Enfish & *TLI*: The CAFC in Line with the Supreme Court's *MBA* Framework

Sigram Schindler,
TU Berlin & TELES Patent Rights International GmbH

I. Overview about this *Enfish*&*TLI* Comment

By its decisions in *Enfish v. Microsoft* of 12.05.2016 and in *TLI* v. ... of 17.05.2016 the CAFC clarifies the benchmark for a legal dispute about an alleged invention's patent-eligibility.[290] They therewith get the CAFC in line with the Supreme Court's *MBA* framework,[1.a)] made-up from its unanimous *KSR/Bilski/ Mayo/Myriad/Biosig/Alice* decisions, introducing many uncertainties into the patent community.[1.b)]

This '*Enfish*&*TLI* comment' will briefly[1.f)] show that now the CAFC by them removes some of these notional[1.c)] uncertainties.[1.b)] The CAFC's *Enfish* opinion namely stops the misbelief in the legality of an ETCI's •claim interpretation à la BRI^{PTO} and •claim construction in "free-style" – while its *TLI* opinion indeed sharpens and confirms *Enfish* (though the former is not noticed by the CAFC, see Section II.3).

To this end, Section II shows: both the CAFC's opinions explicitly – or only implicitly – state the necessity of first determining an ETCI's •^{1}"inventive concept(s), inC(s)" (for enabling ETCI's correct and complete description, thus therein (not thereof[1.g)]) enforcing •^{2}"levels of abstraction"), by its so determined inC(s) its •^{3}"claim interpretation", finally by its so determined claim interpretation its •^{4}"claim construction".[1.h)]

Section III finally suggests how to transfer this advanced patent knowhow[292] into broad practical use, in and via the USPTO.[1.i)] Namely, by automatically guiding its future users: From their today's classical patent knowhow to this *MBA* framework based advanced patent knowhow – by practically applying all the latter's refinements by a series of tests (e.g. of the "FSTP-Test"[1.a)] in MRF[281] version), thus showing them the persuasive convenience/quality/efficiency/safety of testing ETCIs under the *MBA* framework.

---

[1] **.a** *Mayo* [here: *Mayo/Biosig/Alice*, *MBA*] **framework** is a notion introduced by the Supreme Court, meaning SPL's 'post-*MBA* pragmatics'.[1.b)]
SPL stands for 'Substantive Patent Law' (interpreted by the *MBA* framework), e.g. 35 USC §§ 101/102/103/112, or EPA §§ 52-57/83/84.
ET/**CT** abbreviates 'emerging/classical technology', **ETCI/CTCI** 'ET/CT based claimed invention', **FSTP** 'Facts Screening/Transforming/Presenting'.

.b All 6 decisions are triggered by problems introduced by ETCIs into SPL precedents about them – ETCIs' properties are namely game changers, as being model based and hence potentially highly preemptive [260] – and provide the Supreme Court's trail blazing solutions to these problems.
But hitherto, the CAFC's interpretation of this *MBA* framework did not resolve uncertainties in the US patent community[271] about notions[1.c)] that the Supreme Court introduced by this *MBA* framework into SPL precedents about ETCIs or it thus put anew into question (as evidently being dubious) – especially as to determining, for an ETCI, its "inventive concept(s)", [271] "claim interpretation", [279] "definiteness",[1.d)] and "patent-eligibility".[1.e)]

.c A '**term**' is an arbitrary '**identifier**' alias '**name**' alias '**acronym**'. A pair <'term', its 'meaning'> is called '**notion**', denoted by its term/name. A term/name may be unspecific or a structured string, such as a sentence, e.g. a claim' wording. A notion's meaning, assigned to its term/name, is called its '**semantics**', if refined for an application's need, its '**pragmatics**'. Making/Creating new meanings/semantics/pragmatics is called '**semiotics**'. Thus, the *MBA* framework performs 'SPL semiotics' by refining the classical SPL notions/pragmatics, as SPL needs for protecting ETCIs.[1.b)]
Interpreting a term stands for determining the term's meaning by deriving it from its "semantics base" alias "interpretation base", i.e. for assigning to it semantics/pragmatics. If this term is an ETCI's claim wording, this basis is ETCI's inventor within the framework disclosed by ETCI's specification, as it is understood by the 'person of pertinent ordinary skill and creativity, **pposc**' – as required by the Supreme Court's *KSR* and *Biosig* decisions. .

.d by CAFC's ignoring the Supreme Court's *Biosig* decision (explicitly clarifying both notions), just as its *Mayo/Alice* decisions (implicitly clarifying them).
The CAFC in some of its decisions even managed to explicitly refer to the Supreme Court's *Mayo/Alice* decisions but nevertheless to totally "abstract from them" – though, in a fashion now by *Enfish* explicitly qualified as legal error as contradicting the *MBA* framework.
These legal errors as such were already identified by the author, e.g. in the CAFC's last *Myriad* and other by the author criticized decisions[160]. Though, he thereby used a slightly different rationale – by assuming that legal reasoning as to testing ETCIs under SPL would not be "poisoned" by therein taking into account also the necessary Rationality of such testing,[2.a)] i.e. without thereby deviating a single millimeter from what the Supreme Court's SPL interpretation[1.c)] by mathematical AI based Rationality necessarily[2.a)] implies anyway.

.e Except the CAFC's *DDR* decision – the CAFC's *Enfish* opinion now being a clear confirmation of its *DDR* decision.
Enfish even uses significantly more of the *MBA* framework than *DDR*, due to the additional issues raised by *Enfish's ETCI* before the District Court.

.f Due to the careful reasoning in both opinions (yet see Section II.3) – and the assumption that the reader is familiar with them, just as with relevant FSTP-papers – it will suffice just to refer to the paragraphs in these opinions for providing by Section II the respective evidences.

.g Recognized[271] as a stumbling block for understanding the *MBA* framework as to § 112(6/f) in "software ETCIs", now clarified by the *Enfish* opinion.

.h That these 3 steps comprise the '2-step-algorithm' outlined by the *MBA* framework and repeated by both these CAFC decisions and the USPTO's resp. guidelines[235] is outlined in Section II.2
Here it suffices to note that all these SPL notions are insolubly intermeshed with each other, i.e. none of them is for an ETCI rationalizable[2.a)] without all its other ones. In particular: It is wishful thinking (i.e. of highly speculative Metaphysics[2.a)]) to believe, an ETCI's whatsoever property were rationally[2.a)] decidable, without rationally[2.a)] knowing all its other "*MBA* framework" properties.

i. as outlined in[271Sec.II.3] and earlier in[9.b], here by Section III further clarifying these outlines.

