Al-testing an ETCI Warrants Much Better Information than its PE-Test — Due to AI’s Scientification.\(^{1,a}\)

Sigram Schindler

TU Berlin & TELES Patent Rights International GmbH.

www.fstp-expert-system.com

This AI/PE-mail underpins by short elaborations on a very important pertinent keyword — quoted at the beginning of the following paragraph in bold letters — the statement of the headline. Its correctness was shown already in\(^{567,577}\).

Reasons of notional refinement implicitly required by the Supreme Court’s framework. My AI/PE-mail\(^{576}\) showed already that an mrat[rat]mat\(^{\text{AI-Test}}\) & mrat[rat]mat\(^{\text{ETCI}}\) is isomorphic to (‘\(\equiv\)’) and derived from its mrat[rat]mat\(^{\text{ETCI}}\) in CBN(mrat[rat]mat\(^{\text{ETCI}}\)\(^{-}\))\(^{\text{-KR}}\) & its mrat[rat]mat\(^{\text{FSTP-Test}}\). Thereby there, in\(^{576}\), all these notions were left notionally slightly less exact by omitting their terms’ initial ‘notional quality indicators’\(^{\text{FSTP}}\) — just as in the above headline — for simplifying communicating between men about such keywords. This simplification is indeed fine, if among them there is awareness of the necessity of this exact notional refinement\(^6\).

Yet, this awareness doesn’t exist in the patent community as to the meaning of factual properties concerning an ETCI’s anticipation or obviousness over (a CBN of) prior art, not to speak of wild preemptivity of this ETCI\(^{576,577}\). In both inquiries the USPTO and the CAFC committed gross legal errors, in KSR alone by applying the TSM-test as decision maker and in Berkheimer alone by applying the “well-understood, routine, conventional activity”-test. The TSM-test namely does not check the basic independence of the E-crCs involved in defining the KSR-ETCI, and the latter test does not check the wild preemptivity of the Berkheimer-ETCI. Both institutions repeatedly committed these (due to their implications) gross legal errors also in other ones of their decisions, as reported in many FSTP-mails.

And while this lack of exactness is tolerable when using our human kind of intelligence — as we could interpret correctly (i.e. as by the Alice PE specification required) these mrat\(^{\text{not}}\) as rat\(^{\text{not}}\) by means of our natural intelligence, as shown in the below test4-7. This lack of exactness is intolerable when using the AI of an ETCI (embodied by its FSTP-Test, as this AI is derived from the latter) for automated decision making, due to the inability of its automaton to interpret mrat\(^{\text{input}}\) (provided by Alice’s PE spec) or to replace it by itself the rat\(^{\text{input}}\) indicated by test4-7.\(^c\)

\(^{1,a}\) The author’s thanks for discussing this mail to U. Diaz, C. Negruitu, D. Schoenberg, J. Schulze, J. Wang, B. Wegner, R. Wetzler, B. Wittig.

\(^{6}\) Since\(^{577}\), the abbreviations ‘CBN’ stands in FSTPtech for the notion “combination” introduced by the Supreme Court’s Alice decision.

\(^{567,577}\) Several acronyms stand for the same meaning (although sometimes being context-sensitive), e.g. CBN & EcrCS, or TT0 & EcrCE\(^{-}\)TT0 EcrCETiT0 …, or CRS & SPL & FOL & FFOI, or AI & AIPE & AIcrS & AI\(^{\text{(semi scientific)}}\). FSTPtech deals only with mathematically axiomized/able & deterministic AIs — enabling their usability in mathematical proving.

An ETCI passing the FSTP-Test is in FSTPtech called to be ‘ideal’\(^{577}\) — scientifically called to be in “canonical” KR — as if enabling rational & mathematically simply proving\(^{577,578}\) that ETCI’s Claim Construction (CC) is (semi)automatically ETCI’s FFOL requirements robustly satisfying\(^{577}\). If an ETCI is not given in & not unquestionably correctly transformable into its canonical KR, then it is called to be of “wild” preemptivity — as then there is no way to reliably proving especially its being not ‘application clustering’\(^{577}\) — as with today patenting ETCIs often is the case\(^{438,439}\).

The patenting community calls an ETCI as of “rough” SPL specification also if it is much vaguer, e.g. if it ignores its application clustering\(^{577,578}\).

\(^{a}\) A simple example of this necessity is provided by determining, whether a notion is ‘basically independent’\(^{\text{FSTP}}\) over a set of other notions, e.g. whether — in a given car driving context — the notion of ‘changeover’ is independent over the set ‘[lane, driving, leaving]’ or not. Evidently, it is not. In an ETCI’s ISL specification, the decisions about its notions’ basically (in)dependent of its sets of other notions are trivial, as the term ‘basically’ requires that a dependency is instantly recognizable (i.e. that recognizing it requires no complex reasoning).

\(^{c}\) — and as this AI controlled automated decision also is unable to perform the coordinate transformation indicated by test4-7, explained in\(^{509}\).

\(^{d}\) Note that such problems of intuitive rationalization/scientification/mathematization of legal SPL notions don’t occur, one of the reasons being that anyone’s meaning is the same for all ETCIs, while a factual SPL notion’s meaning may be different in different ETCIs — in spite of their name being the same.
Excerpt from the FSTP-Project’s Reference List (as of 31.12.2019), 2a)

Many FSTP-Project mails, including this one, are written in preparation of the textbook[48]—i.e. are not fully self-explanatory independent of other FSTP-mails.

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2. A PE `matCRISPETCI` is by Alice defined as a pair `<app, TT0>` of a `app` and a `TT0`, being 1) an invention, and 2) an application of this invention to the FSTP-Test (i.e. `using/need[ing] Une, TNT[or]`), and being 3) transforming the nature of the invention to the FSTP-Test (i.e. not expanding the domain of an Ecr needed for completely defining it nor increasing these `Ecr`s minimal number, here called "conservative"), and being 4) together with TT0 significantly more than TT0 alone (i.e. comprises a `Ecr` basically independent of TT0). Moreover holds w.l.o.g. 5) `Ecr`s are basically independent.

Proof: It shows that from these 5 `Ecr`s properties follows its being truly `applicable`, as a `matCRISPETCI` passes the 7 `app-PE-FSTP-tests. Indeed holds: 1) implies by passing FSTP-test1(1-4), 2) implies passing test5, 3) implies passing test6, and 4) implies passing test7. q.e.d.

The well-axiomatization of US/PL’s notions — SPL interpreted as by the Supreme Court’s framework required — and the many mathematical interrelations between these notions, such as the `CRISPETCI Theorem about matACC`, imply that `matACC` unambiguously embodies that it is a clean-cut science, in FSTPTest called ‘Virtual Physics’. Due to `matACC`s strong similarity to the well-known Hamilton-Jacobi Theory in Physics, as well as to its mapping of this classic version into its elementary particle version, this Virtual Physics clearly paves the way into the 8th earthly Continental[57] of ECI — just as Newton’s/Leibniz’s cognitions paved the ways for the then societies’ industrialization.

These very general statements and the derivation of the exemplary `CRISPETCI Theorem shall indicate that all `F0ETCIs` and their patents by their new application areas will enable increasing and leveraging on any economy’s & any .... & any life-science’s innovativeness — more easily & rapidly than ever before.