ORIGINAL

No. 19-8094

IN THE

Supreme Court of the United States

Caleb Suresh MOTUPALLI,

Petitioner-Inventor,

v.

Daniel PELLETT, Examiner at USPTO,
Andrei IANCU, Director at United States Patent and Trademark Office (USPTO),

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Federal Circuit

PETITION FOR A WRIT OF CERTIORARI

Caleb Suresh MOTUPALLI
రొట్టెల ఇల్లు | House of Bread | בית לחם
29-37-31 El-ur Road, Upstairs,
Vijayawada, AP, 520002
Phone: +91.99896.47774
Email: caleb@agape.cloud

Petitioner-Inventor Pro Se

QUESTIONS PRESENTED

35 U.S.C. §112 requires that the specification of a patent application describe the invention in such terms that those skilled in the art.are enabled to make and use the claimed invention. The purpose of this requirement is to ensure that the invention is communicated to the interested public in a meaningful way. With computer applications, it is not unusual for the claimed invention to involve two areas or more of prior art, or more than one technology. Typically, corporates have separate departments that deal in specializations, and are ***collectively enabled*** to make and use such inventions. It is also reason why patent offices elsewhere have ***three*** examiners examining a single patent application for maintaining objectivity. "Where different arts are involved in the invention, the specification is enabling if it enables **persons** skilled in each art to carry out the aspect of the invention applicable to their specialty." *In re Naquin,* 398 F.2d 863, 866, 158 USPQ 317, 319 (CCPA 1968)). Also, "the Board stated appellants' disclosure must be held sufficient if it would enable a person skilled in the electronic computer art, in cooperation with a person skilled in the fuel injection art, to make and use appellants' invention." *In Ex parte Zechnall,* 194 USPQ 461 (Bd. App. 1973). MPEP 2164.05(b).

The questions presented are:

A. Does the Leahy-Smith America Invents Act ("AIA") permit the **United States** to retroactively apply a scintilla of inadequacy in Pre-AIA to overturn precedent by insisting that it be a **single**

person working alone having a **single** skill who must be enabled to make and use the **full scope** of the specification?

B. Whether 35 U.S.C. §112 Statute is satisfied when the specification of a patent application is enabling to an interdisciplinary team of two or three persons, working in cooperation?

C. Whether *pro se* filings can be rejected merely based on an alleged "waiver" by Petitioner in addressing Examiner's Rejections.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

There are no related cases.

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The Kingdom of Heaven is at hand!

PETITION FOR A WRIT OF CERTIORARI

Pro se Petitioner-Inventor, Caleb Suresh Motupalli, respectfully seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit.

OPINIONS BELOW

The opinion of the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) is reported at *In re Motupalli*, 2019-1889 (Fed. Cir. Nov. 8, 2019) and is in Appendix A. The Patent Trial and Appeal Board's Decision is published at *Ex Parte Motupalli*, 13516443 - (D) (P.T.A.B. Apr. 8, 2019) and is in Appendix B.

JURISDICTION

The Federal Circuit entered judgment on November 8, 2019 and denied a timely filed petition for rehearing *en banc* on January 2, 2020 and is in Appendix C. Mandate was issued on Jan 9, 2020. The US Supreme Court has jurisdiction under 28 U.S.C. §1254(1).

STATUTORY PROVISIONS INVOLVED

35 U.S.C. §112 ¶ 1 (Pre-AIA) provides in relevant part:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to **enable any person skilled in the art to which it pertains**, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

STATEMENT OF THE CASE

This case raises the fundamental question, whether an artisan can honorably obtain a patent for a combination invention, which draws from disparate disciplines.

I. The Claimed Invention

At the outset, *we must "beware of watering down [the invention] until the solution is so weak that if it were poison it would not hurt anyone, and if it were medicine it would not cure anyone"* – A.W. Tozer.

"The present invention relates to a cognitive information technology engineering of a morphological solution and a handle for the same to the macroscopic problem of n-entropy i.e. the loss of control/information in the globalized world; and more particularly, through a Christocratic Necked Service Oriented Architecture so that even Global Cyborgic Conglomerate Christs/

Superhumans can be manifested." Appx1008.

Appellant's invention is titled: *"Necktie-imitating Persona Extender/Environment-Integrator and Method for Super-Augmenting a Persona to Manifest a Pan-Environment Super-Cyborg or Wedded Avatar of Christ with eThrone for Global Governance"* and is classified under G06Q10/00 (Administration; Management). The claimed invention is a system that includes but is much more comprehensive than a computer. Using Artificial Intelligence (AI), Big Data, Internet of Things (IoT) and Augmented Reality (AR) technologies through a Christocratic Necked Service Oriented Architecture (CNSOA) or Christocratic New World Order, the invention sets out to super-augment a persona of an individual.

