No 101-Panel as Any Other.[1,a]

Sigram Schindler
TU Berlin & TELES Patent Rights International GmbH
www.fstp-expert-system.com

Hence, also this 101-mail is not as any other: It seems to ignore what is expected from a 101-mail. Namely, a reasonable report about a reasonable strategy for how to reasonably end the unreasonable 101 disaster.

Instead, this mail seems to show quite the contrary: The sender's self-overestimations of his capabilities as to solving the 101 problem — by the FSTP-Test, even scientifically/mathematically proven to be correct[b].

I.e.[b], there is no such psychiatric exposition by the author, which he publicly celebrates by his mailing list, especially by this mail! His success certainty as to the US SPL is well-founded[d] — scientifically and even mathematically: As to resolving the 101 problem, he simply trusts in Science & Mathematics[d] more than in any PE consensus[e].

The reasonability of the authors view at the 101 problem is during this panel's discussion repeatedly evidenced by its participants' indeed elaborating on very similar substantive meanings but not sharing e.g. the scope of *Alice's* PE specification or at least common models underlying them and thus not noticing these similarities, i.e. that they actually might agree on them. To put it the other way around: If the FSTP-Test and its paradigms were used by parties discussing SPL notions of an ETCI — i.e. its fine resolution of these notions, as clearly required by *Mayo* — the parties would often notice that they have no discrepancy.

There is a strange experience: On telling them that they only would necessarily discuss the same meaning of an ETCI-element's property, if they use this fine 'notional grid' of an ETCI, the untenable usual answer is: "I don't believe you" or "I don't think so" — without trying to understand that this would potentially enforce reconsidering the ETCI's claim interpretation, which is comprised as part of *Alice's* requirement to also consider the ETCI "as a whole".[1,a]

1.a The "63rd Annual IP Conference", Chicago, UIC, 01.11.2019 — Mod.: N. Groombridge, Pan.: A. Iancu, R. Rader, P. Coletti, K. Grabinski, …..
For all acronyms not defined in this short mail, yet used therein, see[550,552,570] and earlier FSTP mails.

.b This rigorous scientifical/mathematical proof is in the **ANNEX** explained in detail. As it also is straight ahead, it is very easy to grasp. Thus, if somebody with some knowledge of US SPL and basic English & basic Maths complains not to understand it, she/he does not tell the truth.
The FSTP-Test of an ETCI implements the requirements stated by the Supreme Court's line of framework decisions. They embody the Supreme Court's Solomonic PE-compromise[c] about all ETCIs, which renders their SPL precedents consistent & predictable and the just mentioned requirements necessary and sufficient for their passing SPL.

.c overcompensating the implied scope limitation of § 101 by its ●minimal self-intrusion, ●elimination of threatening the US NPS by 'patent clustering' alias its being 'overpreemptive', and enabling ●legally total and factually vast robustness, ●vastly automatic SPL-satisfaction testing, ●…

.d Historically, thousands of such scientification models of natural phenomena or abstract ideas (starting with 'natural numbers') were developed. Examples of more recent such development role models are that of Franklin and its engagement in scientizing the natural phenomenon 'electricity', of Bohr & Schrödinger with their 'atom models' being natural phenomena or abstract ideas(?), of 'DNA-based Molecular Biology models' (of the same intentions & questions). Now — because of hardly understood peculiarities of emerging technologies & their ubiquitous ETCIs — it's time to develop IP- and/or IPR-based 'creativity models' and scientize them for enabling peacefully leveraging on their ETCI[e].
This trust is based on my broad technical background, in part caused by the stereotypic funding of all my many scientific, always Mathematics driven research projects by the various European Commission's as well as German federal government's research funding programs — in the technology areas of 'satellite systems control', 'operating systems', 'software systems', 'language translation', 'communication systems', 'text systems', 'security systems', 'DNA systems' — and since my company's economic success also privately funded.