II. Both CAFC Decisions Acknowledge the Necessity of SPL Testing an ETCI by its "inCs"

The last but one paragraph in Section I explained what Section II shall show, only: That the CAFC's opinion in *Enfish* (just as in *TLI*) no longer bases its whole SPL test of an ETCI solely on the ETCI's limitations – but instead on the ETCI's "inventive concept(s), inC(s)".

Thus, an ETCI's "inventive concept(s), inC(s)" as such is(are) not discussed here (as done already e.g. in[271]), nor why the *MBA* framework requires an ETCI's claim interpretation to be founded on the ETCI's inCs, nor why these inCs enforce "levels of abstraction"[271] in it, ... – namely, for enabling rationalizing an ETCI[2.a)] and its FSTP-Test[3.e)] and thus vastly or even fully automatizing it (see Section III).

Elaborating on this explanation[2.b)], Section II.1 briefly indicates for *Enfish*'s opinion – but holding also for any opinion about any ETCI – that if therein the above 4 $\bullet^i$-requirement-statements are met by the ETCI at issue, then the decision based on this opinion has a good chance to be in line with the *MBA* framework.[2.c)] All today's decisions consider this "good chance" to be an assessment that this is so.[2.d)]

Section II.2 for convenience repeats the FSTP-Test from[271], and also explains what the fundamental distinction is between deriving an SPL decision about an ETCI the today usual way only, i.e. as the CAFC in *Enfish* exemplarily showed, and alternatively[2.c)] by additionally applying the FSTP-Test to the so far not yet rationalized opinion about this ETCI for rationalizing this opinion and hence this ETCI.

Section II.3 then shows by the *TLI* opinion what dramatic simplification is achievable for it by supporting the initial and indispensable facts finding about an ETCI (here the *TLI*-ETCI) – as described by the $\bullet^1$-/$\bullet^2$-/$\bullet^3$-statements of speculative Metaphysics[2.a)] – right from its beginning by the FSTP-test1.

---

[2] **.a** For clearly understanding – not just vaguely – what exactly is done by our brain in testing an ETCI for its satisfying SPL, requires clarifying the 4 notions[1.a)] "transcendental"/"metaphysical"/"rational"/"reasonal", i.e. Kant's approach to thinking[203,230,282] based on these 4 qualities, in turn being based on the notions "necessity" and "sufficiency". Thereby here thinking is reduced to thinking only about "testing an ETCI for its SPL satisfaction".[237]

These 4 terms' indicate that the so identified 4 notions[1.c)] are intended for this underlined use only – just as the below recursive definitions by axioms of the meanings assigned to these 4 terms.

Up-front is noticed that these definitions enable "rationalizing items' knowledge representations" by their knowledge representations' transformations from "their originally speculative metaphysical knowledge representations", in particular and abbreviated rationalizing the notion 'directed to'.[142]

A "**transcendental**"/"**metaphysical**"/"**rational**" item (e.g. notion, property,) of an ETCI is not/partially/fully correctly&completely pposc intelligible. Any fully mathematically described – for short: mathematical – item is assumed to be intelligible; yet nothing mathematical of it (though necessary) needs to be seen for its intelligibility.[273] Its stages of intelligibility suppose some decomposability of no/some/any part of it into an equivalent conjunction of its properties axiomatically defined by MII definable models[273] – subject to certain mathematical limitations imposed on MII models.[142]

An ETCI's "**Rationality**" comprises any of its such items with notional properties necessary and sufficient for identifying it completely, "**Metaphysics**" any item with at least 1 only necessary notional property (i.e. not rationally identifying it), "**Reason**" alias "**Reasonality**" any item of Rationality or **scientific** Metaphysics (i.e. of **non-speculative** = "alternativeless" Metaphysics). An item without a necessary property is of "**Transcendency**". "Rationality"/"Metaphysics"/"Reason"(= "Reasonality") is the set of all rational/metaphysical/reasonal notions, called rational/metaphysical/reasonal "**Knowledge**" about this ETCI. While Reasonality and Rationality mathematically have evidently different meanings, in this context they are seen as being the same, i.e. as synonyms. Thus – as with Kant – only one term is used, here: Rationality (while he needed for his generality the broader notion Reason).

A "**rationalized item**" is a set of items wholly encapsulated within a set of rational notions, each defined by an axiom, rendering this item's conjunctive notion $\in$ Rationality potentially non-decomposable and totally hiding any transcendent or speculative item(s) it shields – if any comprised.

Any $\in$ Rationality (by Kant: $\in$ Reasonality/Rationality) comprises, additional to its cognitive meaning, also ethical meaning here irrelevant.[237]

This rationalization of an item is achieved by a set of models metaphysically assumed to be capable of realizing the set of items to be "**rationalized**". Any rational item – allegedly correctly&completely intelligible by a human being, such as the fictive pposc[1.c)] – results from his/her brain having internalized that this model "trivially" has this highly speculative metaphysical capability to realize it. But that is how rationality works, understood only since the 19th/20th century and its recognizing the capabilities of axiomatization of notions. Nevertheless, this rationalization of ETCIs enables consistency in SPL precedents about them. How to represent model-independent "**absolute rationality**" hasn't been recognized yet – if it should exist.

Introducing these qualities of thinking/rationales, here, is not caused by the author's philosophical ambitions. But: As we all know, self-reflectorily permanently remaining aware of them in our thinking about an issue substantially supports our brain in properly coordinating this thinking, often enabling it to prevent us from being confused in this thinking – as it otherwise were likely to happen, as we then potentially were unaware of the difference between allegedly synonymous statements.

This applies in particular to the necessarily precise and deterministic thinking about testing an ETCI for its satisfying SPL. The current/classical patent knowhow is not aware that some of its usual rationales concerning an ETCI – e.g. its claim interpretation, its claim construction, and even both mixing it up – is, as any ETCI is model based, of speculative metaphysical quality only. This disables, by the above definition of Rationality, any Rational discussion in particular about any SPL interpretation for adjust SPL precedents to the needs of ETCI (hitherto totally ignored), implying the Supreme Court's *MBA* framework, determined by it to this end. The cacophonic discussion about it is the result. Thus, here assessing that such SPL rationales are of Rational quality only is indispensable for achieving consistent and predictable SPL precedents about ETCIs – what the FSTP-Project is striving for.

