

To:  
AIPartnership@uspto.gov  
Department of Commerce  
Patent and Trademark Office

Nov. 5, 2019

RE:  
Docket No. PTO-C-2019-0029  
Request for Comments on Patenting Artificial Intelligence Inventions.

From:  
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First “In Conclusion” then “WHY”

In Conclusion:

You cannot solve the problems created by illusions and continue to maintain the illusions.

I am certain many will perceive something contrary to what I have presented here, but they cannot avoid using the Abstraction Action Constants mentioned, in doing so.

Does Artificial Intelligence invent something or does abstraction processing discover something?  
Did Alexander Graham Bell invent the telephone, or by accident (feeding it liquid data) discover it?  
What inventions and discoveries were made possible due to some “processing apparatus” being used?

Artificial Intelligence is an illusion, an umbrella term, a gray undefined area, that has no place in the granting of intellectual property patents. Nor is it ethically viable to grant patents that enable anti-trust, innovation constraints of such wide scope detriment counter to the fundamental purpose of granting patents.

WHY:

“Artificial Intelligence” is a mislabeling umbrella term as computational machines are neither intelligent nor artificial, instead they are configured hardened earth machines designed to flip switches at their lowest level upon which we define abstract representation at increasing higher levels of abstraction from 0's & 1's to machine language on up the abstraction ladder for increased ease of productivity in processing our defined abstractions and abstraction sequences which may or not control some physical device(s). Does a software program(s) constitute artificial intelligence or just process abstractions using abstractions built up on switches?

It is more direct to call computers Abstraction Processing Machines from before “hello word”, even before applying abstract math, to the most advanced, complex, and dynamic of abstraction processing of today and into the future.

The abstraction, definition and synonyms, of the word “Artificial” in sum support illusion.

“Artificial”

- adj. Made or produced by human beings rather than occurring naturally.
- adj. fake; imitation; pretended; affected.

Synonyms for artificial – unreal, bogus, counterfeit, ersatz, fabricated, factitious, faked, false, falsie, hyped up, manufactured, mock, phony, plastic, sham, simulated, specious, spurious, substitute, synthetic

And the abstract word “Intelligence” raises the question, does a computer think, or just process abstractions?

“Intelligence” - ability to learn, understand, deal with new or trying situations, apply knowledge to manipulate one's environment, think abstractly. Ability to perform computer functions?

### Ordinary Skill in the Art:

Most important regarding USPTO A.I. issues is “natural person having **ordinary skill in the art**” of Artificial Intelligence or “some sub-area(s) under” this umbrella term. How much of the following spectrum, @ link, is required to qualify as “ordinary skill in the art”?

[https://en.wikipedia.org/wiki/Outline\\_of\\_artificial\\_intelligence](https://en.wikipedia.org/wiki/Outline_of_artificial_intelligence)

VS.

A natural person having “ordinary skill in the art” of abstraction creation, use, and manipulation.

### The False Constraint:

Consider the following Ethics Issue regarding the computer technology creation and use industry and how it is relevant to Intellectual Property Rights.

To use an analogy, where is the painter ability to paint a rainbow if they are allowed only two of the three primary colors? Likewise, how well can an end user benefit from only having access to two of the three primary user interfaces? Note the usefulness of a computer is based on how well it can be used to automate abstraction processing complexity at various levels as is natural in our human creation and use of abstraction but done so through computers for speed, consistency, and ease of use.

Two of the primary and standard computer based user interfaces commonly available are the Command Line Interface and Graphical User Interface. Third primary user interface, but missing and should be standard, is the Applications, Libraries, and Devices side door, user oriented, easy to use Inter-Process Communication port. Perhaps, call it the User Automation or Abstraction Interface. As the end-users have access to all the functionality the programmers allow the user via the two primary interfaces, there is no honest reason not to also allow users access to all the same functionality in a manner allowing users to automate, create abstraction sequences not only within an application but across applications, even allowing direct access to the functionality in function libraries and devices.

Q: Why force the end-user to manually do that which they can, if they choose to, automate, to define abstract action sequences, to abstractionize?