As **background** for the invention, the Computer/AI has been purporting to be a Turing-Complete Thinking Machine, which is ***adversarial*** and ***substitutes*** humans and has the development-trajectory of becoming autonomous ("self-thinking") and dangerous (uncontrollable). But ironically it has the potential to enable humans to transcend human limitations and even become **godlike**—benefits that can be accrued if the Computer/AI is **restructured** so that it is subservient and co-opted. The Illustrative Independent Claim 27 (*see* Appendix D) is a machine apparatus with an improvement through a novel **Metaphor User Interface** that offers a transformation, restructuring, reconfiguration or rearranging of the Computing Machine in relation to the user/actor and also in relation to other integrated objects, resulting in hierarchical-complimentary relationships like a man has with a tamed would-be wild elephant or with fire or with

electricity, enabling humans to not only retain control over the machine and the environment but also become godlike in terms of governance and in addressing dangers originating from autonomous systems, along with prevention of terrorism, negative effects of globalization, etcetera.

The Metaphor UI is applied to **the raw electronic machine** (AI/Computer) for a ***new use*** of it through ***reconfiguration.*** And it has the additional unexpected result of **extending actor's persona into objects of everyday life** (objects in meatspace) such as cars, roadways, pacemakers, wirelessly connected pill-shaped cameras in digestive tracks, smart billboards, refrigerators, or even cattle that can be equipped with sensors that can track useful information about these objects. These everyday meatspace (real-life) objects are uniquely addressed and connected to the internet, and then the information from these objects flow through the same protocol that connects the persona extender (instant invention) to the internet, enabling direct access and control of these objects from anywhere just as if they were parts of the human anatomy. Thus, such integration helps us understand complexity in systems, associate every maverick object with an entity, and thereby enable regulation of entropy, allow automated responses, while rightful humans can control/govern our environment as one coherent whole.

The engineering drawing, Fig. 1B, applicable for the full-blown architecture claims, can be simplified as the figure shown below juxtaposed with Fig. 1C that was also submitted to PTAB and the Federal Circuit:

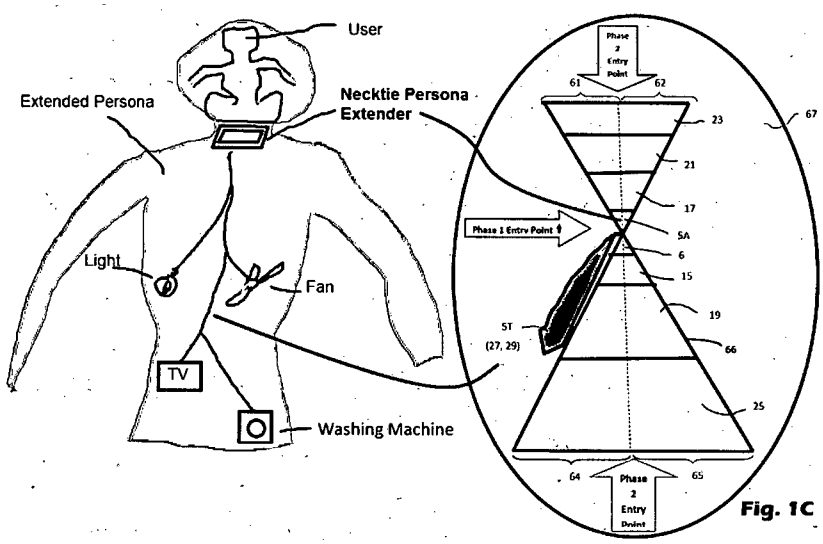


Fig. 1C

The Extended Persona shown above and claimed in the Illustrative Claim 27 is metaphorical, yet real. And the novelty lies not in each involved step of integration (which is prior art), but rather in the **metaphors,** overall **combination** and **new use**, which *results in*:

- An intuitive **extension** of actor's persona into objects of everyday life and integration of the same into actor's persona, thus together forming an extended persona for the actor;
- A **high bandwidth** (a high capacity to deal with a situation) for the actor**;**
- A **headship** of the ecosystem through said extended persona for the actor;
- **Control** of the ecosystem for the actor;
- **Synergy** from the combination for the actor; and
- **Oneness** or singularity through a single head (actor).

For details, see Illustrative Claim 27 at Appx2623-2626, or the attached Appendix D.

The **following non-limiting evidence** is herewith submitted as support, which affirms instant §101 Eligible, §102 Novel, §103 Non-obvious, and §112 Enabled invention that supersedes prior-art Artificial Intelligence, touted to be the last invention by mankind:

- *"Autonomous Technology and the Greater Human Good,"* Steve Omohundro, Journal of Experimental & Theoretical Artificial Intelligence, 2014. Appx2529-2541. **The article highlights the harmful effects of Autonomous Systems, such as AI, and the need for a safe [eco]system.** Petitioner's invention meets that challenge to a great extent.
- *"How AI could become an Extension of your mind,"* Arnav Kapur, MIT Labs, TED Talk 2019. Appx2836-2841. **In showcasing its "Silent Speech Interface" (AlterEgo) MIT Labs has chosen to copy and implement Petitioner's invention, rather than use the techniques of the prior art (AI/Computer).** The end result of persona extending/augmenting produced by this brain-hacking computer interface could very well be produced by Petitioner-Inventor's Persona Extender invention without invading privacy. Even as early as 1989, Petitioner formulated the hypothesis: ***"The Computer metaphor inhibits the perception of the machine as a real extender to the human mind."*** Appx2668-2675.
- *"Google's Eric Schmidt says AI will make him*