.b All that Section II shall show for the CAFC's *Enfish* opinion is that all "$\bullet^i$-statements" are true, $1 \le i \le 4$. To this end it only must show that for any $\bullet^i$-statement, this opinion must comprise at least 1 paragraph proving its truth. Then this opinion's so outlined ETCI has a good chance to pass the FSTP-Test, and thereafter were proven to be in line with the *MBA* framework's requirements – which is known to hold iff it does passes the FSTP-Test.[271].

.c In Section II.1 these 4 more detailed requirements are represented as 4 questions, to be answered by 'yes' iff the so represented requirement is met.

.d – erroneously assuming that SPL were, just as allegedly any other law, no exact science, an assumption falsified by the FSTP-Project evidently–

II.1 The CAFC's *Enfish* Decision is in Line with the *MBA* Framework[2.b)]

Any below •[1] - •[4] line identifies by a pair (page#, ...) right of its "**:**" at least 1 of those sections[3.a)] of the CAFC's *Enfish* opinion that comprises a CAFC rationale that shows that it restates the requirement (identified by a resp. term[1.c)] left of its "**:**") that the *MBA* framework requires to be restated in an ETCI's test for SPL satisfaction – as this test's meeting this requirement is necessary for enabling this test to contribute to the determination whether this ETCI satisfies SPL (in the Supreme Court's *MBA* framework interpretation).

That these 4 *MBA* framework requirements now are stated also by the CAFC's *Enfish* opinion[3.b)] and indeed correctly applied therein[3.c)] – which is new[1.e)] – which is a necessary condition for the CAFC's finding that the *Enfish*-ETCI is patentable and patent-eligible. But caution is in place: Firstly, these are no sufficient such conditions,[1.b)] and secondly they evidently are qualitatively of speculative Metaphysics[2.a)], i.e. do not enable rational decisions about the ETCI at issue (even if shown to be sufficient for it, too).

•[1] Is the ETCI correctly&completely describable by "inC(s)"?	:	**yes,** page 12, line 1[3.a)]
•[2] Are "levels of abstraction" determinable by these •[1]-inC(s)?	:	**yes,** page 14, middle of middle paragraph[3.a)]
•[3] Is its "claim interpretation" depending on these •[1]-inC(s)?	:	**yes,** page 14, last para. - page 15, 2. para.[3.a)]
•[4] Is its "claim construction depending on these •[1]-inC(s)	:	**yes,** page 14, last para. - page 15, 2. para.[3.a)]

Painting a summary with a broad brush: The CAFC bases its *Enfish* decision on these 4 yes answers[1.d)] – representing its *Enfish* opinion in a condensed form – and abstains from rationalizing[2.a)] it by not applying the FSTP-Test to the *Enfish*-ETCI for rationalizing it, and hence also rationalizing its decision. I.e.: It leaves this decision in the speculative Metaphysics[2.a)] in which the *Enfish*-ETCI is specified in its patent – and in which today rest all ETCI specifications and all SPL precedents about them.

II.2 The Significance of the FSTP-Test[271] for any ETCI, e.g. the CAFC's *Enfish&TLI* decisions

This section keeps painting with a broad brush for facilitating grasping, what FSTP/Patent/Innovation-Technology is going for, at all. Thereby 3 statements of increasing power may be helpful:

I) The FSTP test is a rational refinement of the "TS test".[3.d)]
II) The FSTP test is a rational exhaustive refinement of the TS test.
III) The FSTP test is the only rational exhaustive refinement of the TS test.[3.e)]

Mathematically, **I)-III)** will be proven in[142]. Intuitively, an idea about them is gained when envisioning that the TS test[3.d)] is (almost completely) located on its O-level of human notional resolution, and comprises all ETCI's O-level descriptions, i.e. all ETCI's O-KRs (= all ETCI's O-level knowledge representation). By contrast, the FSTP[3.d)] is (almost completely) located on the A-/E-levels of notional resolution, both by de-

---

[3] **.a** an exhaustion of this CAFC opinion need to be performed for finding all such CAFC references – a single one suffices for indicating the crucial fact.

.b – which is nothing new, as virtually all patent-eligibility court decisions, not only those by the CAFC, pretended for some time already that they were obeying the *MBA* framework and then proceeded as the CAFC[1.d)] –

.c i.e., their meanings are determined as indicated by the Supreme Court, which is disclosed by the CAFC's applying them in analyzing an ETCI allegedly as required by the *MBA* framework.

This Supreme Court indication as to its *MBA* framework is only of principal nature, expecting the *MBA* framework based patent knowhow development by the courts and the patent community would elaborate on this indication as neccessary[2.a)] for rationalizing it – as the following metaphor confirms.

JUSTICE BREYER [69]: "*Different judges can have different interpretations. All you`re getting is mine, okay?*

I think it`s pretty easy to say that Archimedes can`t just go to a boat builder and say, apply my idea. All right. Everybody agrees with that. But now we try to take that word "apply" and give content to it. And what I suspect, in my opinion, Mayo did and Bilski and the other cases is sketch an outer shell of the content, hoping that the experts, you and the other lawyers and the – the circuit court, could fill in a little better than we had done the content of that shell. So, so far you`re saying, well, this is close enough to Archimedes saying "apply it" that we needn`t go further." [3.e)]

.d "**TS test**" stands for the *MBA*-framework's/CAFC's/USPTO's famous "**T**wo **S**tep" test. The TS test just as the FSTP test is, for all ETCIs, a test scheme[271.ftn4)] (defined to be, for any ETCI, the set of all TS tests resp. FSTP tests), TS tests only on the O-level, FSTP tests only on the A-/E-levels.

e. If the Supreme Court's TS test (evidently on an ETCI's O-level) is taken as representing the "*outer shell*"[3.c)] of its *MBA* framework, then the FSTP test (evidently on its A-/E-levels) is representing "*the content*" being FSTP technology – induced by Archimedes' idea and his "*apply it*", which definitively worked beautifully. I.e.: **I)-III)** is an incarnation of the Supreme Court's expectations as presented by the metaphor[3.c)], modulo isomorphisms the only one.

finition of refinement[3.d)] stepwise increasingly refining all ETCI's O-KRs (determined by the TS test) into the resp. ETCI's A-KRs/E-KRs (determined by the FSTP test). Thus, the intuitive total picture is: Any ETCI has a so defined O-KR, A-KR, and E-KR (and this picture is also mathematically correct[142]).

