The Supreme Court's *Mayo/Myriad/Alice* Decisions
The PTO's Implementation by Its Interim Eligibility Guidance (IEG)
The CAFC's *DDR* & *Myriad* Recent Decisions – Clarifications&Challenges

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I. THE IEG's PATENT-ELIGIBILITY, CLARIFICATIONS & CHALLENGES

The primary purpose of the below elaborations is to briefly outline today's patent-eligibility context of the IEG[1)] as well as its potentials.

This outline is provided by means of comments on

- two representative examples of causes of ordinary tensions the IEG currently is subject to, shown by the CAFC's recent *DDR* and *Myriad* decisions, in Sections II & III[2)], as well as on
- an additional conflict the IEG must live with, the Supreme Court's *Parker v Flook* decision, in Section IV – whereby these 3 sections represent patent-eligibility clarifications in the context of the IEG determining its message – and finally on
- the potentials of the current version of the IEG as such, i.e. on its challenges and its long term perspectives, in Section V.

The author's total comment on the IEG would be: "**Excellent news from the PTO**".

The findings of the 3 context sections – presenting the legal basis for this principally[2)] very positive evaluation of the IEG – are in brevity: •) By its *DDR* decision [138] at last one fraction of the CAFC indicates that it clearly recognized, appreciates, and is willing to truly obey the guidance that the Supreme Court provided by its *Mayo/Alice* decisions as to dealing with the patent-eligibility issue any ET CI embodies. •) By its *Myriad* decision another fraction of the CAFC, still disliking this Supreme Court guidance, equally clearly failed to find a contradiction-free "second way" of interpreting these *Mayo/Alice* decisions, as scientifically proven by [163]. •) Yet, also this fraction did not try to derive support for its *Myriad* decision from the 1978 Supreme Court's *Parker v. Flook* decision – although it uses this fraction's rationale – and thus indicates that it, too, considers the *Mayo/Alice* decisions as overruling the latter one. •) As the *DDR* fraction's position thus likely will prevail in the CAFC, with its then unique notion of an ET CI's "inventive concept"[3)], the PTO would adjust the IEG terminology for improving its consistency to SPL precedents.

This mini paper is a continuation of [150,151,138,163] and does not repeat their precise definitions of notions. Nevertheless, also without knowing these references, the following presentations may be grasped intuitively.

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1 This actual Substantive Patent Law (SPL) context has been established by the fundamental technical particularities of all ET CIs – i.e. "emerging technologies' claim(ed invention)s" – and their SPL needs, hinted at resp. clarified by the Supreme Court's *KSR/Bilski/Mayo/Myriad/Biosig/Alice* decisions [150], as well as by the very recent "system responses" to them by the CAFC and PTO – as it is seen by AIT [2].

2 The two CAFC decisions show that it still is fractured as to whether the legally correct interpretation of the Supreme Court's *Mayo/Alice* decisions is that of [138,163] and now of the IEG, or the pre-Mayo one – and the Supreme Court in the *Alice* decision talks much more about *Bilski* than about *Parker v. Flook.*

3 The scientific interpretation of SPL indispensably requires, by AIT, this notion of "inventive concept" for precisely modeling any invention – since *Mayo* this requirement is also legally confirmed.

II. THE CLARIFICATIONS PROVIDED BY CAFC'S *DDR* DECISION

This post-*Alice* CAFC decision – missing in Section III of the IEG – is commented with scientific scrutiny in [138]. I.e., in [138] all requirements of an orderly patent-eligibility analysis claiming to obey the *Mayo/Alice* guidelines are checked for being met by the *DDR* decision. The result is that this CAFC panel for the first time practiced this orderly thinking[4] – since the Supreme Court indicated it by its *Mayo* decision [163[5]] and now confirmed it by the *Alice* decision – as it is indispensable for performing a clean/scientific and only then trustworthy determination, whether an ET CI satisfies SPL or is patent-eligible at least.

In so far, the *DDR* decision's clarification of the exact meaning of the *Alice* decision is absolutely groundbreaking for the CAFC in that it clearly rejects applying the BRI^{pto} for the interpretation of the ET CI and instead takes for it the inventor's description of its invention's properties – consistent with the ET CI's wording – for which it has been invented[5]. This way of interpreting an ET CI is explicitly required by the Supreme Court's *Mayo/Biosig* decisions, and provides a basis for its *Alice* test.