Smarter", Eric Schmidt, IEEE Spectrum, 2016. Appx2078-2080 or Appx2676-2678. At the conference, Mr. Schmidt proposes, "There's Eric and Not Eric. And Eric is me, and Not Eric is this AI assistant, which is personal and I control. It just makes me smarter." **Mr. Schmidt makes a case for that which is "NOT ERIC," which affirms instant invention. It shows the unmet need for the Persona Extender UI invention, which is an independent claim of instant application.**

- *Hololens 2.0 presentation at Microsoft's INSPIRE 2019 show.* **Microsoft has chosen to copy and implement Petitioner's invention, rather than use the techniques of the prior art (AI/Computer & Virtual Reality). While Microsoft does not overtly refer to it as Augmented Persona UI invention, the presentation had all the distinguishing marks that read over Petitioner-Inventor's claims.** Reply Br. 3, 12-13.
- *Cognitive Computing* – IBM Research, 2015. Appx2553-2554. **In using the *"Extend" indicium* in the context of Cognitive Environments, IBM has chosen to copy and implement Petitioner's invention, rather than use the techniques of the prior art (AI/Computer).**
- Petitioner's own Working Examples/Prototypes shown at AgapeTie.com and PersonDIVINE.com, were produced in year 2017.
- *Capstone & Christocratic New World Order—*

Caleb Motupalli, 2016 is an application of instant invention for world governance. Appx2858-2938. A presentation is at ChristocraticNWO.com.

II. Prosecution with Examiner

At the outset of the patent prosecution, during the first interview with Examiner, Appellant had asked why the Application was assigned to an AI art unit (instead of the UI art unit to which the invention belonged), for which Examiner did not have an answer.

Examiner made §112 Enablement, §112 Definiteness and §101 Eligibility Rejections. But no §102 Novelty, §103 Non-Obviousness or §112 Written Description Rejections.

Examiner's first Rejection is *illustrative*: "The claim discloses 'black-box modernization of a metaphor environment.' The process appears to be taking over low level brain function and processing it on the computer. The specification does not describe how the brain inputs and outputs are processed such that low level brain processes could be performed outside of the brain, and one of ordinary skill in the art would be unable to make/use the invention." Ans. 2 at Appx2317-2318 (same as Ans. 3 or Ans. 4). Examiner wrote, "the **core issue** with the selected language is the delegation of low level processing of an actor, especially a human actor (see preamble), to a computer processor. Nowhere in the claims or specification is it detailed how an actor's low level processing can be delegated to a processor regardless of the brain-hacking interface used." Appx2339. Examiner does not accept as true that "Appellant possessed an invention capable of delegating a human actor's processing to a computer device."

Appx2341.

To begin with, Application was assigned to the wrong technology center, which precluded Examiner of high-ended AI Art Unit to be enabled by the disclosure of the UI Art invention, which also involves mechanical engineering, electrical engineering and cognitive psychology. *User Interface Design is an esoteric art that is vastly different from Artificial Intelligence Art.*

"If you hand an electronics engineer an amplifier, she can take it apart and tell you what it is capable of doing, without reading the manual or seeing an ad for it. If you show a civil engineer the plans for a bridge, he can figure out how heavy a truck could drive over it, regardless of what the sign says." (Seth Godin). However, with instant Application, which was erroneously assigned to the wrong technology center, the AI Art Unit Examiner fell short of understanding (Examiner was "not reasonably clear") the **UI design** teachings of instant application. This lack of understanding is seen in Appx2339-2340:

> "Appellant argues that computers came into existence with a simple declaration of a system, and before, were thought of as electronic gizmos. Appellant also argues that the machine can enable humans to transcend humanity and become divine by acting as **mind extenders**. Appellant argues that metaphors enable whole architectures of systems to be instantaneously and readily programmed in the minds of users, and that the instant invention is enabled because of said metaphors. Appellant's arguments are not persuasive. First, it is not clear how the arguments relate to the claims. Additionally,

> merely calling something a metaphor does not make it fully understandable and eligible in view of 112.".

Examiner instead alludes to some sort of brain-hacking ***invasive*** brain-computer interface, and talks about a "brain input and output," implying that that would be necessary for operability. *See* Ans. 2 at Appx2317-2318 or Ans. 4 at Appx2326. Petitioner submits, nowhere in the entire set of claims was there a use of the word, **"brain."** And in the specification, Inventor rather conspicuously wrote: "much of what is inside the skin is not crucial to self. We are still who we are without many parts of our body." Appx2599. This shows that the invention does not refer to the anatomical brain.

AI and Computer by definition are autonomous systems and therefore dangerous (Omohundro, 2014). The UI invention gives the user headship, control, high bandwidth/capacity, oneness and synergy, where our innate indispensable functions such as imagination, creativity, empathy and intuition, etc. are taken to be preeminent. And the prior art Central Processing Unit (CPU) is reconfigured as a Delegated Processing Unit (DPU). The CPU is a feature of a machine centered system, which is dangerous in disposition.