.e Already in the beginning of my more than 20 years of the international patenting scene watching — motivated by my own patents in Internet telephony — I discovered that none of its leading law professors in the US, Germany, UK, France, Poland, India, Japan & China (this 3 years' search in total costing more than 3 M€) had a scientification-ready understanding of ●what the meaning is of the term "Intellectual Property Rights, IPRs", even in their patent & copyright & trademark sectors, and that ●scientifizing any sector's IPR-meaning would inevitably require separating its 'substantive rights' from its 'procedural rights'.
The reason of this indispensable 'separation of concerns'[FSTP] is due to the 2 fundamentally different natures/beings of the

ANNEX: The FSTP-Test — with its Contexts[562] — Slightly Elaborated on.
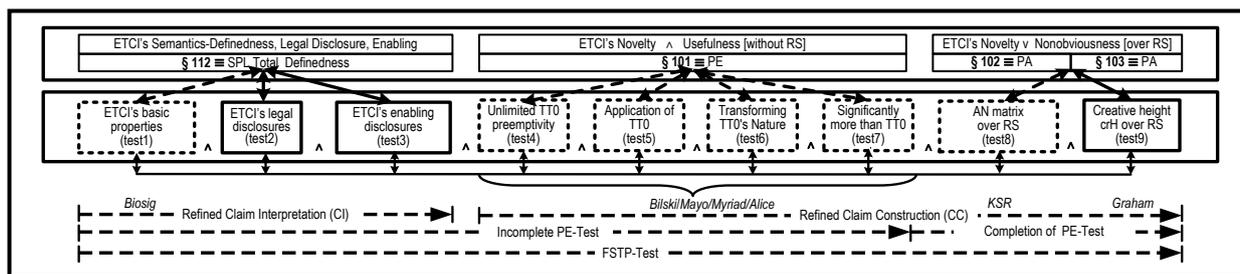
Metarational Claim Interpretation, ^{mrat}CI: <**external input::= ^{mrat}CI in ISL, internal output ::= a COM(^{mrat}ETCI)**>   & begin:

1) if **[COM(ETCI) is factually E-complete∧-correct∧-definite∧{O-crC0n = ((∧$^{1≤kn≤Kn}$E-crC0k$_n$)∧ncrC0n) / 1≤n≤N}, Σ$^{1≤n≤N}$K$_n$=K]**   then go on;

2) if **[{(O-inC0n, E-inC0k$_n$) | ∀1≤n≤N ∧ 1≤k$_n$≤K$_n$} are ex- or implicitly lawfully_disclosed]**   then go on;

3) if **[O-crC0n, ∀1≤n≤N are ex- or implicitly enablingly_disclosed]**   then output ^{mrat}E-crCS = COM(^{mrat}ETCI) & stop.

(Meta)Rational Claim Construction, $^{mrat+rat}$CC: <**internal input:= COM(^{mrat}ETCI), external output ::= COM(^{rat}ETCI)**>   & begin:

4) if **[COM(^{mrat}ETCI) is ^{mrat}'directed to an exceptional concept',   i.e. ^{rat}'comprises in the ^{n}PE TT0 an E-xcrC']**   then go on;

5) if **[COM(^{mrat}ETCI) has ^{mrat}'an application of TT0',   i.e. ^{rat}'an application that uses a TT0 without modifying it']**   then go on;

6) if **[COM(^{mrat}ETCI) is ^{mrat}'transforming the nature of the claim',   i.e. ^{rat}'transforming the ^{n}PE claim of TT0 into the ^{PE}ETCI']** then go on;

7) if **[COM(^{mrat}ETCI) is ^{mrat}'significantly more than ...' i.e. ^{rat}'E-crCS$^{ETCI\backslash TT0}$ basic. indep. of E-crCS^{TT0}']**   then **I** input COM(RS^{mrat}) **::=** Φ and go on;

8) if **[COM(^{mrat}ETCI) has a ^{rat}'definable A/N-Matrix over RS and determine it']**   then go on;

9) if **[COM(^{mrat}ETCI) has a ^{rat}'non-cherry-picking creative height, crH ≥ 2']**   then **I** output 'COM(ETCI)^{rat} is PE' & stop;

Mathematical Claim Construction, ^{mat}CC: <**internal input: = COM(^{rat}ETCI), external output ::= COM(^{mat}ETCI)**>   & begin:

4') if **[E-xcrCS^{TT0} ≠ Φ$^+$]**   then go on;

5') if **[(∏^{TT0}scope(E-crCS^{ETCI}) ⊆ scope(E-crCS^{TT0})) ∧ (((∃ E-crC° ∈ETCI\TT0) ∧ (∃ E-crC°° ∈TT0)) : E-crC° ‖ E-crC°°)]**   then go on;

6') if **[∃ E-crC* ∈ E-crCS$^{ETCI\backslash TT0}$]**   then go on;

7') if **[E-crC* ≇ E-crCS^{TT0}]**   then **I** input COM(RS^{mat}) **::=** Φ   and go on;

8') if **[∀^{i,n,k},∃ Δ^{i,n,k} ::= if (E-crCink = E-crC0nk) then 'A' else 'N' is mathematically defined]**   then go on;

9') if **[crH ::= Σ$^{1≤n≤N}$ (min∀$^{i∈[1,I]}$ |{<Δ$_{i,n,1}$='N', ..., Δ$_{i,n,Kn}$='N'>}|)≥2]**   then **I** output 'COM(ETCI)^{mat} is PE' & stop.