I.e.: This CAFC panel thus proceeds – as to the *DDR's* ET CI – exactly as required by the Supreme Court's *Mayo/Biosig/Alice* decisions, just as by AIT.

III. THE CLARIFICATION PROVIDED BY CAFC'S *Myriad* DECISION

This most recent CAFC decision – also missing in Section III of the IEG – interprets *Alice* in a different way. [163] proves scientifically that this *Myriad* decision overinterprets the Supreme Court's *Alice* decision as the latter then implies the broadening of the interpretation of the ET CI at issue as does the application to it of the BRI^{pto}. But the latter's application to such an ET CI is declared a legal error by the Supreme Court's *Biosig* decision. Thus this CAFC panel's "ET CI broadening" interpretation of the *Alice* decision contradicts the Supreme Court's *Biosig* decision.

In so far, the CAFC's *Myriad* decision unintentionally confirms the *DDR* decision's interpretation of the CAFC's *Alice* decision, and the latter's use in the *Myriad* ET CIs' *Alice* tests shows: They all pass it (again scientifically proven).

IV. THE SUPREME COURT'S EARLIER *Parker v. Flook* DECISION

This 1978 Supreme Court decision is summarized in Section III of the IEG, but there not explained to be only hardly reconcilable with the 2014 Supreme Court's *Alice* decision under its above explained interpretation. The simple reason of this irreconcilability is that it is inapplicable to ET CIs, as their specificities and needs were not understood then but are today – after their *Mayo*'s paradigm shift.

In so far, the Supreme Court's *Alice* decision's only brief and both CAFC decisions not mentioning it is correct: *Parker v. Flook* is inapplicable to ET CIs.

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4 Though, understanding the meaning of the *Alice* test by a layman can be facilitated dramatically – outlined by Section V and [138,150,151] explain in detail – while [167] shows the currently very broad and disastrous misunderstanding of its (over)interpretation by the PTO's examiners, urgently to be stopped by the IEG, also for the today's vast majority of the patent community.

5 Absolutely nothing of the *DDR* invention's capability/objective made it into the claim wording of *DDR*'s ET CI: The *DDR* patent even creates no claim term dedicated to this property of the *DDR* invention. Nevertheless this property is what is meant by *Mayo's/Alice's* notion of "inventive concept".

V. THE IEG AS SUCH – CONS, PROS, AND AN EXCELLENT PERSPECTIVE

The IEG cons are really embarrassing as totally misrepresenting the IEG:

- The IEG's terms/notions/structure, caused by different reasons, convey to many commentators the wrong feeling that it is absolutely inacceptable, as the IEG does
  - not state: It requires the BRI^{pto} solely for PTO internal use – for the SPL it is irrelevant, as the whole non-PTO/CAFC patent community ought to know [79].
  - avoid using the term/notion "inventive concept", in spite of being absolutely key to understanding the Supreme Court's *Mayo/Alice* decisions.
  - use terms/notions quite similar to the Supreme Court decisions' key terms/notions but without explaining the differences, e.g. "*concept*" (see e.g. p. 12), and "*two-step test*" which it uses in a pre-*Alice* sense (see e.g. p. 9).
- Underlying the preceding deficiencies of the IEG is its lack of any incentive for making any potential reader – the PTO's examiners as well as the public – familiar also with the paradigm change necessarily brought to SPL precedents by the Supreme Court's above line of decisions, especially by *Mayo*.

  This lack contradicts any didactics insight into the importance of creating motivation for appreciating a paradigm change. Here, this very fundamental lack of motivation can be easily removed by the incentive embodied by explaining, why and that the precise/concise/complete description of ET CIs indispensably requires – due to their being vastly or even totally intangible/invisible and purely fictional – a much finer notional resolution than that sufficient for CT CIs. This applies especially in the search of an ET CI's inventive concept unavoidable in any *Alice* test – which beautifully can be demonstrated by the above *DDR* and *Myriad* decisions.