A: The way to become wealthy is to make people need you? Don't teach a man to fish, instead sell him fish if he can afford it, otherwise he can go hungry... Users can't be trusted with automating what they do manually? **Anti-trust!**

A Fundamental Ethics violation. Why? How many personal automation one-offs will no programmer

take on because there is no money in it for them or the company they work for? No one know because the concern was denied. Why should programmers need to do so when ethically end users should have a standard and easy to use way for themselves to do so. Not only is this possible, but the third primary user interface was made standard on the Commodore Amiga Computer line and supported by third party developers. A computer system ultimately suppressed, not by end users but by the computer industry in what can be called a soap opera of battles over intellectual property rights. Note: none of this prevented any commercial or consumer Operating System and/or applications producing companies from providing this Inter-Process Communication port as a third primary and standard easy to use user interface, but they have not.

### Why this is relevant to A.I. Ethics and Intellectual Property Rights:

To fully understand the answer requires reviewing and projecting the evolution, the innovation of common computer usage had this third end user interface been commonly standard. Today we are projecting all sorts of ethical concerns over the future use of A.I. and clearly the USPTO is seeking how to better address intellectual property rights of A.I. yet the ethical issue upon which A.I. is built and sits upon is incorrect. Build a house on a bad foundation, it will fall or always have problems. No surprise that A.I. Intellectual Property Rights are so difficult to address in a well definable and fair manner. The fairness foundation, the baseline, is missing.

While A.I. is so often compared to and, in design, effort to emulate human thought processes the end-users have been denied to do so, to apply their abstract thought processes via the IPC side door port for automating. What insights have been missed about the bridge between computer functionality and human thought process due to denial of the end users? Indirect Answer or call it Karma: Today we have a lack of diversity in the so called Artificial Intelligence industry and this certainly is relevant to “Natural Person Ordinary Skill in the Art.” Not to dismiss who's data is massively being used for Machine Learning but the end users and without their consent. Where is trust here?

### Ordinary Skill in the Art identified:

What constitutes “Ordinary Skill” regarding this Artificial Intelligence issue of the USPTO? Consider what happens when “Ordinary Skill” becomes solidified in some aspect of Artificial Intelligence - [https://en.wikipedia.org/wiki/AI\\_effect](https://en.wikipedia.org/wiki/AI_effect)

So what specifically are Natural Person Ordinary Skills at creating and using abstraction and inherently so often applied that it is naturally second nature.

The following 0 + 9 “Action Constants” are unavoidable and recursive on multiple levels in human abstract creation, thought and communication processes. Note: computers have to be instructed to do these regardless of how inherently simple they are for us persons. To prove “unavoidable” simply try NOT using even just one.

These Action Constants make up the fundamental elements of Abstraction Physics  
<http://AbstractionPhysics.net> .

0) Defining a word to mean a more complex definition (word = definition, function-name = action, etc.) Creating an abstraction and its meaning.

1) Starting, stopping, changing abstraction definition sequences in use.

- 2) Keeping track of where you are in the progress of abstraction sequence usage, i.e. to do something else before returning to continue with a specific sequence.
- 3) Defining and changing "input from" direction.
- 4) Defining and changing "output to" direction.
- 5) Getting input to process (using variables or place holders to carry values), i.e. Tell [\_\_\_\_] (Dick, Jane, Spot) to come here.
- 6) Sequentially stepping through/processing abstraction/automation details. Inherently includes sending to output, activating or changing any of the action constant state.
- 7) looking up the meaning of a word or symbol (abstraction) so to determine action upon or with it. A pattern matching process. Today a common phrase is used "Google \_\_\_\_\_".
- 8) Identifying an abstraction or real item value so to determine action upon it. i.e. stocking shelves requires identification of items to know where to place on shelf. Another pattern matching process.
- 9) Putting constraints upon your abstraction look ups and identifications -When you look up a word in a dictionary you don't start at the beginning of the dictionary, but begin with the section that starts with the first letter then followed by the second, etc., on to perhaps the sub-section of the word definition. And when you open a box with many items to stock, you identify each so to know where to put it in stock, i.e. which aisle, which shelf, is being stocked.

These are second nature actions of natural persons in dealing with abstractions. These actions can be programmed into a small command shell, configured in a simple logical manner to provide ultimate versatility and exception handling within the inherent constraints of the computer and optionally using a graphical user interface to provide end users an easy and natural means of creating and accessing automation's (abstraction sequences) they may use and create. A Virtual Interaction Configuration.