In failure to appreciate the nuance of the significant UI invention/affordance with Applicant making supposedly outrageous claims, Examiner appears to be downplaying and belittling instant invention by alluding to (floating) and comparing it with a sensational invention such as an invasive brain-computer interface. Petitioner's invention is a non-invasive invention that accomplishes about the same end result without the

brain-hacking but using normal senses of humans. It is an improvement from the conventional computational machine using a Metaphor User Interface that reconfigures relationships; that of the user with the machine and that of the machine with the objects in the environment—a persona extender/environment integrator invention. As the Examiner was not from a UI art unit, Examiner failed to see this feature of instant invention.

Since there was in fact talk in the market about a neural-link technology being pursued by Elon Musk's company, Petitioner justifiably believed that Examiner was misled by such talk, having failed to see the nuance of the UI invention. Petitioner pointed out to Examiner that instant Application is non-invasive and no brain-hacking is involved and produces about the same end results. Appx2712, Appx2723, Appx2728. However, Examiner persisted in floating the concept of "brain inputs and outputs." Appx2317-2318, Appx2326

Petitioner submits, the invention floated by Examiner for which Enablement is being sought is for sure not present in the Application. However, Petitioner submits, Enablement is straightforwardly evident for instant invention in the context of metaphor user interface or metaphor environment teachings of the specification and from the mechanical engineering drawings.

The user interface design nuances of the invention were not apprehended by the Artificial Intelligence Art Unit Examiner, who was having in mind a Brain-Computer Interface. This resulted in several 35 U.S.C. § 112 ¶ 1 Enablement Rejections, which are the "primary and dispositive issues," per Respondent.

User Interface *indicia* have significant utility. Petitioner respectfully draws court's attention to reflect on how hardware memory was reconfigured with the **"File Folder"** indicium in the Windows OS or Mac OS. With the "Central Processing Unit (CPU)" indicium, ownership and autonomy is assumed by the CPU and delegation of information processing is not mandated by design even though the delegation is being carried out on an *ad hoc* basis using the "multi-media input-output" (mentioned in the preamble). By design, it is only through a GUI such as the Windows OS that delegation is made possible on an *ad hoc* basis, not by way of the CPU, Computer, or AI indicia. With the "Delegated Processing Unit (DPU)" indicium, on the other hand, the actor and developer can in fact delegate more tasks than without it. Users normally abdicate control to the machine/CPU and do not delegate. But with instant invention, delegation is intuitive. With the AI, Computer and CPU indicium the system has a trajectory of becoming autonomous, adversarial, and go out of human control and can be destructive (Omohundro, 2014). When DPU indicium is used and deployed, it enables intuitive management and control of the machine. In a non-delegated CPU-AI-Computer scenario, for instance, one normally would give the query such as, "How do i make lasagna?" But in a delegated DPU-Persona Extender scenario, i would give the simple query with the keyword, "Lasagna." The DPU does not know whether i know how to make Lasagna or not, it just spits out all information pertaining to Lasagna, including recipes if any, and i alone know what to do with it. Thereby, i retain control. No doubt such operations are currently being delegated to the machine but only on an

ad hoc basis. The Delegated Processing Unit indicium is ***an affordance that enforces or mandates delegation.*** Moreover, it is just a part (27(b)(iii)) of what is claimed in the Illustrative Claim 27 of the Persona Extender invention, which is much more than a DPU.

While there have been other rejections, this, according to the Examiner was the **"core issue"** and obviously all other rejections issued out of this misunderstanding. Petitioner-Inventor thereafter appealed to the PTAB.

III. Appeal to PTAB

a. 101 ELIGIBILITY

PTAB had made much of this rejection. Accordingly, Petitioner addressed this rejection first at the Federal Circuit and had overcome it forthrightly.

b. 112 ¶ 2 DEFINITENESS

Petitioner has rather overcome this rejection as well because PTAB has conceded that the cited references from the Specification do refer to the **"order"** that is "consistent with one referenced in the Bible." Appx38. It is this order that is used in the claimed Christocratic New World Order. Claims are complete, clear, concise, exact and definite, particularly claiming the invention.

c. 112 ¶ 1 ENABLEMENT

Here, while propounding favorable facts, PTAB was misled by Examiner's understanding and refers to Examiner's **Ans. 4** (same as Ans. 2, and Ans. 3) *repeatedly* that alludes to said "brain input and output" or invasive brain-computer interface as not being enabled in the specification. *See* Appx14-16. If on the other hand, Examiner's/PTAB's intention here is an

altruistic one, of suggesting to *pro se* Petitioner-Inventor to make an amendment to traverse or avoid any supposed misconception or confusion with an invasive Brain-Computer Interface, Inventor-Petitioner submits, there is no necessity for such an amendment. The reason being, the Examiner-floated Brain-Computer Interface is a *species* of the *generic* prior art Human-Computer Interface, which is already in existence vis-à-vis said "multi-media input-output," which is used in the Preamble of instant Illustrative Claim 27(a)(b). The Delegated Processing Unit indicium is simply for reconfiguring the **representation** of the Central Processing Unit (CPU) for transforming it into a DPU affordance. The claim simply ***affirms***, ***enforces*** and ***mandates*** the default delegation process currently being performed by said actor albeit on an *ad hoc* basis, namely that of delegation of grunt work or low level work to the machine using prior art's multi-media input-output, mentioned in the preamble that which is well understood by PHOSITA; the DPU indicium all the while inhibits the machine becoming autonomous in its development trajectory.

