE DESIGN", 2016, in prep.

[269] S. Schindler: "FSTP II" *pat. appl.*: "THE FSTP-II", 2016, in prep.

[270] S. Schindler: "PEGG-Test" *pat. appl.*: "THE PI GRANTING/GRANTED TEST", 2016, in prep.

[271] S. Schindler: "The Supreme Court's MBA Framework" Implies "Levels Of Abstraction", 12.05.2016<sup>1</sup>

[272] S. Schindler: "CSIP" *pat. appl.*: "CONTEXT SENSITIVE ITEMS PROMPTING", 2016, in prep.

[273] S. Schindler: "MEMO about 'Mathematical Inventive Intelligens, MII'", published on 21.06.2016<sup>1</sup>

[274] M. Flanagan, R. Merges, S. Michel, A. Rai, W. Taub: "After *Alice*: Are SW Innovations Ever Patentable Subj. Matter?",

[275] V. Winters, K. Collins, S. Mehta, van Pelt: "After Williamson, Are Functional Claims for SW Viable?"

[276] K. Collins: "The Williamson Revolution in SW Structure", Washington University, Draft 04/01/16.

[277] CAFC Decision in *Williamson v. Citrix Online*, 2015<sup>1</sup>.

[278] D. Parnas: "Software Fundamentals", ADDISON-WESLEY, 2001.

[279] USSC: Transcript of its Hearing in *Cuozzo* on 25.04.2016<sup>1</sup>

[280] M. Lee: Opening Statement at the Patent Quality Community Sympos. USPTO, Alexandria, 27.04.2016

[281] USPTO: "EPQI", <http://www.uspto.gov/patent/initiatives/enhanced-patent-quality-initiative-0>

[282] R. Bahr, USPTO: "Formulating a Subject Matter Eligibility Rejection and Evaluating.....", 04.05.2016<sup>1</sup>.

[283] S. Schindler: "Prototype Demonstration of the Innovation Expert System", LESI 2016, Peking, 16.05.2016.

[284] B. Wegner: "FSTP – Math. Assess. of an ETCI's Practical/SPL Quality", LESI 2016, Peking, 16.05.2016.

[285] D. Schoenberg: "Presentation of the IES Prototype", LESI 2016, Peking, 16.05.2016.

[286] W. Rautenberg: "Einführung in die Mathematische Logik", VIEWEG+TEUBNER, 2008

[287] ISO/IEC 7498-1:1994; Information technology – Open Systems Interconnection – Basic Reference Model; [www.iso.org](http://www.iso.org)

[288] N. Fuchs, K. Kaljurand, T. Kuhn: "Attempto Controlled English for KR", U. Bonn, 2008

[289] CAFC, Decision in *TLI*, 17.05.2016<sup>1</sup>.

[290] CAFC, Decision in *English*, 12.05.2016<sup>1</sup>.

[291] S. Schindler: "*English & TLI*. The CAFC in Line with the Supreme Court's MBA Framework", 25.05.2016<sup>1</sup>

[292] R. Bahr, USPTO: MEMORANDUM as to "Recent Subject Matter Eligibility Decisions...", 19.05.2016<sup>1</sup>.

[293] S. Schindler: "MRF, the Master Review Form in USPTO's EPQI, SPL, and the IES", publ. 30.05.2016<sup>1</sup>.

[294] USPTO: "Strategic IT Plan for FY 2015-2018", USPTO's home page

[295] L. Hunger, M. Weather: "The IES GUI – a Tutorial", prep. for publ.

[296] S. Schindler: "A Comment on the 2016 IEG Update – Suggesting More Scrutiny", publ. on 09.06.2016<sup>1</sup>.

[297] USPTO: Patent Public Advisory Com., Quarterly Meeting, IT Update, 05.05.2016, USPTO's home page

[298] S. Schindler, U. Diaz, C. Negrutiu, D. Schoenberg, J. Schulze, J. Wang, B. Wegner, R. Wetzler: "The User Interface Design of IES for Testing an ETCI's its Satisfying SPL – Including an Arguing Mode", in prep.

[299] S. Schindler: "On Consolidating the Preemptivity and Enablement Problems", in prep.

[300] S. Schindler: "Epilog to the Patent-Eligibility Problem (Part I)", 20.07.2016<sup>1</sup>

[301] S. Schindler: "Epilog to the Basic Patent-Eligibility Problem (Part II)", publ. 19.09.2016<sup>1</sup>

[302] S. Schindler: "MEMO – Abstract Ideas and Natural Phenomena as Separate Causes of nPE", in prep.