All these cons in particular discourages improving this IEG version – by fixing its above deficiencies – although this IEG really deserves it, as explained next

The IEG pros are really admirable as finally totally breaking with evergreen unreasonable reservations as to ET CIs' needs, prior to *Mayo* by courts completely ignored but nevertheless extremely important, hence overdue. The IEG now conveys what the Supreme Court requires, by its above line of decisions, to be part of SPL precedents about ET CIs for catering their needs – by part of the CAFC seemingly not yet accepted (see its above *Myriad* decision) – by a series of instructive (but in total somewhat too simplistic[6]) real as well as toy patent-eligibility cases.

The IEG's perspectives: Due to its tight relation to scientifying SPL precedents, bustled by the author, the PTO's IEG seems to be on the way to become the "Definitive Eligibility Guidance (DEG)"[7], assuming the Supreme Court maintains the framework it created by its *KSR/Bilski/Mayo/Myriad/Biosig/Alice* decisions and the CAFC supports it, the latter today still being questioned[2]. And provided, the PTO will take further big step forwards, just as that from the PTO's previous guideline to the IEG[8].

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6 see the above *DDR* & *Mayo* cases, or the complexity of "abstract idea" patent-eligibility exemptions.

7 within a year or two

8 The reason of this optimism of the author is that the scientification of SPL precedents – in particular as to ET CIs, for which the scientification of SPL precedents is indispensable for their future perspectives' stabilization – is going to eventually prevailing, as it historically always happened in other know-how areas undergoing similar groundbreaking paradigm shifts, as needed by developing to a higher level of rationality.

Abbreviated Reference List of the FSTP-Project

FSTP = facts screening/transforming/presenting
(Version_of_16.01.2015, i.e. of this paper, see the complete actual reference list on)*

