The Recent AIPLA Meeting's New Trend as to Nationwide §101-Guidelines

and[1.a)]

The "Invention Description Language, IDL" — Trivializing Using ETCIs' FSTP-Tests

Sigram Schindler
TU Berlin & TELES Patent Rights International GmbH

I. The AIPLA 2017 Spring Conference and the §101/Framework Issue

By targeting the AIPLA 2017 Spring Conference the[372] assumed already that it would become — as to the 35 USC §101 problem, its Supreme Court's framework, and the CAFC's actual precedents — the most interesting event by AIPLA's standing, especially as to the IDL[372]. This continuation of[372] upfront confirms the truth of this assumption: This event provided the best survey/comment up to now concerning the recent nationwide §101/*Alice*-guidelines and similar international developments, e.g. by[383].

Section II namely reports that the AIPLA 2017 Spring Conference was the first internationally attended meeting of the large expert community of 35 USC Substantive Patent Law ("SPL") that in several panels

- showed the by now vastly stabilized understanding of the Supreme Court's *Alice* decision[a)b)] — as socioeconomically indeed being of groundbreaking importance for the US innovation economies and their role in warranting the wealth of US society — and, on the other hand,
- complained of the still total helplessness as to an urgently needed key to — or, to the point: '**clou**' of — the Supreme Court's *Alice* analysis[c)], i.e. its *MBA*-framework[d)], which would clearly/convincingly, totally robustly, and broadly acceptably separate patent-eligible ("PE") from nPE inventions[e)].

But this '**clou**' exists — even being a '**big clou**'[d)]. It enables for any ETCI semi-automatically verifying its totally robust SPL satisfaction (comprising its PE) — even trivially if ETCI is defined in IDL[f)].

The ANNEX[391] explains in A.III.1/.2 — by derivatives of the below FIG1.3' from[372] — the [IDL]FSTP-Test's and an abstract [IDL]ETCI's triviality. A.III.3 shows for the concrete *DDR*([IDL]ETCI) 3 different [IDL]KRs[2] rendering the [IDL]FSTP-Test on it trivial, no matter on what cognitions it is focused.

```
                              FSTP-Test- start    (authentic MBA framework KR)
input 'COM(ETCI) ≡ O-/A-/E-inC0S ::= 'O-inC0S ::= {O-inC0n ≈ O-MUIS0n, ∀1≤n≤N} ∪ A-inC0S ::= {A-inC0n ≈ A-MUIS0n, ∀1≤n≤N} ∪
                 ∪ E-inC0S ::= {(E-inC0nk ∨ E-ninC0nk) ≈ E-MUIS0nk, ∀1≤k≤Kn∧∀1≤n≤N}  ∪  E-crC0S_DEF';
1) if [(E-crC0nk ∨ E-ncrC0nk), ∀1≤k≤Kn, ∀1≤n≤N, is lawfully_disclosed]   else_output 'COM(ETCI) is not lawfully_disclosed' ∧ stop;
2) if [A-crC0n= ∧^(1≤k≤Kn)(E-inC0nk ∨ E-ninC0nk), ∀1≤n≤N, is enablingly disclosed]   else_output 'COM(ETCI) is not enablingly_disclosed' ∧ stop;
3) if [COM(ETCI) is (E-definite∧E-complete∧uniquely_defined∧useful)] then_met Biosig   else_output 'COM(ETCI) is not (useful ∧ definite)' ∧ stop;
   (the ETCI's claim interpretation: Closing Remark same as in FIGs1.1/.2 — yet now also O-/A-/E-level notional resolution alias refinement)
4) if [COM(ETCI) comprises an nPE TT0]                 ┐ then_met Bilski   else_output 'COM(ETCI) is not comprising an nPE TT0' ∧ stop;
5) if [COM(ETCI) is an application of the nature of TT0] │                  else_output 'COM(ETCI) is not an application of the nature of TT0' ∧ stop;
6) if [COM(ETCI) is significantly more than TT0]       ├ then_met Alice    else_output 'COM(ETCI) is not significantly more than TT0' ∧ stop;
7) if [COM(ETCI) is limited preemptive]                ┘                   else_output 'COM(ETCI) is not limited preemptive' ∧ stop;
   (in the ETCI's claim construction by §§ 101 these 4 tests are additionally to be passed — then the ETCI's PE test by Bilski, Myriad, and Alice is completed, i.e. it is patent-eligible)
8) if [COM(ETCI) comprises only independent E-inC0nk]   <need is not yet recognized>   else_output 'COM(ETCI) is not independent' ∧ stop;
9) if [COM(ETCI) has a definite A/N-Matrix over RS]     then_met KSR       else_output 'COM(ETCI) is not definite over RS' ∧ stop;
10) if [COM(ETCI)'s seman. height over RS is (≥1/≥2 if AC^(1/≥2)∈RS)]  then_met Graham   else_output 'COM(ETCI) is not patentable over RS' ∧ stop;
   (in the ETCI's claim construction by §§ 102/103 this test is additionally to be passed — then also the ETCI's patentability test by KSR & Graham is completed, i.e. it satisfies SPL)
output 'COM(ETCI) satisfies SPL' ∧ stop.                FSTP-Test- stop.
```