[303] CAFC, Decision in *Jericho v. Axiomatics*, 14.03.2016<sup>1</sup>.

[304] CAFC, Decision in *Rapid Litigation Management v. Cellzdirect*, 05.07.2016<sup>1</sup>.

[305] E. Chattyne, "The High Court's Artific. And Fictitious Patent Test Part 1", 05.07.2016

[306] CAFC, Decision in *Re Alappatt*, 29.07.1994<sup>1</sup>.

[307] USSC, Decision in *Diamond v. Diehr*, 03.03.1981<sup>1</sup>.

[308] USSC, Petition for Certiorari, *OIP v. Amazon*, 12.11.2015<sup>1</sup>.

[309] USSC, Petition for Certiorari, *Sequenom v. Anosa*, 21.03.2016<sup>1</sup>.

[310] USSC, Petition for Certiorari, *Jericho v. Axiomatics*, 10.06.2016<sup>1</sup>.

[311] CAFC, Decision in *Bascom v. AT&T*, 27.6.2016<sup>1</sup>.

[312] R. Bahr, USPTO: MEMO as to "Recent Subject Matter Eligibility Rulings", 14.07.2016<sup>1</sup>.

[313] a. Wikipedia: "First-order logic".  
b. Wikipedia: "Prädikatenlogik".

[314] J. Duffy: "Counterproductive Notice in Literalistic v. Peripheral Claiming", U. of Virginia, June 2016<sup>1</sup>.

[315] J. Duffy: "Section 112 and Functional Claiming", FCBA, Nashville, 22.06.2016.

[316] S. Schindler: "MEMO on Metaphysics vs. Rationality in SPL Precedents about ETCIs" alias on "Mathematical Cognition Theory by Far Exceeds Hitherto Knowledge Representation", in prep.

[317] R. Stoll: "Innovation Issues in the Americas – Subject Matter Eligibility" CASRIP, Seattle, 22.07.2016<sup>1</sup>.

[318] CAFC, Decision in *Phillips v. Zoll. Medical*, 28.07.2016

[319] CAFC, Decision in *AGIS v. LIFE360*, 28.7.2016

[320] S. Schindler: "Modeling the Semantics of the 'Mathematical Innovation Intelligens, MII', alias 'Innovation Definition Language, IDL'", in prep., planned to be publ. by 05.01.2017.

[321] S. Schindler: "Epilog to the Basic Patent-Eligibility Problem (Part III)", in prep.

[322] CAFC, Decision in *In re CSB-System International*, 09.08.2016<sup>1</sup>.

[323] USSC, Decision in *Cuozzo*, 20.06.2016<sup>1</sup>.

[324] P. Suppes: "Axiomatic Set Theory", DOVER Publ., Stanford, 1972.

[325] P. Suppes: *Probabilistic Metaphysics*, Basil Blackwell, Oxford and New York, 1984

[326] H. Burkhardt, B. Smith: "Handbook of Metaphysics and Ontology", Philosophia Verlag, Munich, 1991.

[327] G. Quinn: "USPTO handling of PI sparks substant. discussion at PPAC meeting", IP Watchdog, 24.08.2016

[328] *ibid*

[329] LAW360: D. Kappos: Modern-Day 101 Cases Spell Trouble For ATMs Of The Future, 16.08.2016

[330] M. Holoubek: *ibid*

[331] S. Schindler: "A PS to my Epilog for the PE-Problem (Part I<sup>099</sup> & II<sup>099</sup>)", publ. 22.09.2016<sup>1</sup>

[332] S. Schindler: "MEMO: The Notion of Claiming in SPL – pre and post the *Aufklärung*", publ. 10.10.2016<sup>1</sup>

[333] CAFC, Decision in *Intellectual Ventures v. SYMANTEC*, 30.09.2016<sup>1</sup>.

[334] S. Schindler: "Two Blueprints for Refining the IEG's Update to Solving the PE Problem or a PS to my Comment on John Duffy's Essay about 'Claiming' under 35 USC", this publ. 03.12.2016<sup>1</sup>.

[335] T. Kuhn: "The Structure of Scientific Revolutions", UCP, 1962.