[1] S. Schindler: "US Highest Courts' Patent Precedents in Mayo/Myriad/ CLS/Ultramercial/LBC: 'Inventive Concepts' Accepted – 'Abstract Ideas' Next? Patenting Emerging Tech. Inventions Now without Intricacies"*).
[2] AIT, "Advanced Information Tech." or "Artificial Intelligence Tech.", denotes topical IT areas, e.g. AI, KR, DL, NL, Semantics, System Design Tech.
[3] R. Brachmann, H. Levesque "Knowledge Representation & Reasoning", Elsevier, 2004.
[4] "The Description Logic Handbook", Cambridge UP, 2010.
[5] S. Schindler: "Math. Model. Substant. Patent Law (SPL) Top-Down vs. Bottom-Up", Yokohama, JURISIN 2013*).
[6] S. Schindler, "FSTP" pat. appl.: "THE FSTP EXPERT SYSTEM", 2012*).
[7] S. Schindler, "DS" pat. appl.: "AN INNO. EXP. SYS., IES, & ITS PTR-DS", 2013*).
[8] S. Schindler, J. Schulze: "Technical Report #1 on the '902 PTR", 2014*)(soon)
[9] S. Schindler: "Patent Business – Before Shake-up", 2013*)
[10] SSBG's AB to CAFC in LBC, 2013*).
[11] S. Schindler, "inC" pat. appl.: "inC ENABLED SEMI-AUTO. SPL TESTS", 2013*).
[12] C. Correa: "Handbook on Protection of IP under WTO Rules", EE, 2010.
[13] N. Klunker: "Harmonisierungsbestr. im mat. Patentrecht", MPI, Munich, 2010.
[14] "USPTO/MPEP: "2111 Claim Interpretation; Broadest Reason. Interpr.; Rev.8, July 2010; Rev.9, Aug. 2012]" (See App. 132a-135a)*).
[15] S. Schindler: "KR Support for SPL Precedents", Barcelona, eKNOW-2014*).
[16] J. Daily, S. Kieff: "Anything under the Sun Made by Humans SPL Doctrine as Endogenous Institutions for Commercial Innovation", Stanford / GWU*).
[17] CAFC En banc Hearing in LBC, 12.09.2013.
[18] SSBG AB to the Supreme Court in CLS, 07.10.2013*).
[19] SSBG AB to the Supreme Court in WildTangent, 23.09.2013*).
[20] USPTO, "Intellectual Property and the US Economy: INDUSTR. IN FOCUS", 2012*).
[21] K. O'Malley: Keynote Address, IPO, 2013*).
[22] S. Schindler, "The View of an Inventor at the Grace Period", Kiev, 2013*).
[23] S. Schindler, "The IES and its In-C Enabled SPL Tests", Munich, 2013*).
[24] S. Schindler, "Two Fundamental Theorems of 'Math. Innovation Science'", Hong Kong, ECM-2013*).
[25] S. Schindler, A. Paschke, S. Ramakrishna, "Form. Leg. Reas. that an Inven. Satis. SPL", Bologna, JURIX-2013*).
[26] SSBG AB to the Supreme Court in Bilski, 06.08.2009*).
[27] T. Bench-Capon, F. Coenen: "Isomorphism. and Legal Knowledge Based Systems", AI&Law, 1992*).
[28] N. Fuchs, R. Schwitter. "Attempt to Controlled English", 1996.
[29] A. Paschke: "Rules / Logic Programming in the Web". 7. ISS, Galway, 2011.
[30] K. Ashley, V. Walker, "From Informa. Retrieval to Arg. Retrieval for Legal Cases: ....", Bologna, JURIX-2013*).
[31] Hearing in Oracle vs. Google, "As to Copyrightability of the Java Platform", CAFC, 06.12.2013.