FIG1.3': At a first glance, the ETCI's FSTP-Test looks — in this scientific [IDL]KR[372] — nontrivial[1.a)]

---

1 .a **FSTP** = 'Facts Screening/Transforming/Presenting' (Several versions of it were published already after the Supreme Court's *KSR* decision, as initial drafts and then incomplete as without PE checks, yet notionally with 'E-crCs' already). **ETCI** = 'Emerging Technologies Claimed Invention'.
The §101 position papers of the here involved large IPR associations/organizations/consortia resp. dominating innovation-economies in the US came until the end of 2016 solely from the USPTO[235,292,345], in 2017 (vastly US election caused) from the IPO[377], the ABA[379], the AIPLA[376], and in between from such important consortia as e.g. the EFF[385] and the Internet Association[360] — importantly also the SIPO[380]. None of these statements still steers the formerly often openly confrontative course of ●bashing the Supreme Court's framework[d)] or ●just misinterpreting it — both earlier pursued by a thin but resilient resistance net of broadly known veterans of leading the 'old school of the NPS', e.g. by a seemingly smaller part of the CAFC, in total by today being a small minority, clearly shrinking yet residual for a potentially long time.
But this change does not mean the Supreme Court's short term interception potential is no longer needed, e.g. for enforcing its *Teva* decision ('upgrading' of district courts v. CAFC & USPTO in SPL precedents about ETCIs[387,388]) and/or the it supporting *Heartland* decision[388].

.b except in part of this resistance net[a)] with its belief in an US patent system, ●reconciling itself after the many CAFC, district courts, and PTO in- and external clashes[1,328], that ●in the future would consistently/predictably decide the large number of ETCI-based cases ●without adjusting the SPL interpretation to what the Supreme Court's framework requires — being as stable as 'the earth is flat', 'electrons are of wood', …

.c The Supreme Court left this "**clou**" to be derived by the patent community's experts and the CAFC from the direction pointing hints provided by what it called[355/ftn2.b.2] its [*MBA*-]"**framework**"[d)]. Meanwhile it is expected that this new notion of the *Alice* analysis, "**clou**", is exactly to the point.

.d — known since[354,355,372] at the latest and now trivialized by the IDL. Thereby "*MBA*", standing for "*KSR/Bilski/Mayo/Myriad/Biosig/Alice*", indicates that all 6 Supreme Court decisions are needed for deriving from them this '**clou**'[c)]. Its highlighting is omitted from here on.

.e according to the definition for an ETCI to be "PE", provided by the *MBA*-framework[c)].