However, **what makes doing this worthwhile requires the third primary user interface mentioned above.** It is this Virtual Interaction Configuration used as a standard means of accessing the vocabularies, dictionary sets of available functionality of the various applications, libraries, and devices. This includes documentation, example usage and more. The configuration also allows the ability of the end users to define their own abstraction sequences / automation within and between applications, libraries and devices. And all of this done in a common & consistent manner to natural persons skilled in the art of abstraction creation and use.

#### Knowledge Navigational Mapping:

There is more this Virtual Interaction Configuration enables. Knowledge Navigational Mapping. Not so unlike online Wikipedia style hyperlinks where links can be made to yet to be created information but much more, as abstraction sequences are possible via the creation of loops and cycles created by end users using three common elements types of simple markup. Not unlike a dictionary or function manual, definition parts, and "also see". Note: a great deal of what we access in information is similarly structured, i.e. catalogs, patents, manuals, books, etc..

### Misdirection in need of Correction:

How might software development have evolved had not this third primary user interface not been denied the end-user? It cannot be said what all would have come about in software development evolution but some things can be understood with certainty. A higher degree of genuine software engineering as applications, function libraries and device interfaces would have had greater focus on integration capability. A far better understanding of automation, abstraction creation and use by the end users resulting in greater adaptability and acceptability of A.I. as Automation Interfaces for Abstraction Interaction. As well the ranges of application of A.I. use would be greater today and not being pushed in through the back door onto the users without their knowledge (internet). A.I. development would have evolved in a different direction, a wider scope direction, but certainly the ethics issue so widely and wide scope being discussed today would not be what it currently is and the USPTO would not be having such a difficult time with such intellectual property rights. The scope of A.I. ethics would be far better defined in terms of automation, abstraction processing, and as such more manageable and inherently enforceable as end-users could not be so fooled with the promoted illusions given today of “Artificial Intelligence”, for tying a shoelace can be written to appear black box magical too.

For example: A lot of interest is happening with neural nets “Deep Learning.” What is a neural net if not a weight method of defining pattern matching to something, and deep learning just refinement, perhaps complex and dynamic as I'm sure it will continue to be developed for improvement. Otherwise, why ML training to match some pattern(s)? And how does this pattern matching tool fit into the Natural Persons second nature Action Constants? How might other A.I. methods being developed fit into the Action Constants, or even what methods haven't been thought of due end user constraint by industry? Innovation constrained? Until the “nothing can have value” zero place holder along with the 1-9 Arabic numbers overcame the roman numeral accounting and social position of those accountants, we could not develop a great deal, including the abstraction processing machines we call computers.

I understand the USPTO is today using A.I. to help them research prior art. About twenty years ago I responded to a USPTO RFC, “Notice of Public Hearing and Request for Comments on Issues Related to the Identification of Prior Art During the Examination of a Patent Application.” My comment was published (comment #4) along with all else who commented. Perhaps it is prudent to this current matter to review my then comment again but with consideration of computational advancements since, so to recognize what is constant. Though the USPTO appears to have removed the document sometime after mid 2017, it is available at

<https://web.archive.org/web/20170705121056/http://www.uspto.gov/web/offices/com/hearings/priorart/comments.doc>

goto: “In Conclusion:”

### Beyond the goto limbo loop:

As even today the fictional movie Matrix Trilogy is often referred to.

Real life Action Constants 1-9 are relevant to the 9 commanders of the Nebuchadnezzar in the Matrix Trilogy. 1) Switch, 2) Apoc, 3), 4), & 5) Tank, Dozer and Mouse, 6) Neo, 7) Morpheus, 8) Trinity, 9) Cypher. And 0) Oracle. Input, Processing, Output concepts of computers are relevant to the three Agents, Smith being processing, of course. Three power lines to the machines, three primary user interfaces to computers. So know why Smith could never win but indirectly and rather ignorantly ended himself. Not unlike locking out end user diversity in real life today but second nature where so many recognize something about the trilogy but not precisely what or why. Now you know what and why. As well as where, when, how, and who in real life. Not over anyone's head, but in it! **Know Thyself!**