[32] S. Schindler, "A KR Based Innovation Expert System (IES) for US SPL Precedents", Phuket, ICIM-2014*).
[33] S. Schindler, "Status Report about the FSTP Prototype", Hyderabat, GIPC-2014.
[34] S. Schindler, "Status Report about the FSTP Prototype", Moscow, LESI, 2014.
[35] S. Schindler, IPR-MEMO: "Substantive Trademark Law (STL), Substantive Copyright Law (SCL), and Substantive Patent Law (SPL) – STL Tests Are SCL Subtests, SCL Tests Are SPL Subtests", in prep.
[36] S. Schindler, "Boon and Bane of Inventive Concepts and Refined Claim Construction in the Supreme Court's New Patent Precedents", Berkeley, IPSC, 08.08.2014*).
[37] D.-M. Bey, C. Cotropia, "The Unreasonableness of the BRI Standard", AIPLA, 2009*).
[38] Transcript of the Hearing in TELES vs. CISCO/USPTO, CAFC, 08.01.2014*).
[39] Transcript of the en banc Hearing in CLS vs. ALICE, CAFC, 08.02.2013*).
[40] SSBG's Brief to the CAFC in case '453*).
[41] SSBG's Brief to the CAFC in case '902*).
[42] SSBG's Amicus Brief to the CAFC in case CLS, 06.12.2012*).
[43] S. Schindler, "LAC" pat. appl.: „Semi-Automatic Generation/Customization of (All) Confirmative Legal Argument Chains (LACs) in a Claimed Invention`s SPL Test, as Enabled by Its Inventive Concepts", 2014*).
[44] R. Rader: "Patent on Life Sciences", Berlin, LESI, 2012.
[45] SSBG's AB to the Supreme Court as to the CII Question, 28.01. 2014*).
[46] S. Schindler: "Autom. Deriv. of Leg. Arg. Chains (LACs) from Arguable Subtests (ASTs) of a Claimed Invention's Test for Satisfying. SPL", University of Warsaw, 24.05.2014*).
[47] S. Schindler: "Auto. Generation of All ASTs for an Invention's SPL Test", subm. for publ.*).
[48] USPTO/MPEP, "2012 ... Proc. for Subj. Matter Eligibility ... of Process Claims Involving Laws of Nature", 2012*).
[49] USPTO/MPEP, Supp. Examination Guidelines for Determining Compliance With 35 U.S.C. 112, Federal Register / Vol. 76, No. 27; MPEP 2171, Two Separate Requ. for Claims Under 35 U.S.C. 112(2), Rev. 11, 2014*).
[50] NAUTILUS v. BIOSIG, PFC, 2013*).
[51] BIOSIG, Respondent, 2013*)
[52] Public Knowledge et al., AB, 2013*).
[53] Amazon et al., AB, 2013*).
[54] White House, FACT SHEET - ... the Presid.'s Call to Strength. Our Patent System and Foster Innovation, 2014*).
[55] USPTO: see home page.
[56] IPO: see home page.
[57] M. Adelman, R. Rader, J. Thomas: "Cases and Materials on Patent Law", West AP, 2009.
[58] SSBG's Amicus Brief to the Supreme Court as to its (In)Definiteness Quest's, 03.03, 2014*).
[59] S. Schindler, "UI" pat. appl.: "An IES Capable of Semi-Auto. Generating/Invoking All Legal Argument Chains (LACs) in the SPL Test of a Claimed Invention (CI), as Enabled by Its Inventive Concepts (inCs)", 2014*).