Finally note: While the TS test (and the whole *MBA* framework) is declarative alias non-procedural and of speculative Metaphysics, the FSTP test is procedural[4.a)] and of Rationality. Consequently, applying the TS test to an ETCI also is non-procedural and of speculative Metaphysics, which by definition of Rationality excludes rationally arguing about the TS test or its application to an ETCI. I.e., the past controversies about the TS test had to arise, by Rationality[2.a)], and are definitively excluded[3.e)] for the FSTP test.

In determining the *Enfish*-ETCI's patent-eligibility, the CAFC opinion still had to stay in speculative Metaphysics and hence to take the latter's high risks, which yet may be completely excluded by proving by the FSTP test (≡ rationalized TS test) this ETCI's indeed patent-eligibility – as FSTP-test6 would detect.[4.a)]

This stereotype in user controlled automatic testing ETCIs under SPL might be the only way of successfully managing the fast dissemination of advanced patent knowhow to a large crowd (see Section III).

1)	(a) input:	COM(ETCI#)	::=	values of I,N,K[1],..., K[N], and user-names for the ETCI and (optional) for ∀ ϵ of the set A-crC::= {A-crC0n | 1≤n≤N} ∪ E-crC::= {E-crC0nk| 1≤n≤N ∧ 1≤k≤K[n] };
	(b) justof[∀1≤n≤N]:	A-crC0n''	=	∧[1≤k≤Kn]E-crC0nk, 1≤n≤N, whereby A-crC0n''::= A-crC0n mod({∀ϵE-ncrC0n});
	(c) justof[∀ϵCOM(ETCI#)]:	COM(ETCI#)		is (definite over posc) ∧ (E-COM(<TT0,Φ>#)describes a useful ∧ E-COM(ETCI#) describes a new&useful invention);
	(d) justof:	***Biosig*-test**	**is passed:** iff	this COM(ETCI#) is definite∧complete;
2)	justof[COM(ETCI)]:	**ETCI Disclosure-test**	**is passed:** iff	∀ϵCOM(ETCI#) are lawfully disclosed: COM(ETCI#)=> COM(ETCI);
3)	justof[∀1≤n≤N]:	**ETCI Enabling-test**	**is passed:** iff	∀ϵA-crC0n its implementability is disclosed "for being E-crC tested ";
4)	justof:	***Bilski*-test**	**is passed:** iff	E-crC\E-crCmod(A*#) ≠ Φ;
5)	justof:	***Mayo-IMyriad*-test**	**is passed:** iff	[ULP]E-crC::=∀ϵ {E-crC unlimitedly preemptive} are identifiable;
6)	justof:	***Alice*-test**	**is passed:** iff	(**1)-5)** hold) ∧ ∄ϵ(E-crC\[ULP]E-crC) that is unlimitedly preemptive;
7)	justof[∀1≤n≤N^1≤k≤Kn]:	**Independence-test**	**is passed:** iff	∀ϵ {E-crC0nk | 1≤n≤N ∧ 1≤k≤K[n]} are independent of each other;
8)	justof[∀111≤ink≤INKn]:	***KSR*(RS)-*test***	**is passed:** iff	∀ ANM(i,n,k)::= if (E-crCink = E-crC0nk or equal within their tolerances) then "A" else "N";
9)		***Graham*(RS)-test**	**is passed:** iff	<∀[nk]ϵ = A> ∉ {∀AC over ANM}.

FIG2: *The FSTP-Test – Checking an ETCI for its Meeting all 9 Requirements Stated by the MBA Framework* (number consistent to[271])

Legend2: The horizontal dashed line separates – for an ETCI alias pair of <an invention/TT0, its application/A*> alias "**patent (non)eligible subject matter**" – its refined claim interpretation (above it) from its refined claim construction (below it). The latter potentially skips test4-test8 (in particular below the horizontal double line iff RS=Φ).[4.a)]

II.3 The CAFC's *TLI* Decision also is in Line with the *MBA* Framework[4.b)]

After this clarification of the FSTP-Test it is evident that applying it to the *TLI*-ETCI would dramatically simplify the CAFC's *TLI* decision. All that needs to be taken from its opinion is its technically correct (as known by the pposc[1.c)]) statement (page 12, last para.) that the *TLI*-ETCI embodies no inC.[4.b)] Hence the *TLI*-ETCI does not pass the FSTP-Test as it is unable to pass FSTP-test1. I.e., the *TLI*-ETCI is not patent-eligible – as totally non-inventive.[4.c)]

---

[4] **.a** The executability of the FSTP test – even fully automatic where purely Rational, otherwise semi-automatic anyway – is its huge advantage over the in no way in reality executable TS test. Thus, immediately after having in speculative Metaphysics determined some COM(ETCI#) of the ETCI at issue, the FSTP test on this combination of ETCI's inCs may be started (which would greatly simplify e.g. the CAFC's *Enfish* opinion, and the more its *TLI* opinion, as Section II.3 explains). The above intuitive reasoning showed, where this COM(ETCI#) comes from and why the FSTP test only seemingly omits the O-level.
.b – though due to another reason than that one, on which the CAFC decision is based: *TLI* discloses solely non-inCs, i.e. non-inventive concepts, as known by the pposc[4.c)] – "per se" totally irrelevant for SPL; and an inventive combination of some of them, implying an inC, is nowhere disclosed in the *TLI*-ETCI specification. Nevertheless: The CAFC also in its *TLI* opinion explicitly confirms the necessity of an ETCI's inC(s) for its being patent-eligible.
.c Hitherto, this trivial patent-eligibility exemption – consistent to the iff term in[2.b)], i.e. to the FSTP test's applicability domain – was unnoticed. Thus, the CAFC's *TLI* decision – here arguing exactly as the FSTP test – sharpened the patent-eligibility benchmark, if it declared this to be a serious legal error. This were totally rational[2.a)] – as patents granted on totally non-inventive subject matter otherwise were potentially protected by *Teva*[217], not mentioning it.