.f The reason being: [354] proved rationally and even mathematically: "**An ETCI satisfies SPL iff it passes the FSTP-Test**".

© Sigram Schindler, Berlin, 2016, 2017

II. The §101/*Alice* Decision about ETCIs is by IDL Trivialized — Its Solomonic Clou

By now there are broadly accepted[2.a)] basic truths as to all ETCIs of the Supreme Court's §101/*Alice* decision: "The Supreme Court indicated by its *Mayo* opinion the need of a socioeconomically broadly acceptable way[b)] to avoid disincentivizing investing much money and/or time for creating ETCIs — just because any ETCI is preemptive[251ftn 3.a),244ftn10.b)]. This disincentivation would inevitably occur if the Supreme Court a priori took on one of the two extreme positions: Declaring all ETCIs ●PE though many ETCIs are unlimited preemptive (any one threatening to put into jeopardy the entire US NPS, see below), or ●nPE though many ETCIs are limited preemptive — being indispensable for generating this incentivity."

Given this 'basic SPL-testing dilemma' for ETCIs, the fundamental question is whether a Solomonic[c)] test exists that is capable of solving this dilemma for any ETCI according to 35 USC/SPL and the *Alice* analysis, i.e. of deciding this ETCI's being PE or nPE[d)].

This question is equivalent to asking for more (embedded) details, namely whether there is a test that is

1.) known & for any ETCI applicable & finite & rational & today already vastly automatically executable **&**
2.) capable of guiding the tester of an ETCI to a KR of it that enables testing it for SPL-satisfiability[e)] **&**
3.) Solomonic.

These questions' answers[3.b),2.c)] cannot yet be the "**big clou**" — as not yet solving the SPL-problem[3.b)].

Finding this big clou of the Supreme Court's *Alice* Decision — hidden in its philosophical/metaphoric language, as now implicitly confirmed by some parties — without the FSTP-Test would have been extremely unlikely: As then there wouldn't have been the for this 'clou finding' absolutely necessary guidance of the FSTP-Test's 'SPL-logic questions asking system' (on the IES[352]), thus showing how to find the nonevident way to this big clou. And also the FSTP-Test by itself is for patent practitioners nonevident.

First, in brevity, what at all the big clou is: **IDL trivializes for anybody FSTP-Testing of ETCIs**.

Next 10 guideline[1.a)] comments from this AIPLA conference, indicating key points (of the basic thinking about the *MBA*-framework) underlying these comments[f)]: ●The hitherto underestimation of ETCIs' preemptivities is broadly recognized but not yet clear, just as ●CAFC's recent PE decisions, some requiring reconsideration, their trend is ok, ●powerful groups not understanding this issue and hence this trend — including famous names of really honorable men, ●"virtually all parties dropped novelty" (being a specific statement as to the preceding issue), ●the need of one and only one PE criterion, ●no need of separation of SW-Tech from Bio-Tech ETCIs, ●doubts about feasibility of Congressional intervention, ●the need to keep the Judicial Committee informed, ●several Innovation Economies being in great troubles due to investment disincentivation, ●nobody joined or only seemed to appreciate an appeal to Supreme Court bashing. All these commentators and observers seemed to enjoy these univocal agreements.