An **indicium** is defined by the Oxford Dictionary as a "sign, indication, or distinguishing mark." In other words, an indicium is an UI/cognitive artifact, not a hardware, let alone a brain-computer interface hardware.

Thus, the Claim part, 27(b)(iii), forthrightly recites:

> a delegated processing unit indicium for representing, operating on, and transforming heretofore affordance of said central processing unit into an **affordance** of a delegated processing unit,

> wherein said actor or said developer can delegate a grunt work or low level processing to said delegated processing unit;

Therefore, PTAB has clearly erred in affirming Examiner on this Examiner-stated **"core issue."** Thus getting the entire Decision wrong because this is the presupposition from which all else flows.

Secondly, a **"key aspect"** according to PTAB (Appx13) is Object Integration or **"Integration Technology,"** which is claimed by Petitioner as part of the invention but individual aspects of it are prior art. It was seen as not enabled. The ***preamble*** part 27(a)(f) simply recites, **"a local and distributed object technology."** The Claim itself then focuses on the inventive improvement portion. Appellant had asserted that "Local and Distributed Object Technologies" are well-known in the art. Appx2720, Appx2738-Appx2739. Appellant submits, "these are mentioned in passing only, as 'a patent need not teach, and ***preferably omits,*** what is well-known in the art'". *In re Buchner,* 929 F.2d 660, 18 U.S.P.Q.2d 1331 (Fed. Cir. 1991). MPEP 2164.01. Appx2720, Appx2738. Appellant juxtapositioned and drew from arts of Cognitive Psychology and four engineering disciplines, namely, Computer Science, Electronics & Communication Engineering, Electrical Engineering and Mechanical Engineering. ***Claims utilize and integrate*** Object Oriented Design (OOAD) technology such as with Java, C/C++ programming languages ***together with known*** Microcontrollers (beginning with MCS-51/8051, RISC through ATmega328), and ***known*** **wired** (RS232, Multiplexers, Universal Serial Bus, Relay Switches, etc.) and **wireless** (Infrared, RF, Laser, WiFi,

Bluetooth, etc.) ***communication technologies*** for achieving ***integration of meatspace objects (everyday objects) with cyberspace***. Likewise, the use of "***Distributed [Cyberspace] Object[1] Technologies***," also known as Enterprise Java Beans (EJB), where remote objects are made to virtually appear the same as local objects for management/manipulation using "skeleton/stub" feature, is also well-known in the art and is therefore intentionally **omitted** in the description of the specification, ***in order to focus on the core aspects of instant invention, which is a user interface, fundamentally and a "consolidation" (27(b)(iv))***. Systems integration technology is well developed and known in the art. Service Oriented Architecture (SOA), which is restructured in the instant invention, is also known in the IT art and engineering drawings are particularly furnished for clarity. The Spec at Line #614 at **Appx2604** therefore simply recites:

> "Going a step further now in this black-box modernization technique, Distributed Object Technology (prior art) and its middleware (prior art) are providing for us the necessary integration technology for collating/integrating the environment elementally, while the browser and the web are providing for us the necessary extension technology. So in effect we have a Global Necktie-imitating Persona-Extender/Environment-Integrator. In other words a Global Cyborg (machine-man) can be realized and manifested because the Necktie-imitating Persona-Extender/

[1] See Wikipedia article on "Distributed Objects," which is a well-known art, dating back to 1990s.

> Environment-Integrator metaphor environment "wraps" [using OOAD, UI & Metaphor] the newly assembled system with new and unexpected concepts as enumerated in the Advantages of the "Necktie"/"Fine-Linen-clothes".'

Additionally, the **following citations** from the Specification also lend support to the claimed Operating Environment or Ecosystem, which includes said "integration technology" (27(b)(ii)) or as further developed in subsequent claims through a "Laborspace" of Claims 31, 37, and 44:

- Line #396-398 at Appx1016 recites:

  "Throughout the description, the suffix, 'space' refers to a kind of "GOODS & SERVICES" or Laborspace or Meatspace integrated and augmented by Cyberspace as shown in Fig. 2 and described later in the context of the Necktie-imitating Persona-Extender/Environment-Integrator apparatus."

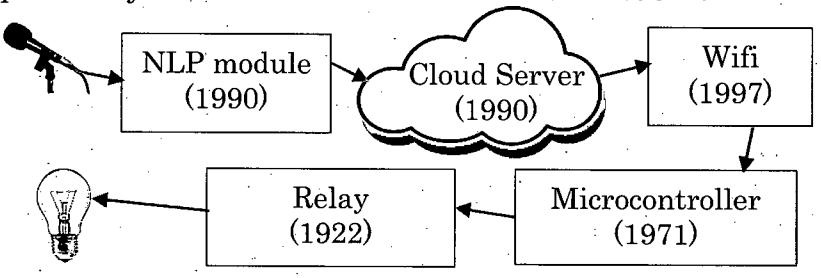
- Line #421-424 at Appx1016 recites:

  "As for the Christocratic Necked Service Oriented Architecture, the building blocks, almost like its predecessor 'SOA', **are not only Services but also Goods [or Things or Objects]**. All aspects of Christocracy, whether they may be GOODS or SERVICES may be transcribed into bundled 'space' or in our case Cyberspace Integrated-Augmented Meatspace that can be transported over a global network whether electronic or physical." (emphasis added)

- Line #456 at Appx1017 recites:

> "The Necktie-imitating Persona-Extender/ Environment-Integrator **purports** to be a Mental-Prosthesis, which can enable him to plug into **[potentially]** any part of the **natural** [such as cattle, weather, digestive tract, and heart] or **built** environment [such as CNC machines, appliances, automobiles, buildings, roadways, and factories] and take control of that module." (*paraphrased to indicate that the claims are purely **prospective** just like the Computer, which has a vast scope*. Cf. Aple. Br. 22, 27)

For non-PHOSITAs in the Court, Petitioner respectfully presents a video of a ***working prototype*** of illustrative Claim 27, which was developed in 2017 (but the components were available as of the filing date, June 15, 2012) demonstrating said **"object integration"** for achieving high bandwidth, oneness, headship, synergy, and control. A meatspace GOODS (everyday objects) such as an electrical light bulb or an air conditioner or a door is turned ON/OFF wirelessly from a remote location over TCP/IP, activated by actor's voice, touch, motion or proximity is available at: **PersonDIVINE.com.**



Petitioner submits, the **invention "ties" well-known art** as shown above, showing each component with year of its release. This working prototype by instant Inventor in 2017 shows fulfillment of prophesy

(i.e. the 1989-2012 application), since a prophetical disclosure would be sufficient for enablement (MPEP 2164.02). The *prototype* simply validates the *teachings* of the application as of 2012. Moreover, Computer Numerical Controlled (CNC) machines were patented as early as 1958. That shows, at the time of filing (June 15, 2012), all said components were available.

Inventor-Petitioner is forthrightly piggybacking on existing technologies of prior art and has focused the application on the novel aspects of the invention. "A patent need not teach, and ***preferably omits***, what is well-known in the art." *In re Buchner,* 929 F.2d 660, 18 U.S.P.Q.2d 1331 (Fed. Cir. 1991).

Thus, the Specification does enable those skilled in the art to make and use **object integration** without undue experimentation. Specification simply recites how objects in the environment are integrated elementally into the extended persona, keeping in view what is well known in the art, intentionally omitting prior art details and focusing on the inventive aspects of the invention.

In relation to **Enablement, in general,** PTAB open-endedly wrote:

> "Appellant argues that the claimed invention is described sufficiently to inform those skilled in the **relevant art** how to make and use the invention. See Br. 29-65. According to Appellant, this relevant art is a combination of 16 different disciplines including, among other things, interactive system design, artificial intelligence, political science, and Biblical theology. Br. 54."

Here, PTAB has propounded the favorable fact that "ordinarily skilled artisans have knowledge and experience in at least some of the fields listed by [Petitioner] on page 54 of the Brief." Appx11 citing Appx2733-2734. Therefore, it would just be a matter of having another artisan to be enabled. All the same, PTAB affirmed Examiner. Petitioner wrote to Examiner saying that while PTAB affirmed Examiner, there are *favorable facts* in the Decision, which offered further clarification. See Appx2400-2404. Since Petitioner was unable to persuade Examiner, Petitioner-Inventor thereafter appealed to the Federal Circuit for relief.

IV. Appeal to the Federal Circuit

While PTAB elaborated on the §101 Rejection, Petitioner-Inventor's arguments at the Federal Circuit were strong. Respondent did not make §101 an issue. If the court wishes to review Petitioner's grounds for Eligibility under §101, Petitioner's arguments are detailed at Br. 3-17. As for the minor § 112 ¶ 2 Definiteness Rejection, as explained in the above section, Petitioner believes it is not an issue any more. Regarding ***quality*** of claims, in general, Patent attorneys today have a "highly developed art of drafting patent claims so that they disclose as little useful information as possible and reason why patent disclosures are very rarely a useful source of information for research and development." Fn. 97, Pg. 249 in Jonathan J. Darrow's *The Neglected Dimension of Patent Law's PHOSITA Standard,* Harvard Journal of Law & Technology, Volume 23, Number 1, Fall 2009. Unlike such claim drafting, *Pro se* Petitioner-Inventor drafted—with the help of Examiner—very meaningful

claims that are very informative and useful for research and development, yet setting the boundaries with concise, clear, exact and definite language, particularly claiming the invention.

Respondent stated that "the **primary and dispositive** issue on appeal is whether the Board properly found that the claims at issue fail to **enable** one of ordinary skill in the art to make or use the invention without undue experimentation." Aple. Br. 1.

Petitioner's Opening Brief and Reply Brief were reviewed and Federal Circuit issued an Opinion ("Op") affirming the PTAB. Petitioner then timely filed a Combined Petition for Panel Rehearing and Rehearing *en banc* which was denied without further opinion.