III. USPTO's EPQI "Master Review Form, MRF" and Disseminating SPL Knowhow

The IES [9]5.a) may seamlessly interoperate, via the Internet, with the USPTO's EPQI[281] as to all SPL issues, e.g. in prosecuting patent applications&reexaminations,5.b) thus broadly & fast disseminate its SPL knowhow:

Thus MRF-based communications would enormously facilitate the international mass market getting familiar with classical patent knowhow – by starting testing a CTCI or an ETCI, in whatever state of its development, by applying to it by default only the classical claim interpretation & construction tests.5.c)

Thus MRF-based communications would also enormously facilitate getting familiar, on top of that, with the more crucial *MBA* framework based patent knowhow alias advanced Innovation/Patent Technology – internationally of greatest interest for inventors/R&D-managers/SPL-experts/PTO-examiners.5.d)

Both cases namely established, for any user whatever, a smooth approach to getting acquainted with

- initially tentative and later in-depth/safe-side understanding of the MRF's Q/A part (questioning the outcome of the ETCI's classical claim interpretation&construction, in particular on the basis of the MPEP, IEG, and related USPTO support material), by thereafter
- automatically and proactively tightly guiding this user through this complete *MBA-framework-based* test – this refined claim interpretation&construction for this ETCI, being required by the Supreme Court to be used in testing ETCIs for satisfying SPL – and thereby
- enabling this user to be context sensitively taken back any time by the IES to the peer Q/A part of the MRF support and potentially commented on by the user for conveniently reiterating her previous such input for assessing the consistency of both kinds of claim interpretation & construction and for communicating on questions raised by the examiner.

Thus IES'es MRF-communications evidently established, also for its "high potential" users5.e), a clearly innovations fostering environment for drafting, under automatic *MBA*-framework-based guidance/control /supervision, ETCIs' specifications accordingly[260]. This made it very awarding for examiners, to cooperate with whomsoever on crucial issues encountered – thus accelerating this knowhow dissemination.

---

5 **.a** The "**Innovation Expert System**, **IES**", supporting using the FSTP-Test by cutting edge AIT[2] for a variety of purposes in everyday patent business – especially for drafting and/or prosecuting legally maximally robust patents on ETCIs as well as for litigations about them – shall become ready for being broadly used by the end of 2017, though friendly testers of the IES prototype as described in[261,283-285] should get access to it by the end of this year.

.b Here it is assumed, the MRF[281] program part concerning an ETCI being prosecuted will be accessible to its stakeholder(s) as regards the MRF's SPL sections. Up to entitlements, this IES user could thus cooperate end-to-end, asynchronously or synchronously in realtime, with the USPTO about such MRF sections.

.c I.e.: An IES/FSTP user may run the FSTP-Test also on a CTCI or an ETCI but treating it as CTCI – simply by ignoring the separation line between CTCIs and model-based ETCIs, i.e. taking its O-/A-/E-inCs as being identical (as are the today common limitations) and staying with its classical claim interpretation's "limitations". In this case the FSTP-Test is evidently considerably simplified. Yet, this may render meaningless successfully passing test1-test9, as this does not guarantee the total robustness of a patent granted for a thus tested ETCI/CTCI.

Proceeding as just outlined is nevertheless sometimes a practically important entry-level step in launching this ETCI's truly refined claim interpretation&construction, i.e. ETCIs' SPL satisfaction test (in the Supreme Court's *MBA* framework1.a) interpretation), performed by an examiner/judge/... or before by its inventor/drafter/..., skipped by experienced IES users.

In this case, FSTP-test1(b) is trivially passed, but FSTP-test1(d) makes absolutely no sense, as there is no way of rationally deriving from a series of limitations, whether it yields a definite result or whether this result is what the inventor had in mind as his/her invention when she/he disclosed it in her/his resp. specification – as is evident for a model-based invention, i.e. ETCI.

Also e.g. FSTP-test3 is vastly meaningless alias of highly speculative Metaphysics2.a), again due to not having a specification of the tested ETCI as a sum of its inventive increments alias inCs, but only as a conjunction of limitations of something not defined at all – just as FSTP-testo, o=4-9.

I.e.: It can be of no surprise that granting patents based on this highly speculative Metaphysics often leads to legal controversies. These can be avoided only by granting patents based on Rationality.2.a)

.d The market that the USPTO by its recent IEG[235.b] and the IEG updating MEMORANDUM[292] addressed – and that is comprised by the EPQI part referred to in this and in the preceding paragraph – is evidently primarily the US one. Yet, it may be expected that it will internationalize much faster than hitherto encountered, due to the leading position of the US in innovation business and now its internationally unique support by the •Supreme Court's *MBA* framework (as currently implemented by the CAFC) and • USPTO's openness, evidenced by its EPQI.

.e For them: Today, passing the FSTP-Test by an ETCI does not guarantee its total legal robustness. Namely: While today legal errors theoretically are already excludable completely (as far as this ETCI's finite problem has already been settled by the Supreme Court's precedents), factual statements about an ETCI would still depend on the pposc's statements about its crCs as interpreted by a District Court (*Teva* here clarified details.[217])

Formal Semantics research[288], will enable within a few years automatically and mathematically correctly translating an ETCI's factual statements written in MII[273] and integrate them into the FSTP-Test – rendering superfluous pposc's resp. confirmations, for certain[273] ETCIs all of them.

The FSTP-Project's Reference List

FSTP = Facts Screening/Transforming/Presenting (Version_of_25.05.2016[*])*

Most of the FSTP-Project papers below are written in preparation of [182] – i.e. are not intended to be fully self-explaining independently 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 Tech. Inventions Now without Intricacies"[*].

[2] AIT: "Advanced Information Tech." alias "Artificial Intelligence Technology" denotes cutting edge IT areas, e.g. Knowledge Representation/Description Logic/Natural Language (NL)/Semantics/Semiotics/System Design.

MAI: "Mathematical Artificial Intelligence", the resilient fundament of AIT.

[3] R. Brachmann, H. Levesque: "Knowledge Represent. & Reasoning", Elsevier, 2004.

[4] F. Baader, D. Calvanese, D. McGuiness, D. Nardi, P. Patel-Schneider: "The Description Logic Handbook", CUP, 2010.

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

[8] S. Schindler, J. Schulze: "Technical Report #1 on '902 PTR", 2014.

[9] **.a** S. Schindler, "Patent Business – Before Shake-up", 2013[*].

.b S. Schindler, "Patent Business – Before Shake-up", 2015[*].

[10] SSBG's AB to CAFC in LBC, 2013[*].

[11] S. Schindler, **"inC" pat. appl.**: "inC ENABLED SEMI-AUTO. TESTS OF PATENTS", 2013[*].

[14] "USPTO/MPEP: "2111 Claim Interpretation; Broadest Reason. Interpretation"[*].

[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 End. Instit. for Comm. Innovation", Stanford/GWU[*].

[17] CAFC En banc Hearing in LBC, 12.09.2013.

[18] USSC: SSBG's AB in CLS, 07.10.2013[*].

[19] USSC: SSBG's AB in WildTangt, 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, "An Inventor View at the Grace Period", Kiev, 2013[*].

[23] S. Schindler, "The IES and inC Enabled SPL Tests", Munich, 2013[*].