---

[2] **.a** — except by the residual resistance groups[1.b)] —
.b — which it thereafter in principle found by its 'Solomonic' *Alice* analysis —
.c A way — alternativeless/trivially being a test — to avoiding this disincentivation is called "**Solomonic**" if it finds any ETCI to be PE iff it is rationalizably/mathematizably provably limited preemptive, which is equivalent to a conjunction of tests not referring to preemptivity.
This follows from the FSTP-Test because of its being proven rationally and mathematically as an ETCI's PA-criterion comprising its PE-criterion[354], the (slightly adapted) PA- and PE-criterion are interchangeable, all its test1-test7 rational/mathematizable (with test7 redundant to test5∧test6), and its (test4∧test7)≡(test4∧test5∧test6) in FIGs1.4/1.4'[372] identify (in conjunction with its test1-test3) the PE dilemma — based on some individual ETCI depending Supreme Court required *MBA*-framework knowledge is disclosed for the pposc by the ETCI's specification.
.d A side remark: Due to the socioeconomic trends in patenting ETCIs[9.a/.b/.c] these are socially affordable only iff SPL-satisfiability test is vastly automatable. Because of the future socioeconomic predominance of ETCIs, refraining from automating it also puts the NPS into jeopardy.
.e — which comprises guiding the tester by questions to disaggregate the ETCI's A-crCs into its E-crCs and to adjust the potential TTi's to this E-KR.
.f The USPTO's IEG starts the *Alice* analysis — instead of from these basic §101/*Alice*-truths and using therein the additional knowledge about the ETCI at issue, as the Supreme Court requires[c)] — by its "2-step-test" simplifying the *Alice* analysis, which totally ignores the individual *MBA*-framework knowledge about this ETCI[c)]. This knowledge is inevitably needed for refining the basic dilemma as required by the *Alice* analysis for rationally deriving for this ETCI its individual PE decision. Thus, for the USPTO's "2-step-test" it is rationally impossible to deliver the same PE decision as the *Alice* analysis — which leaves the user without any guidance how to rationally decide the ETCI's being PE or nPE.

© Sigram Schindler, Berlin, 2016, 2017

A common denominator of these 10 comments on exemplary 101/*Alice* issues is that classical claiming encounters for ETCIs fundamentally disastrous blind SPL-spots causing that the parties[1.a)] meanwhile agree[1.b)]: **ETCIs' classical claiming must be refined — as by the Supreme Court required.**

But, now they disagree about the *MBA*-framework specific way of refining claiming of ETCIs — hoping there were better such ways that had nothing to do with the allegedly incomprehensible *Alice* notions "nature of an application" and its transformation's result being "significantly more"[3.a)]. But this hope is in vain again, as the *Alice* analysis is improvable — by a clou — only within the *MBA* framework[b)].

Moreover, today this clou must be considered insufficient — in spite of scientifically resolving all the §101/*Alice* problems — as it does not resolve, for any ETCI given, ●also its SPL-problem, i.e. its additional §§102/103-problem, in a way ●for anybody usable. Thereby the second bullet point is socioeconomically more important than the first one. This holds in particular as now[b)] ETCIs' SPL-problems are no longer caused by sophisticated 35 USC §§112/101/102/103 requirements (as resolved by the above clou), but by another well-known innovation blocker existing in all emerging technologies.

This innovation blocker is hitherto caused by the ubiquitous but today unavoidable incapability of all expert communities to cooperate with each other — here about ETs' issues[c)], due to the today high pace of development of any ET. This disastrous innovation barrier is eliminated by IDL[370]: By expanding the above common denominator of all ETCI-/SPL-problems, for enabling all members of all such communities to communicate with and thereby precisely understanding each other. This is the above big clou.

This short paper terminates by 5 '**ETCI creation boosting potentials**' of this big clou — explained in[391]:

1.) **IDL is so trivial that it need not be learned — it may be used by just 'copying' it!** This resolves the patent practitioners qualification problem as enabling them to instantly perform ETCIs' FSTP-drafting&testing.
2.) **The tester is by QA in IDL semi-automatically guided, for any ETCI, to all its rational COM(ETCI)s and through their rational FSTP-Tests** — whereby his/her only vague 35 USC/SPL knowledge is needed.
3.) **The tester is by QA in IDL guided to any ETCI's all mathematical COM(ETCI)s and through their mathematical correct FSTP-Tests** — starting from **2.)**, his/her precise 35 USC/SPL knowledge is now needed.
4.) **Broad & fast knowhow dissemination in IDL** — of all SPL-precedents about ETCIs and potential impacts.
5.) **Automatically assessing that none of the many facts to be input by the tester is forgotten**[392] (as all prompted & reminded by the IES[352]) — excluding already the most likely as hardly detectable errors.