Only the ^{mat}KR box exposes clearly and unmistakably the Supreme Court's *Alice* requirements as to the relations between the E-crCs, namely in test4-7 (while test8-9 still need whatever functional framework determinations by the CAFC and confirmed by the Supreme Court or by the latter or by Congress as an indispensable extension of the *Alice* decision)**:**

Line 4': the right side's '≠ Φ$^+$' stands for "**E-xcrCS^{TT0} comprises an abstract idea or a natural phenomenon/law**" [504,566].

Line 5': the '‖' stands for "**ETCI's application by its E-crC° uses TT0 — in the sense of 'use hierarchy — by an E-crC°°[FSTP]**" .

Line 6': originally the FSTP-Test had one more restriction, but it excludes also non-threatening ETCIs — hence is by *Alice* not required.

Line 7': the '≇' stands for "**ETCI's application comprises an E-crC* basically independent of TT0[552,562], i.e. an "inventive concept".**

Line 8': there is no precedential decision defining, when exactly this condition is "true(mod tolerance)".

Line 9': originally the FSTP-Test had the restriction "≥1", but "≥2" helps to render trivial ETCIs as ^{n}PE.

I.e.[570]: For rendering the USPTO's 2019 PEG Update fully *Alice* conforming, additionally test5-9 must be taken into account. Otherwise ETCIs may emerge that by the current 2019 PEG Update are PE, but not by *Alice's* PE specification.

If Congress intends to simplify the framework, it may drop whatever from test4-9 of the FSTP-Test, yet this might create new uncertainties about § 101 (which ought to be clarified, first). But more important than simplification is consistency & predictability of SPL-precedence about ETCIs.

Excerpt from the FSTP-Project's Reference List (04.11.2019)

Many FSTP-Project mails, including this one, are written in preparation of the textbook[182] – i.e. are not fully self-explanatory independent of other FSTP-mails.

[9]   S. Schindler: "Patent Business — Before Shake-up", 2015, 2017, 2019/Q4.
[182] S. Schindler: "AI Based Patent Technology", Textbook, to be publ. in 2020.
[372] S. Schindler: "'ISLs' & KRs, and Easily Drafting&Testing Patents for Robustness", pbl. 16.05.2017*)
[374] Justice Thomas: Friendly Comment on FSTPtech, 04.12.2015*)
[504] USPTO: The 2019 §§ 101&112 Guidelines, 04.01.2019*)
[508] B. Wittig, S. Schindler: "UC's vs. Broad/MIT/Harvard's CRISPR Patents & the Supreme Court's Framework — Graphical Support in (^{MBIO}ETCI Specification', Part V', , to be pub. before 08.12. 2019.

[550] S. Schindler: "A Comment on Two Heavyweight Letters to the Congressional Subcommittee", publ. 5.08.2019*)
[552] S. Schindler: "CAFC's Anew Legal Errors in Its ETCIs' PE-Decisions Need Supreme Court Clarification.", p.15.10.2019*)
[562] S. Schindler: "CAFC's & USPTO's ETCI-Patenting Fails Rationalizing ......", publ. 24.10.2019*)
[566] USPTO: The 2019 § 101 October PE Guideline[504], 18.10.2019*)
[570] S. Schindler: "US SPL & Its ETCIs are Det. Maths — i.e. Appl. Maths.", this mail, publ.31.10.2019*)
[572] S. Schindler: "No 101-Panel as Any Other", publ. 04.11.2019*).
) documents & complete Ref. List on www.FSTP-expert-system.com

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'**worlds of concerns**' of substantive rights and procedural rights: Any '**procedural right**' is by definition depending on one of its many international and/or national environments (at least), while any **substantive right** is (vastly) environment independent, but in IPR varying only between SPL/SCRL/STML — thus greatly facilitating finding a common international standard on SPL (at least).
      Another indispensable reason, why ETCIs are so amenable to scientification, is that their vast majority (if not all of them) are items of finite, first order logic, 'FFOL' — i.e. of a class of mathematically especially simple problems (not elaborated on, here).