[24] S. Schindler, "Two Fund. 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] USSC: SSBG's AB in Bilski, 06.08.2009[*].

[28] N. Fuchs, R. Schwitter. "Att. to Con. E.", 1996.

[29] A. Paschke: "Rules / Logic Programming in the Web". 7. ISS, Galway, 2011.

[30] K. Ashley, V. Walker, "From Info. to Arg. Retr. for Legal Cases", Bologna, JURIX-2013[*].

[31] CAFC, H. in Oracle / Google, "As to Copyrightability of the Java Platf.", 06.12.2013.

[32] S. Schindler, "A KR Based Inno. E. Sys. (IES) for US SPL Preceds", Phuket, ICIIM-2014[*].

[33] S. Schindler, "Status Report about the FSTP Prototype", Hyderabad, GIPC-2014.

[34] S. Schindler, "Status of the FSTP Prototype", Moscow, LESI, 2014.

[35] S. Schindler, IPR-MEMO: "STL, SCL, and SPL – STL Tests seen as SCL Tests seen as SPL Tests", 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. Bey, C. Cotropia, "The Unreasonableness of the BRI Standard", AIPLA, 2009[*].

[38] CAFC, Transcript of the Hearing in TELES vs. CISCO/USPTO, 08.01.2014[*].

[39] CAFC, Transcript of the en banc Hearing in CLS vs. ALICE, 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-Auto. Gen./Custom. of (All) Confirmative Legal Arg. Chains (LACs) in a CI's SPL Test, Enabled by Its Inventive Concepts", 2014[*].

[44] R. Rader, S. Schindler: Panel disc. "Patents on Life Sciences", Berlin, LESI, 2012.

[45] USSC: SSBG's AB as to CIls, 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", U Warsaw, 24.05.2014[*].

[47] S. Schindler: "Auto. Generation of All ASTs for an Invention's SPL Test".[*].

[48] USPTO/MPEP, "2012 Proc. for Subj. Mat. Eli. ... of Pro. Claims Inv. Laws of Nature", 2012[*].

[49] USPTO/MPEP, Supp. Ex. Guideli. for Determ. Compli. with 35 U.S.C. 112; MPEP 2171[*].

[50] NAUTILUS v. BIOSIG, PFC, 2013[*].

[51] BIOSIG, Respondent, 2013[*]

[55] B. Russel: "Principia Mathematica", see wikipedia.

[56] CAFC Decision Phillips v. AWH Corp., 12.07.2005

[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 Cap. of S-Auto. Gen./Invoking All LACs in the SPL-T ..., Ean. by InCs", 2014[*].

[60] S. Schindler: "Auto. Der. of All Arg. Chains Leg. Def. Patenting/Patented Inventions", **ISPIM, Montreal,** 6.10.2014, [*].

[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 Mathe. Structure Modeling Inventions", Coimbra, CICM-2014[*].

[65] SSBG's Petition to the CAFC for Rehearing En Banc in the '902 case, 18.04.2014[*].

[67] CAFC: THERASENSE decision, 25.05.2011

[68] B. Fiacco: Amicus Brief to the CAFC in VERSATA v. SAP&USPTO, 24.03.14[*].

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

[70] R. Rader, Keyn. Sp: "Pat. Law and Liti. Ab.", ED Tex Bench and Bar Conf., 01.11.2013[*].

[71] S. Schindler, Keynote Speech: "eKnowledge of SPL – Trail Blazer into the Innovation Age", Barcelona, eKNOW-2014[*].

[72] .a) S. Schindler: "The Sup. Court's 'SPL Init.': Sci. Its SPL Interpreta. Removes 3 Everg. SPL Obscurities", PR, 08.04.2014[*].

.b) S. Schindler: "The Supreme Court's 'SPL Initiative': Sci. Its SPL Int. Rem. 3 Everg. SPL Obsc. and En. Auto. in a CI's SPL Tests and Arg. 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: "Prelim. Examin. Instructions in view of *Alice v. CLS*"[*].

[74] B. Wegner: "The Mathematical Background of Proving an InCs Based Claimed Inv. Satisfies SPL", 7. GIPC, Mumbai, 16.01.2015.[*]

[75] CAFC Order as to denial [65], 27.05.2014

[78] R. Rader, Keynote Speech at GTIF, Geneva, 2014 and LESI, Moscow, 2014

[79] S. Schindler: "On the BRI-Schism in the US NPS ...", publ. 22.05.2014.[*])

[80] USSC: SSBG's PfC in '902 case, Draft_V.133_of_[121], publ. 14.07.2014[*].

[81] S. Schindler: "To Whom is Interested in the Supreme Court's Biosig Decision"[*]

[82] R. DeBerardine: "Inno.Corp.Per.", FCBA[*].

[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] S. Schindler Foundation: "Transatlantic Coop. for Growth and Security", DC, 2011.

[91] B. Wegner, S. Schindler: "A Math. KR Model for Ref. Cl. Cons. II", subm. for publication.

[92] SSBG's Petition for Writ of Certiorari to the Supreme Court in the '453 case, 06.10.2014[*].

[95] S. Schindler, ArAcPEP-MEMO: "Artifice, Action, and the Pat.-Eli. Prob.", in prep., 2014.

[97] S. Schindler, DisInTech-MEMO: "R&D on Pat. Tech.: Eff. and Safety Boost.", in prep., 2014.

[98] G. Boolos, J. Burgess, R. Jeffrey: "Computability and Logic", Cambridge UP, 2007.

[99] A. Hirshfeld, Alexandria, PTO, 22.07.2014[*].

[101] P. Michel, Keynote, PTO, 22.07.2014.

[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[*].

[113] S. Schindler: "The CAFC's Rebellion is Over – The Supreme Court, by *Mayo/Biosig/Alice,* Provides Clear Guidance as to Pat. ETCIs", published 07.08.2014[*].

[116] R. Merges: "Independent Invention: A Limited Defense of Absolute Infringement Liability in Patent Law", Berkeley, IPSC, 08.08.2014[*].

[119] www.zeit.de/2013/33/multiple-sklerose-medikament-tecfidera/seite-2[*])

[121] USSC: SSBG's PfC in '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 Thesis, TUB, 1971.

[127] USSC Decision in KSR .....
USSC Decision in Bilski .....
USSC Decision in Mayo .....
USSC Decision in Myriad .....
USSC Decision in Biosig .....
USSC Decision in Alice ....

[130] G. Frege: "Function und Begriff", 1891.