<u>In total</u>: IDL trivializes nothing of the ETCIs' FSTP-Test — but just using it, thus dramatically increasing the efficiency of working with patents as to all its aspects, including qualifying for it. And: IDL warrants the total robustness of its FSTP-Test-proof ETCIs, thus dramatically increasing also the qualities of ●patents for ETCIs, of ●incentives to invest into creating them, and of ●SPL-drafting&-testing them.

3.a Two clarifications, not yet hitting the "clou point", are in place here:

- none of the parties[1.a)] provide a suggestion alternative to the *MBA*-framework for how to exclude unlimited preemptive ETCIs from being patented — the latter politically threaten to put the entire US NPS into jeopardy as socioeconomically untenable, unless fair sublicensing of preempted ETCIs is legally enforced (whereby the notion of 'fair' is known to be indefinable, and thus creates another source of inconsistency and unpredictability of patent precedents about ETCIs) — and
- the FSTP-Technology, basically the FSTP-Test — induced by the *MBA*-framework's thought, by FSTP-Technology brought into line with AIT[2] thinking — shows that none of the suggested modifications[1.a)] of the *MBA*-framework comprises a hint that it has fully recognized this Solomonic cognition of the Supreme Court (disclosed by its *Alice's* PE analysis and transformed into FSTP-Test, i.e. into purely mathematical thinking as envisioned by Kant[7]). This statement holds also for the USPTO's IEG interpretation of the Supreme Court's *Alice* analysis, its '2-step-test', and for any of the current CAFC PE precedents (even in *DDR*, though it is correct in the *e AI*

.b and evidently none of the parties[1.a)] has attempted[c)] anything alike. This *Alice* analysis refinement is scientifically/notionally/semiotically rationally clarified since years [5-7] and published for the US patent community. I.e., hence since then it is available — this "**clou**" it now asks for. This delay is due to the legal bodies[1.a)] are scholastics minded, not analytics/cognitions driven — otherwise they also might have recognized the FSTP-Test's charm as already embodying the "clou" and now as directly guiding to trivializing an ETCI's SPL-satisfaction testing (provided they had also invented the IDL needed to this end), i.e. embodying the "big clou".

.c — barring rationality to penetrate into this intricate realm of the SPL. This has been enabled by all time interest driven pretentions that patent law is insolubly interwoven with the mystery of successful constructive creativity (indispensable for creating ETCIs). But since the revitalization of (decent) AI, in the 70s/80s, it is known how in principle to separate the ●transcendence of this mystery from ●rational/mathematical thinking about it[42,278]. Namely: By creating inventive concepts, encapsulating their increments of transcendence into individual axioms, and tying these transcendences' effects into rationality, predominantly by lowest semantic/rational effort required to this end, e.g. by their applications/specifications/systems/incarnations/instantiations/declaration/objectivation/…. This then revolutionary knowledge and the meanwhile incredible increase of the power of so structured IT systems (alias general purpose computers) enabled those familiar with both areas of human cognition to practice this thinking of advanced system design — here for designing and implementing FSTP-Technology and the IES prototype for it[352] in the FSTP-Project.
Similar paradigm shifts, as caused by this FSTP-Project — induced by the Supreme Court created SPL-precedents about ETCIs — occurred during the last 3 millennia in any technology. The time that any such paradigm shift needed from its technology's creation to the latter's full use shrunk from originally dozens of centuries (e.g. the change-over from Ptolemaic to Copernican navigation), to few centuries (e.g. high-voltage technology from Lincoln to Tesla), to few dozens of years (e.g. in rocketry), and now to few years (e.g. in IT, FSTP-Technique).

© Sigram Schindler, Berlin, 2016, 2017

The FSTP-Project's Reference List

FSTP = Facts Screening/Transforming/Presenting (Version of 14.06.2017*))

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.