[60] S. Schindler: "Automatic Derivation of All Argument Chains Legally Defending Patenting/Patented Inventions", ISPIM, Montreal, 6.10.2014, long as well as updated presentation version*).
[61] H. Wegner: "Indefiniteness, the Sleeping Giant in Pat. Law", www.laipla.net/hal-wegners-top-ten-patent-cases/.
[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*).
[64] B. Wegner, S. Schindler: "A Mathematical Structure Modeling Inventions", Coimbra, CICM-2014*).
[65] SSBG's Petition to the CAFC for Rehearing En Banc in the '902 case, 18.04.2014*).
[66] CAFC: VEDERI vs. GOOGLE decision, 14.03.2014
[67] CAFC: THERASENSE vs. BECTON & BAYER decision, 25.05.2011
[68] B. Fiacco: Amicus Brief to the CAFC in VERSATA v. SAP&USPTO, 24.03.14*).
[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*).
[70] R. Rader, Keynote Speech: "Patent Law and Litigation Abuse", ED Tex Bench and Bar Conf., 01.11.2013*).
[71] S. Schindler, Keynote Speech: "eKnowledge of Substantive Patent Law (SPL) – Trail Blazer into the Innovation Age", Barcelona, eKNOW-2014*).
[72] .a) S. Schindler: "The Supreme Court's 'SPL Initiative': Scientizing Its SPL Interpretation Removes 3 Evergreen SPL Obscurities", Press Release, 08.04.2014*).
.b) S. Schindler: "The Supreme Court's 'SPL Initiative': Scientizing Its SPL Interpretation Removes 3 Evergreen SPL Obscurities – and Enables Automation in a CI's SPL Tests and Argument Chains", Honolulu, IAM2014S, 18.07.14*).
[73] .a) USPTO/MPEP: "2014 Procedure For Subject Matter Eligibility Analysis Of Claims Reciting Or Involving Laws Of Nature/Natural Principles, Natural Phenomena, And/Or Natural Products", [48,49], 2014*).
.b) MEMORANDUM: "Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice v. CLS*", 25.06.2014*).
[74] B. Wegner, S. Schindler: "A Mathe. KR Model for Refined Claim Construction, I ", 7. GIPC, Mumbai, 16.01.2015.
[75] CAFC Order as to denial [64], 27.05.2014
[76] D. Crouch: "En Banc Federal Circuit Panel Changes the Law of Claim Construction", 13.07.2005*).
[77] Video of the USPTO Hearing, 09.05.2014*).
[78] R. Rader, Keynote Speech at GTIF, Geneva, 2014 and LESI, Moscow, 2014
[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.*)
[80] SSBG's Pet. for Writ of Cert. to the Supr. Court in the '902 case, Draft_V.133_of_[121], 14.07.20148*).
[81] S. Schindler: "To Whom is Interested in the Supreme Court's Biosig Decision", 04.06.2014*)
[82] R. DeBerardine: "Innovation from the Corporate Perspective", FCBA, DC, 23.05.2014*).
[83] SSBG's Petition to the CAFC for Rehearing En Banc in the '453 case, 09.06.2014*).
[84] CAFC's Order as to denial [83], 14.07.2014*).
[85] CAFC: "At Three Decades", DC, 2012.
[86] Sigram Schindler Foundation: "Transatlantic Coop. for Growth and Security", DC, 2011.
[87] DPMA: "Recent Developments and Trends in US Patent Law", Munich, 2012.
[88] FCBA: "Innovation, Trade and Fiscal Reality", Colorado Springs, 2013.
[89] LESI: GTIF, Geneva, 2014.
[90] FCBA: "Sharpening Case Management", Asheville, North Carolina, 2014
[91] B. Wegner, S. Schindler: "A Math. KR Model for Refined Claim Construction, II", in prep.
[92] SSBG's Petition for Writ of Certiorari to the Supreme Court in the '453 case, 06.10.2014*).
[93] E. Morris: "What is 'Technology'?", IU I.N.*)
[94] E. Morris: "Alice, Artifice, and Action – and Ultramercial", IU I.N., 08.07.2014*).
[95] S. Schindler, ArAcPEP-MEMO: "Artifice, Action, and the Patent-Eligibility Problem", in prep., 2014.
[96] A. Chopra: "Deer in the Headlights. Response of Incumbent Firms to Profit Destroying Innovation", School of Management, Fribourg, 2014*).
[97] S. Schindler, DisInTech-MEMO: "Patent Technology: Efficiency and Safety Boosting, Research Horizons Opening, Innovations Accelerating"", in prep., 2014.
[98] G. Boolos, J. Burgess, R. Jeffrey: "Computability and Logic", Cambridge UP, 2007.
[99] A. Hirshfeld, Alexandria, PTO, 22.07.2014*).
[100] C. Chun: "PTO's Scrutiny on Software Patents Paying Off", Law360, N.Y., 22.07.2014*).
[101] P. Michel, Keynote, Alexandria, PTO, 22.07.2014.
[102] D. Jones, Alexandria, PTO, 22.07.2014.
[103] R. Gomulkiewicz, Seattle, CASRIP, 25.07.14.
[104] M. Lemley, Seattle, CASRIP, 25.07.2014.
[105] D. Jones, Seattle, CASRIP, 25.07.2014.
[106] B. LaMarca, Seattle, CASRIP, 25.07.2014.
[107] J. Duffy, Seattle, CASRIP, 25.07.2014.
[108] J. Pagenberg, Seattle, CASRIP, 25.07.2014.
[109] M. Adelman, Seattle, CASRIP, 25.07.2014.
[110] B. Stoll, Seattle, CASRIP, 25.07.2014.
[111] R. Rader, Seattle, CASRIP, 25.07.2014.
[112] E. Bowen, C. Yates: "Justices Should Back Off Patent Eligibility, ...", L360, 25.07.2014*).
[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*).
[114] S. Elliott: "The USPTO Patent Subj. Matter Eligi. Guidance TRIPSs", 30.07.2014*).
[115] W. Zheng: "Exhausting Patents", Berkeley, IPSC, 08.08.2014*).
[116] R. Merges: "Independent Invention: A Limited Defense of Absolute Infringement Liability in Patent Law", Berkeley, IPSC, 08.08.2014*).
[117] J. Sarnoff, Berkeley, IPSC, 08.08.2014.
[118] H. Surden: "Principles of Problematic Patents", Berkeley, IPSC, 08.08.2014*).