[131] L. Wittgenstein: "Tract. logico-philoso.", 1918.

[132] B. Wegner, MEMO: "About relations (V.7-final)", 25.04.2013[*].

[133] B. Wegner, MEMO: "About con. of pre. /con., scope and solution of problems", 20.08.2013.

[134] B. Wegner, MEMO: "A refined relat. between domains in BADset and BEDset", 18.09.2014.

[135] H. Goddard, S. Schindler, S. Steinbrener, J. Strauss: FSTP Meeting, Berlin, 29.09.2014.

[136] S. Schindler: "Tutorial on Commonalities Between System Design and SPL Testing".[*].

[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", in prep.

[138] S. Schindler: "The USSC Guid. to Robust ET CI Patents", ICLPT, Bangkok, 22.01.2015[*].

[139] USSC: 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] B. Wegner, S. Schindler: "A Mathematical KR Model for Ref. Cl. Int. & Constr. II", in prep...

[143] ..., Press, ..., to go into [137].....

[147] CAFC, Transcript of the Hearing in *Biosig* case, 29.10.2014[*].

[148] R. Rader: Confirming that socially inacceptable CIs as extremely preemptive, such as for example [119]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 ... – A Tut. about this Key to Increasing a Patent's Robustness", USPTO&GWU, 06.02.2015[*], see also [175]*).

[151] S. Schindler: "*Biosig,* Refined by *Alice*, Vastly Increases the Robustness of Patents – A Tutorial about this Key to Increasing a Patent's Robustness", in prep.*").

[152] S. Schindler: "Auto. Deriv./Reprod. of Legal Argument Chains, Protecting Patens Against SPL Attacks", Singapore, ISPIM, 09.12.2014[*].

[153] S. Schindler: "Practical Impacts of the Mayo/Alice/Biosig-Test – A Tutorial about ... Patent's Robustness", 2015 IP Scholars Roundt., Drake Uni. Law School, 27.03.2015*)

[154] CAFC Decision in *Interval*, 10.09. 2014[*].

[155] S. Schindler: "A Tutorial into (Operating) Sys. Design and AIT Terms/Notions on Rigorous ETCIs' Analysis by the Patent Cus.", in prep.

[156] CAFC Decision in *DDR*, 05.12. 2014[*].

[157] USPTO: "2014 Int. Guidance on Pat. Subj. M. Eli. & Examples: Abs. Ideas", 16.12.2014[*].

[158] USSC's Order as to denial [92], 08.12.2014[*].

[159] CAFC Decision in *Myriad*, 17.12.2014[*].

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

[161] S. Schindler: "The IES: Phil. & Func. &, Ma. F. – A Proto.", 7. GIPC, Mumbai, 16.01.2015[*].

[162] CAFC Decision in *CET*, 23.12.2014[*].

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

[164] J. Schulze, D. Schoenberg, L. Hunger, S. Schindler: "Intro. to the IES UI of the FSTP-Test", 7. GIPC, Mumbai, 16.01.2015[*].

[165] "ALICE AND PATENT DOOMSDAY IN THE NEW YEAR", IPO, 06.01.2015[*].

[166] S. Schindler: "Today's SPL Precedents and Its Perspectives, Driven by ET CIs", 7. GIPC, Mumbai, 15.01.2015[*].

[167] R. Sachs: "A Survey of Pat. Inv. since *Alice*". F&W LLP, Law360, New York, 13.01.2015[*].

[168] S. Schindler: "PTO's IEG Forum – Some Aftermath", publ. 10.02.2015[*].

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

[172] USSC Decision in *Teva*, 20.01.2015[*].

[173] USSC Dec. in *Pullman-Standard*, 27.04.1982[*].

[174] USSC Decision in *Markman*, 23.04.1996[*].

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

[176] R. Rader: Questions as to the FSTP-Test, WIPIP, USPTO&GWU, 06.02.2015.

[177] D. Karshtedt: "The Completeness Requ. in Pat Law", WIPIP, USPTO&GWU, 06.02.2015[*].

[178] O. Livak: "The Unresol. Ambiguity of Patent Claims", WIPIP, USPTO&GWU, 06.02.2015[*].

[182] S. Schindler: "Patent/Innovation Technology and Science", Textbook, in prep.

[183] S. Schindler: "The Mayo/Alice SPL Ts/Ns in FSTP-T&PTO Init.", USPTO, 16.03.2015[*].

[184] S. Schindler: "PTOs Certificate", Message by the FSTP-Test, e.g. EPO and USPTO", LESI, Brussels, 10.04.2015[*].

[185] R. Chen: Commenting politely on "tensions" about the BRI, PTO/IPO-EF Day, 10.03.2015.

[186] A. Hirshfeld: Rep. about the PTO's progress of the IEG work, PTO/IPO-EF Day, 10.03.2015.

[187] P. Michel: Moderating the SPL paradigm ref. by Mayo/Alice, PTO/IPO-EF Day, 10.03.2015.

[188] P. Michel: Closing this panel as to disc. of Mayo/Alice, PTO/IPO-EF Day, 10.03.2015.

[189] M. Lee: Luncheon Keynote Speech, PTO/IPO-EF Day, 10.03.2015[*].

[190] A. Hirshfeld: Remark on EPOI's ref. of pat. ap. examination, PTO/IPO-EF Day, 10.03.2015.

[191] 16th Int. Roundt. on Sem., Hilo, 29.04.2015[*].

[192] M. Schecter, D. Crouch, P. Michel: Panel Disc., Patent Quality Summit, USPTO, 25.03.2015.

[193] Finnegan, 3 fund. current uncert. on SPL prec, Patent Quality Summit, USPTO, 25.03.2015.

[194] S. Schindler, B. Wegner, J. Schulze, D. Schoenberg: "post-*Mayo/Biosig/Alice* – The Precise Meanings of Their New SPL Terms", publ. 08.04.15[*].

[195] R. Stoll: "Fed. Cir. Cases to Watch on Softw. Pat. – Planet Blue", Patently-O, 06.04.2015[*].

[196] See the panel at the IPBCGlobal'2015, San Francisco, 14-16.06.2015[*].

[197] S. Schindler: "*Mayo/Alice* – The USSC's Requirement Statement as to Semiotics in SPL & ETCIs, USPTO, 06.05.2015[*].

[198] S. Schindler: "Pats' Abs. Robust. & the FSTP-Test", LESI 2015, Brussels 18.04.2015[*], DBKDA 2015 Rome 27.05.2015.