[1] S. Schindler: "US Highest Courts' Patent Precedents in *Mayo*/*Myriad*/CLS/Ultramercial/LBC: 'Inventive Concepts' Accepted, – 'Abstract Ideas' Next? Patenting Emerging Technologies'. Inventions Now without Intricacies"*).

[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 "Facts Screening/ Transforming/Presenting, FSTP"-Technology, developed in this FSTP-Project.

[5] S. Schindler: "Math. Model. Substantive. Patent Law (SPL) Top-Down vs. Bottom-Up", Yokohama, 2012, JURISIN 20*)

[6] S. Schindler, **"FSTP" pat. appl.**: "THE FSTP EXPERT SYSTEM", 2012*).

[7] S. Schindler, **"DS" pat. appl.**: "AN INNOVATION EXPERT SYSTEM, IES, & ITS PTR-DS", 2013*).

[9] **.a** S. Schindler, "Patent Business – Before Shake-up", 2013*).
.b S. Schindler, "Patent Business – Before Shake-up", 2015*).
.c S. Schindler, "Patent Business – Before Shake-up", 2017*).

[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*).

[42] SSBG's Amicus Brief to the CAFC in case CLS, 06.12.2012*).

[64] B. Wegner, S. Schindler: "A Mathe. Structure Modeling Inventions", Coimbra, CICM-2014*).

[69] USSC, Transcript of the oral argument in *Alice* Corp. v. CLS Bank, 31.03.2014*).

[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 *Mayo*/Biosig/*Alice*, ...", published 07.08.2014*).

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

[163] S. Schindler: "The USSC's *Mayo*/*Myriad*/*Alice* Decisions: Their Overinterpret. vs. Oversimpl of ETCIs – Scie. of SPL Prec. as to ET CIs in Action: The CAFC's *Myriad* & CET Decisions", USPTO, 07.01.2015*).

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

[175] S. Schindler: "Patent's Robustness & 'Double Quantifying' Their InCs as of *Mayo*/*Alice*", WIPIP. USPTO&GWU, 06.02.2015*).

[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*).

[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*).

[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 Spirit' Framework?", pub 27.07.2015*).

[230] I. Kant: https://en.wikipedia. com/wiki/Immanuel_Kant. &
I. Kant: *Critique of Pure Reason", 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*)
.b USPTO: „May 2016 Update: Memorandum - Recent Subj.Matter Eligibility Decisions", 19.05.2016*)

[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*).

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

[241] S. Schindler: "Draft of an Amicus Brief to the USSC in Cuozzo supporting", publ. 05.11.2015*).

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

[244] S. Schindler: "The IEG's 2015 Update & the 'Patent-Eligibility Granted/-ing, PEG' Test", publ. 18.12.2015*)

[245] M. Lee: USPTO Director's Forum, „Enhanced Patent Quality Initiative: Moving Forward", 06.11.2015*).

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

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

[252] E. Coe: "Michelle Lee Steers USPTO Through Choppy Waters", Law360 , 09.12.2015*)..

[257] S. Schindler: "A PS as to the Motio Decision ….", 11.01.2016*).

[258] S. Schindler: "BRI^{PTO} by the USPTO or BRI^{MBA} by the Supreme Court?", 03.02.2016, *).

[259] S. Schindler: "Classical Limitations or MBA Framework's Inventive Concepts?", 08.02.2016*),

[260] S. Schindler: "Patent-Eligibility: Vague Feelings or an MBA Fact?", pub. 12.02.2016*)

[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 SPL", p.. 07.03.2016*)

[264] W. Quine, see Wikipedia.

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

[268] S. Schindler: **"IES-UIE" 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*)

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

[273] S. Schindler: "MEMO about "Mathematical Inventive Intelligence, MII ", published on 21.06.2016*)

[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*).