[336] EU's Biotech Directive

[337] EU's CII Directive

[338] EU's Enforcement Directive

[339] EU's SBC Regulation

[340] S. Schindler: "MEMO: The Two § 101 Flaws in the CAFC's IV Decision, caused by the Phenomenon of 'Paradigm Shift Paralysis' in SPL Precedents about ETCIs", publ. 26.10.2016<sup>1</sup>.

[341] D. Kappos: "Getting Practical About Patent Quality", Law360, 21.10.2016

[342] J. Herndo: "Just When You Thought the CAFC would Softening ... the Tide Turns Again", PATENTDOCS<sup>1</sup>

[343] D. Atkins: "Federal Judges Slam *Alice* at Event Honoring Judge Whyte" Law360, 20.10.2016<sup>1</sup>

[344] CAFC, Decision in *AMDOKS v. OPENET TELECOM*, 01.11.2016<sup>1</sup>.

[345] R. Bahr, USPTO: MEMORANDUM as to "Recent Subject Matter Eligibility Decisions ...", 02.11.2016<sup>1</sup>.

[346] S. Schindler: "The AMDOKS Dissent Stirs up the Key Deficiency of the CAFC's pro-PE *Alice* Decisions, thus showing: The Time is Ripe for Ending the §101 Chaos!", publ., 10.11.2016<sup>1</sup>.

[347] S. Schindler: "ROUNDTABLE: ON PATENT SUBJECT MATTER ELIGIBILITY", publ., 14.11.2016<sup>1</sup>.

[348] B. Wegner: Invited paper, "Innovation, knowledge representation, knowledge management and classical mathematical thinking", Corfu, Ionian University, pub., 22.11.2016<sup>1</sup>.

[349] B. Wegner: Invited paper, "Math. Modelling of a Robust Claim Interpretation and Claim Construction for an ETCI - Adv. Steps of a 'Mathematical Theory of Innovation'", Bangkok, ICMA-MU, 17.-19.12.2016<sup>1</sup>.

[350] S. Schindler: "The IES Qualification Machine: Prototype Demonstration", GIPC, New Delhi, 11.-13.01.2017.

[351] B. Wegner: "FSTP – Math. Assess. of ETCIs' Quality", GIPC, New Delhi, 11.-13.01.2017<sup>1</sup>.

[352] D. Schoenberg: "The IES Prototype Qualification Machine", GIPC, New Delhi, 11.-13.01.2017<sup>1</sup>

[353] S. Schindler: "The Lesson to be Learned from the US Patent-Eligibility Hype: It Supports the USPTO's Enhanced Patent Quality Initiative, EPQIMRF", published, on 11.12.2016<sup>1</sup>.

[354] S. Schindler: "An Amazing SPL Cognition: Any Patent Application is Draftable Totally Robust, Memo A", published on 31.01.2017<sup>1</sup>.

[355] S. Schindler: "An Amazing SPL Cognition: Any Patent Application is Draftable Totally Robust, Memo B", published by 07.03.2017.

[356] S. Schindler: "An Amazing SPL Cognition: Any Patent Application is Draftable Totally Robust, Memo C", to be published by the end of 03.2017.

[357] M. Kiliks: "The Supreme Court on Patent Law", Wolters Kluwer, 2015.

[358] N. Solomon: "The Disintegration of the American Patent System – Adverse Consequences of Court Decisions", IPWatchdog, 26/29.01.2017<sup>1</sup>.

[359] IPO (Intellectual Property Owners Association): "Proposed Amendments to Patent Eligible Subject Matter under 35 U.S.C. § 101", 07.02.2017<sup>1</sup>.

[360] IA (Internet Association): "Letter to the President-elect Trump", 14.12.2016<sup>1</sup>

[361] N. N.: Survey about LifeCycle-Biotechnique, to come soon

[362] USPTO/PTAB: *Ex parte Schulhauser*, 2016<sup>1</sup>.

[363] B. Kattehrheinrich et al.: "What Schulhauser Means For Condit. Claim Limitation", Law360, 03.02.2017<sup>1</sup>

[364] S. Schindler: "The PTAB's Schulhauser decision is Untenable", published 08.03.2017<sup>1</sup>

[365] R. Katznelson: "Can the Supreme Court's erosion of patent rights be reversed?", IPWatchdog, 02.03.2017<sup>1</sup>

\*) available at [www.fstp-expert-system.com](http://www.fstp-expert-system.com)