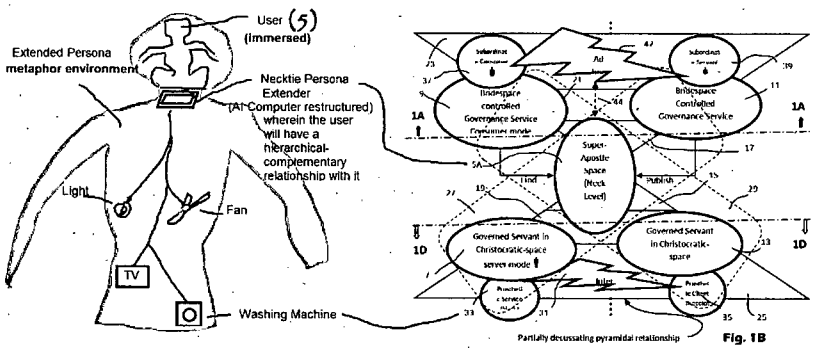
Regarding black-box's input and output, Petitioner submitted that the interface **alone** need to be known by PHOSITA and cited Wallnau, 2000 at Appx2578 for support, evidently overcoming the core issue and the rejections that followed.

In General, for all other §112 Rejections of other Claims

Petitioner had submitted what is **a winning argument and a titration point** for overcoming all §112 rejections/affirmations:

In determining whether any necessary experimentation is undue for enablement, Petitioner had submitted *Wands factor #2*, **Nature of Invention**: The Illustrative Claim 27 is a *Mechatronics/Cybernetics* invention—synergistic integration of mechanics, electronics, control theory, and computer science—**which needs no more than an inspection of the mechanical engineering drawings** coupled with some basic understanding of the

invention from the Specification. *See* Appx2587-2589 or Appendix E for **Figures 1A** (*cross-sectional top view*), **1B** (*frontal cross-sectional view*), **1C** (*front macro view*), **1D** (*cross-sectional bottom view*) and **Fig. 2** (*pictorial view of group microcosm*) that allow PHOSITA to apprehend not only the invention and that it would work but also that it can be made and used without much instruction from inventor. *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988). Petitioner had also submitted a dumbed-down version of the invention's drawings, i.e. the additional **simplified** Figure (at Appx15 citing Appx2720). See Br. 4, 19. In order to prove and demonstrate enablement by PHOSITA, this additional Figure was submitted (during Appeal to PTAB), and was submitted juxtaposed with Fig. 1B and Fig. 1C (during Appeal to Federal Circuit).



Petitioner-Inventor uses it to dumb-down the invention in order to "**enable**" non-engineering audience such as pastors and other lay members of churches to make use of the invention. *See* Br. **18-20** for details on this. However, within the Specification, Petitioner rather used ***mechanical engineering drawings*** to enable one of ordinary skill ***in the pertinent***

engineering art, not lay people.

Petitioner respectfully submits that the simplified figure presented by Petitioner, Br. 4, is not without "relevance" (Aple. Br. 25) for non-PHOSITAs to be enabled and to show them that the juxtaposed engineering drawings are in fact enabling to potentially any PHOSITA.

Petitioner thanks Respondent for conceding that Figure 2 relates to the invention's integration of "meatspace" and "cyberspace," (Aple. Br. 27) that together is called "Laborspace." Line #396 at Appx1016 and Line #605 at Appx1020.

Additionally, Petitioner had submitted a quote from the public domain, which is relevant regarding the §112 ¶1 Enablement Rejections, in general:

> **"Don't worry about people stealing your ideas. If your ideas are any good, you'll have to ram them down people's throats** [because, to begin with, they will not be ***enabled*** to even value it]." - Howard Hathaway Aiken.

Therefore, Petitioner spent considerable years to bring Examiner of AI Art Unit up to speed, hoping. However, Petitioner concluded that AI Art Unit Examiner cannot after all be expected to be speedily enabled. Petitioner submits, that the specification does provide sufficient support ***in general*** to enable those skilled in the art of **Electrical Electronics & Software Engineering** to make and/or use said bio-inspired embodiment ***in cooperation with*** one skilled in **Mechanical Engineering & Drawing** and **Design**

of Interactive Systems & Cognitive Psychology all of which Petitioner—as a single PHOSITA himself—is well versed in.[2]

Furthermore, as argued throughout this case, "erroneous Assignment of the Application to the **wrong Technology Center**, precluded Enablement for high-ended Examiner of AI art unit. If it had been in cooperation with an Examiner from an UI Art Unit coupled with another Examiner from Systems Architecture, the Enablement would have been instantaneous." Br. 17.

Notwithstanding, Petitioner submits that in view of **Working Examples** (*Wands Factor #7)* vis-à-vis Petitioner's own recent[3] prototype as well as invention's imitators, namely, Google (Appx2676-2678), MIT Labs (Appx2836-2841), IBM (Appx2553-2554; 2949-2952), and Microsoft (Hololens 2.0 as presented at "Inspire 2019", mentioned in the Reply Br. 3, 12-13) clearly proves enablement even **by a single PHOSITA in view of the simplicity of the significant invention**. *In re Wands, 858 F.2d 731, 737 (Fed. Cir. 1988).* Br. 7-8. Reply Br. 3, 13. Since all §112 rejections now stand fully addressed for the Illustrative Claim 27, Petitioner

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[2] In the Appeal Brief to the PTAB, Appellant broke up the various fields required for enablement into more detailed fields in order to show the obvious fallacy of the §112 Rejection and that cooperation with at least another PHOSITA is a necessity for Enablement for AI Art Unit Examiner.