[199] B. Wegner: "The FSTP Test – Its Mathe. Assess. of an ET CI's Practical and SPL Quality", LESI 2015, Brussels, 18.04.2015[*], and DBKDA 2015, Rome, 27.05.2015.

[200] D. Schoenberg: "The FSTP Test: A SW Sys. for Ass. an ET CI's Pract. and SPL Quality", LESI 2015 Brussels 18.04.2015 and DBKDA 2015 Rome 27.05.2015[*].

[201] Panel: "Patent Prosecution Session", AIPLA, LA, 31.04.2015.

[202] S. Schindler:: "The Notion of "InC", Fully Scientized SPL, and "Controlled Preemptive" ETCIs", published by 11.06.2015[*].

[203] I. Kant, http://plato.stanford.edu/entries/kant/.

[204] J. Lefstin: "The Three Faces of Prometheus: A Post-*Alice* Jurisprudence of Abstraction", N.C.J.L.&TECH, July 2015[*].

[205] CAFC Decision in *Biosig*, 27.04.2015[*].

[206] USSC Petition for Cert in ULTRAMERCIAL vs, WILDTANGENT, May 2015. .

[207] K.-J. Melullis, report about a thus caused problem with a granted patent at the X. Senate of the German BGH.

[208] S. Schindler: "Reach of SPL Prot. for ETCIs of Tied Preemptivity", published by 25.06.2015[*].

[209] CAFC Decision in *Ariosa*, 12.06.2015[*]

[210] S. Braswell: "All Rise for Chief Justice Robot", Sean Braswell, 07.06.2015[*]

[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[*].

[213] CAFC Decision in *Teva*, 18.06.2015[*]

[214] K. O'Malley, B. Lynn, A. Weiss, M. Cooper: "Pat. Lit. Case Man.: Reforming the Pat. Lit. Proc. …", FCBA, 25.06.2015.

[215] R. Chen, A. Bencivengo, N. Kelley, J. Reisman: "Claim Construct.", FCBA, 26.06.2015.

[216] P. Naik, C. Laporte, Č, Kinzig, T. Chappel, K. Gupta: "Chan. IP Norms and their Effect on Inno. in Bio-/Pharmaceut.-/High-Tech Sectors of the Corporate World", FCBA, 27.06.2015.

[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[*].

[218] B. Russel: "Principles of Mathematics", see Wikipedia.

[219] I. Kant: "The Metaphysical Foundations of Natural Science ", Wikipedia.

[220] CAFC Decision in *LBC*, 23.06.2015[*]..

[221] CAFC Decision in Cuozzo, 08.07.2015[*]..

[222] CAFC Decision in Versata, 09.07.2015[*]..

[223] CAFC Decision in *Int. Ventures*, 06.07.2015[*]..

[224] J. Duffy, J. Dabney: PfC, 13.08.2009[*].

[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[*].

[226] R. Stoll, B. LaMarca, S. Ono, H. Goddard, N. Hoelder: "Challenging Software-Business Method Pat. Eli. in Civil Actions and Post Grant Review", CASRIP, Seattle, 24.07.2015.

[227] A. Serafini, D. Kettelberger, J. Haley, J. Krauss: „Biotech and Pharma Patents Eligi..:", CASRIP, Seattle, 24.07.2015.

[228] D. Kettelberger, see [227]

[229] Justice Breyer: "Archimedes Metaphor", [69][*].

[230] I. Kant: https://en.wikipedia. com/wiki/Immanuel_Kant. & I. Kant: "Critique of Pure Reason", https://en.wikipedia.com/wiki/-I. Kant.

[231] I. Kant: "Groundwork of the Metaphysics of Morals", https://en.wikipedia.org/wiki/Groundwork_of _the Metaphysics_of Morals.

[232] I. Kant: "Categorical Imperative", https:/en. wikipedia.org/wiki/Categorical_Imperative

[233] I. Kant: "Prolegomena to Any Future Metaphysics", https://en.wikipedia.org/wiki/

[234] J. Dabney: "The Return of the Inventive Concept?", 06.12.2012[*].

[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.

[239] S. Koerner: "The Philosophy of Mathematics", DOVER, 2009

[240] USSC: PfC by Cuozzo[*].

[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 July 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.

[248] USSC Decision in Parker vs. Flook, 22.06.1978[*].

[249] CAFC Denial of En Banc Petition in *Ariosa v. Sequenom*, 02.12.2015[*].

[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/ Cúozzo Decisions", publ. 05.01.2016[*].

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

[253] USSC Cert Petitions in Halo v. Pulse and Stryker v. Zimmer, 22.06.2015

[254] CAFC Oral Argument in McRo v. Bandai, 11.12.2015

[255] CAFC Oral Argument in Lexmark v. Impression, 02.10.2015

[256] CAFC Decision in Carnegie v. Marvell, 04.08.2015

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

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

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

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

[261] *S. Schindler, U. Diaz, T. Hoffmann, 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. 07.03.201*)

[262] M. McCormick: "Immanuel Kant: Metaphysics", www.iep.utm.edu/kantmeta/.

[263] M. Fuller, D. Hirshfeld, M. Schecter, L. Sheridan, C Brinckerhoff (Moderator), Panel Disc., IPO, DC,15.03.2016.

[264] W. Quine, see Wikipedia.

[265] USSC PfC by Samsung v. Apple, 21.03.2016

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

[267] S. Schindler: **"MII" pat. appl.**: "THE ' MATHEMATICAL INVENTIVE INTELLIGENCE, MII' TOOLBOX", 2016, in prep..

[268] S. Schindler: **"EIS-UIE" 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 FPATENT ELIGIBILITY GRANTING/GRANTED TEST", 2016, in prep.

[271] S. Schindler: **"**The Supreme Court's *MBA* Framework" Implies "Levels Of Abstraction....."", pub.12.05.2016[*]

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

[273] S. Schindler: **"**MII, the ' Mathematical Inventive Intelligence' Natural Language", 2016, in prep...

[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[*].

[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 Symposium, USPTO', Alexandria, 27.04.2016

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

[282] I. Kant: "What Real Progress has Metaphysics Made in Germany since the Time of Leibniz and Wolff?", AbarisB., NY,'83.

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

[284] B. Wegner: "The FSTP – Its Mathemat. Assessment of an ETCI's Practical and 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: The Basic Model; www.iso.org

[288] N. Fuchs, K. Kaljurand, T. Kuhn: "Attempto Controlled English for Knowledge Representation", University of Bonn, 2008

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

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

[291] CAFC, Decision in *TLI*, 17.05.2016[*]

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

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