[119] www.zeit.de/2013/33/multiple-sklerose-medikament-tecfidera/seite-2*).
[120] J. Merkley, M. Warner, M. Begich, M. Heinrich, T. Udal: "Letter to Hon. Penny Pritzker", DC, 06.08.2014*).
[121] SSBG's Petition for Writ of Certiorari to the Supreme Court in the '902 case, 25.08.2014*).
[122] D. Parnas, see Wikipedia.
[123] E. Dijkstra, see Wikipedia.
[124] S. Schindler: "Computer Organization III", 3. Semester Class in Comp. Sc., TUB, 1974-1984.
[125] S. Schindler: "Nonsequential Algorithms", 4. Semester Class in Comp. Sc., TUB, 1978-1984.
[126] S. Schindler: "Optimal Satellite Orbit Transfers", PhD Th., TUB, 1971.
[127] ... Press, ... to go into [137].....
[128] R. Feldman: "Coming of Age for the Federal Circuit", The Green Bag 2014, UC Hastings.
[129] G. Quinn: "Judge Michel says *Alice* Decision 'will create total chaos'", IPWatchdog, 06.08.2014*).
[130] G. Frege: "Function und Begriff", 1891.
[131] L. Wittgenstein: "Tractatus logico-philosophicus", 1918.
[132] B. Wegner, MEMO: "About relations (V.7-final)", 25.04.2013*).
[133] B. Wegner, MEMO: "About conjunctions of predicates/concepts, scope and solution of problems (V.7)", 20.08.2013.
[134] B. Wegner, MEMO: "A refined relation between domains in BADset and BEDset", 18.09.2014.
[135] H. Goddard, S. Steinbrener, J. Strauss: FSTP Meeting, Berlin, 29.09.2014.
[136] S. Schindler: "Tutorial on Commonalities Between System Design and SPL Testing", sub. for pub.*).
[137] S. Schindler: "The Rationality of a Claimed Invention's (CI's) post-*Mayo* SPL Test – It Increases CI's Legal Quality and Professional Efficiency in CI's Use, and Stimulates/Inspires the Inventivity to/in CI's Further Development", in prep.
[138] S. Schindler: "The Supreme Court's Guidance to Robust ET CI Patents", ICLPT, Bangkok, 22.01.2015*).
[139] Supreme Court's Order as to denial [121], 14.10.2014*).
[140] S. Schindler: "§ 101 Bashing or § 101 Clarification", published 27.10.2014*).
[141] BGH, "Demonstrationsschrank" decision*).
[142] ... Press, ... to go into [137].....
[143] ... Press, ... to go into [137].....
[144] "Turmoil .....", see program of AIPLA meeting, DC, 23.10.2014
[145] "Dark side of Innovation", ... to go into [137].....
[146] D. Kappos: About his recent west coast meetings, AIPLA, DC, 23.10.2014.
[147] Transcript of the CAFC Hearing in *Biosig* case, 29.10.2014*).
[148] R. Radar: Confirming that socially inacceptable CIs as extremely preemptive, such as example[2)], should be patent-eligible, AIPLA meeting, DC, 24.10.2014.
[149] A. Hirshfeld: Announcing the PTO's readiness to consider also hypothetical CIs into its resp. guideline, AIPLA meeting, DC, 24.10.2014.
[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 –", USPTO&GWU, 06.01.2015*), also ABSTRACT*), also PPP*).
[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*).
[152] S. Schindler: "Automatic Derivation/Reproduction of Legal Argument Chains (LACs) Protecting Patens Against SPL Attacks", Singapore, ISPIM, 09.12.2014*).
[153] S. Schindler: "The Operational FSTP-Test Refines the Nonoperational Alice Test", in prep.
[154] CAFC Decision in *Interval*, 10.09. 2014*).
[155] S. Schindler: "A Short Tutorial into (Operating) System Design and AIT Terms/Notions for Facilitating Understanding Rigorous ET CIs' Analysis by the Patent Community", in prep.
[156] CAFC Decision in *DDR*, 05.12. 2014*).
[157] USPTO: "2014 Interim Guidance on Patent Subject Matter Eligibility", 16.12.2014*).
[158] Supreme Court's Order as to denial [92], 08.12.2014*).
[159] CAFC Decision in *Myriad*, 17.12.2014*).
[160] S. Schindler: "The Supreme Court's *Mayo/Myriad/Alice* Decisions, The PTO's Implementation by Its Interim Eligibility Guidance (IEG), The CAFC's *DDR &Myriad* Recent Decisions – Clarifications&Challenges" this paper & PP presentation, USPTO, 21.01.2015*)..
[161] S. Schindler: "The Innovation Expert System, IES: Philosophy & Functionality, Mathematical Fundament, Prototype", 7. GIPC, Mumbai, 16.01.2015*).
[162] CAFC Decision in *CET*, 23.12.2014*).
[163] S. Schindler: "The Supreme Court's Mayo/Myriad/Alice Decisions: Their Overinterpret. vs. Oversimpl.of ET CIs – Scientif. of SPL Prec. as to ET CIs in Action: The CAFC's Myriad &CET Decisions", 07.01.2015, subm. f. pul.*).
[164] J. Schulze, D. Schoenberg, L. Hunger, S. Schindler: "Introduction to the IES User Interface of the FSTP-Test ", 7. GIPC, Mumbai, 16.01.2015, PPP*).
[165] "ALICE AND PATENT DOOMSDAY IN THE NEW YEAR", IPO, 06.01.2015*).
[166] S. Schindler: "Today's Substantive Patent Law (SPL) Precedents and Its Perspectives, Driven by Emerging Technologies' Inventions (ET CIs)", 7. GIPC, Mumbai, 15.01.2015*).
[167] R. Sachs: "A Survey of Patent Invalidations since *Alice*". Fenwick & West LLP, Law360, New York, 13.01.2015*).

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