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

[279] USSC: Transcript of its Hearing in Cuozzo on 25.04.2016*)

[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*).

[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

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

[289] CAFC, Decision in *TLI*, 17.05.2016*).

[290] CAFC, Decision in *Enfish*, 12.05.2016*).

[291] S. Schindler: "*Enfish* & *TLI*: The CAFC in Line with the Supreme Court's MBA Framework", .25.05.2016*)

[292] R. Bahr, USPTO: MEMORANDUM as to "Recent Subject Matter Eligibility Decisions ...", 19.05.2016*).

[293] S. Schindler: " MRF, the Master Review Form in USPTO's EPQI, SPL, and the IES ", publ. 30.05.2016 *).

[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 *).

[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 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*)

[301] S. Schindler: "Epilog to the Basic Patent-Eligibility Problem (Part II)", publ. 19.09.2016*)

[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*).

[304] CAFC, Decision in Rapid Litigation Management v. Cellzdirect, 05.07.2016*).

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

[306] CAFC, Decision In re Alappat, 29.07.1994*).

[307] USSC, Decision in Diamond v. Diehr, 03.03.1981*).

[308] USSC, Petition for Certiorari, OIP v. Amazon, 12.11.2015*).

[309] USSC, Petition for Certiorari, Sequenom v. Ariosa, 21.03.2016*).

[310] USSC, Petition for Certiorari, Jericho v. Axiomatics, 10.06.2016*).

[311] CAFC, Decision in Bascom v. AT&T, 27.6.2016*).

[312] R. Bahr, USPTO: MEMO as to "Recent Subject Matter Eligibility Rulings", 14.07.2016*).

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

[314] J. Duffy: "Counterproductive Notice in Literalistic v. Peripheral Claiming", U. of Virginia, June 2016*).

[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*).

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

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

[320] S. Schindler: "Modeling Semantics for the 'Innovation Description Language, IDL' for ETCIs", this Memo, publ. 20.03.2017,*).

[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.*)

[323] USSC, Decision in Cuozzo, 20.06.2016*).

[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] CAFC, Decision *CLS* v. *Alice*, 10.5.2013*)

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

[330] M. Holoubek: tbd

[331] S. Schindler: "A PS to my Epilog for the PE-Problem (Part I[300] & II[301])", publ. 22.09.2016*)

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

[333] CAFC, Decision in Intellectual Ventures v. SYMANTEC, 30.09.2016*).

[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", publ. 03.12.2016*)..

[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*).

[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*)

[343] D.Atkins: "Federal Judges Slam *Alice* at Event Honoring Judge Whyte",Law360, 20.10.2016*)

[344] CAFC, Decision in AMDOCS v. OPENET TELECOM, 01.11.2016*).

[345] R. Bahr, USPTO: MEMORANDUM as to "Recent Subject Matter Eligibility Decisions ...", 02.11.2016*).

[346] S. Schindler: "The AMDOCS 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! ", pub., 10.11.2016*).

[347] S. Schindler: " ROUNDTABLE ON PATENT SUBJECT MATTER ELIGIBILITY ", pub., 14.11.2016*).

[348] B. Wegner: Invited paper, "Innovation, knowledge representation, knowledge management and classical mathematical thinking", Corfu, Ionian University, pub., 22.11.2016*)

[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*)

[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*).

[352] D. Schoenberg: "The IES Prototype Qualification Machine ", GIPC, New Delhi, 11.-13.01.2017*)

[353] S. Schindler: "The Lesson to be Learned from the US Patent-Eligibility Hype: It Supports the USPTOs Enhanced Patent Quality Initiative, EPQI/MRF", published, on 11.12.2016*).

[354] S. Schindler: "An Amazing SPL Cognition: Any Patent Application is Draftable Totally Robust, Memo A", published on 31.01.2017*).

[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.04.2017.

