

Alice “Quantifies” Inventive Concepts, Increasing Patents’ Robustness

S. Schindler,
Technical University of Berlin, TELES Patent Rights International,
www.fstp-project.com, Reference [150]

ABSTRACT

The Supreme Court elaborated for years on the fundamental notion of inventive concepts, inherently being “quantifiable” – unnoticed in *KSR/Bilski/Mayo/Myriad. Biosig/Alice* by this quantifiability – still unnoticed – got under control the issues of ET CIs¹ “definiteness” and “patent-eligibility”. This paper explains the extremely important but nontrivial notion of an “inventive concept’s quantification”.

To this end, these Supreme Court decisions had to perform incrementally a paradigm shift in SPL¹ interpretation – as ET CIs always are partly invisible/intangible/fictional and in so far based on intellectual “models”, only – to a degree of preciseness/conciseness/completeness unknown in SPL precedents hitherto. The implied increase of scrutiny in interpreting an ET CI rewards its inventors/investors by protecting their high risk and high volume investments into its ET R&D by a virtually non-rejectable/-voidable patent-application/patent on it.

Thus, by inventive concept quantification, the ET CIs’ SPL testing is taken to a much higher stage of development than before: Just as quantified testing time, light, power, voltage, complexity,, was originally impossible but is possible meanwhile, now originally impossible quantification of ET CIs’ SPL testing is possible, too – as all the Supreme Court’s above decisions implicitly asked for.

¹ .a) ET/CT CI = Emerging/Classical Technology Claimed Invention, SPL = Substantive Patent Law.