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

[358] N. Solomom: "The Disintegration of the American Patent System — Adverse Consequences of Court Decisions", IPWatchdog, 26/29.01.2017, *)

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

[360] IA (Internet Association"): "Letter to the President-elect Trump",14.12.2016*)

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

[362] USPTO/PTAB: *Ex parte* Schulhauser, 2016,*)

[363] B. Kattehrheinrich et al.: "What Schulhauser Means For Condit. Claim Limitation", Law360, 03.02.2017*)

[364] S. Schindler: "The PTAB's Schulhauser decision is Untenable", published 08.03.2017*)

[365] R. Katznelson: "Can the Supreme Court's erosion of patent rights be reversed?", IPWatchdog, 02.03.2017*)

[366] CAFC, Decision in TVI v. Elbit, 08.03.2017*).

[367] P. Michel, P. Stone, P. Evans, P. Detkin, D. Matteo, R. Sterne, J. Mar-Spinola, et al."The Current Patent Landscape in the US and Abroad", 12th APLI, USPTO, 09.-10.03.2017*).

[368] Transcript of[367], ??.03.2017,*)

[369] P. Newman, dinner speech, 12th APLI, USPTO, 09.-10.03.2017.

[370] S. Schindler: **"IDL" pat. appl.**: "An 'Innovation Description Language, IDL' & its IES Interpreter", 2017

[371] **.1** Wikipedia: "DSL",
.2 Wikipedia: "Compiler",
.3 Wikipedia: "BNF"

[372] S. Schindler: '"Innovation Description Languages, IDLs" & Knowledge Representations, KRs, and Easily Drafting&Testing Patents for Their Total Robustness', publ., 16.05.2017*)

[373] S. Schindler: "Innovation Description Languages, IDLs & Brain Knowledge Representation, brainKR", in prep.

[374] Justice Thomas: Friendly Comment, 04.12.2015*)

[375] J. Koh, P.Tresemer: "Client Alert of 15.05.2017", Latham & Watkins*)

[376] **AIPLA**: "Legislative Proposal and Report On Patent Eligible Subject Matter",12.05.2017*)

[377] **IPO**: "Proposed Amendments to Patent Eligible Subject Matter", 07.02.2017*)

[378] **see the correct reference in the V.27 of the [372] at the below URL, in a few days.**

[379] **ABA**: Letter by D. Suchy to the USPTO, 28.03.2017*)

[380] **SIPO**: Message by H-M Tso, J. Yi, 31.03.2017,*)

[381] K. Canady: "Take a Walk on the Bio Side: Patent-Eligibility of Biotechnological Inventions", AIPLA, 17.05.2017*)

[382] S. Alter: "Nuts & Bolts 0f 1010", AIPLA, 17.05.2017*)

[383] B. Stoll: "101 in the Future", AIPLA, 17.05.2017*)

[384] G. Wisdom: "Business Analysis Based on *Alice* (Conceded to be Totally Abstract)", Microsoft, AIPLA, 17.05.2017*)

[385] **EFF**: "Comments Regarding … Subject Matter Eligibility", 18.01.2017.*)

[386] tbd

[387] J. Duffy, C. Bays, T. Sichelman: "The Future of Patent Venue", AIPLA 2017 Spring Conference, 18.05.2017*)

[388] USSC, Decision in Heartland v. Kraft, 22.05.2017*).

[389] AIPLA: "Patent Venue Statute is not Modified by General Venue Statute", 22.05.2017*)

[390] S. Schindler: "The Recent AIPLA Meeting's New Trend as to Nationwide §101-Guidelines …", this paper, publ., 14.06.2017*)

[391] S. Schindler: "ANNEX of the Solomonic Clou of the §101/*Alice* Decision about ETCIs — by IDL Trivialized", in prep., to be publ., 20.06.2017.

[392] S. Schindler: "The FSTP-Test and the *DDR's* ETCI Reconsidered — as Model Case", in prep.

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

© Sigram Schindler, Berlin, 2016, 2017