[3] In the summer of 2017, Petitioner prototyped invention and published it at PersonDIVINE.com **(not part of the record).** But the 2017 prototype is a fulfillment of prophesy—the application. At the time of filing (2012), all said components were freely available.

submits that all other §112 rejections of other claims are enabling to a PHOSITA.

The PHOSITA Standard

In regard to the **"skilled in the art,"** PHOSITA standard, in cases involving both the art of computer programming—such as UI art plus AI art and Systems Architecture—and mechanical engineering, the Federal Circuit did not recognize that the knowledge of persons skilled in both technologies is the appropriate criteria for determining sufficiency. See *In re Naquin,* 398 F.2d 863, 158 USPQ 317 (CCPA 1968); *In re Brown,* 477 F.2d 946, 177 USPQ 691 (CCPA 1973). **MPEP 2164.06(c).** Instead, **the Federal Circuit emphasized that a single person having a single skill needs to be enabled to make and use the full scope of the specification.** Op. 3. The need to have more than one PHOSITA/examiner working in cooperation, which is the precedent for inventions involving computers, was cited by Petitioner twenty-five times in the Appeal Brief to the PTAB, and was also explained to the Federal Circuit. *See* Br. 20. The issue now is **further narrowed** to one of Examiner of high-ended AI Art Unit **not** being enabled by the UI art invention (involving also electrical, mechanical engineering and cognitive psychology), especially working *alone* to examine an interdisciplinary combination invention. And the policy of the patent office to have just *one* examiner examining a particular application—even a combination invention such as the instant one—is brought to question. This policy issue is even more accentuated by the fact that the application was erroneously assigned to the wrong technology center, namely, the AI Art Unit, instead of

the UI Art Unit in conjunction with Systems Architecture Art Unit. Perhaps this erroneous assignment is not something unusual when the USPTO initially processes patent applications. But applicants are left with no recourse except to be at the mercy of just **one** examiner of the erroneously assigned art unit.

As a blessing in disguise, the Federal Circuit has *emphasized* the issue of a single PHOSITA needing to be enabled versus Petitioner's expectation of having more than one PHOSITA working in cooperation.

Fn 1, Op. 2 also reads:

> "Congress amended § 112 when it enacted the Leahy-Smith America Invents Act ("AIA"). Pub. L. No. 112-29, § 4(c), 125 Stat. 284, 296–97 (2011). AIA § 4(e) makes those changes applicable to "any patent application that is filed on or after" September 16, 2012. *See id.* at 297. Because the '443 application was filed before September 16, 2012, *see, e.g.*, Appx1 (listing the filing date of the '443 application as June 15, 2012), pre-AIA § 112 **applies**." (emphasis added)

Federal Circuit here has highlighted the amendment made by US Congress to the 35 U.S.C §112 ¶1 statute in the America Invents Act (AIA) of September 2012. US Congress amended the statute by prefixing ¶ 1 with the words, "IN GENERAL" (meaning, usually or mainly), which presumably allows for exceptions such as the aforementioned Collective or Cooperative Enablement (by more than one artisan) to the rule of requiring Enablement for "any [one] person." This shows that Congress came to a better understanding and refined the

provision through the "IN GENERAL" clause allowing for cooperative enablement as also ruled *In Ex parte* Zechnall and *In re Naquin.*

To be precise, per the new 35 U.S.C §112(a) statute of America Invents Act, the "IN GENERAL" clause, if applicable, would allow for exceptions—to the rule of requiring Enablement for a single PHOSITA (person having ordinary skill in the art)—such as enablement for a PHOSITA working in cooperation with another PHOSITA/artisan, per said precedent.

Petitioner had cited the *In Ex parte Zechnall* citation **twenty five times**[4] in the Appeal Brief to the PTAB (Appx2679-2835) and again in the Brief to the Federal Circuit. Br. 20. However, PTAB was silent on that.

The Federal Circuit in emphasizing the issue of "a [single] PHOSITA"—not even two working in cooperation—that needs to be enabled, has further narrowed "the primary and dispositive issue" of enablement to one of whether there could be more than one Examiner/PHOSITA examining an application, especially a combination invention.

Alleged "Waiver" of not having Addressed Every Limitation of Examiner's Rejection (Op. 4):

Petitioner observed that Examiner as well as PTAB have made/affirmed rejections arbitrarily perhaps to fashion claims. However, even after many amendments, Examiner has not withdrawn the rejections. And even with a comprehensive Appeal Brief, PTAB too has not

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[4] Brief to PTAB page nos.: 55, 58, 60, 61, 63, 65, 68, 82, 84, 91, 92, 94, 97, 100, 101, 107, 116, 119, 121, 136, 138, 140, 142, 145, 150. (found within Appx2679-2835).

held back from affirming any rejection by Examiner. Perhaps this is in view of the high profile invention that it is, the rejections are intended to force Petitioner to seek redressal from the higher courts where the case is being referred.

Respondent mentioned **"waiver"** five times in its Response. Also, the legal technicality that briefs should not **incorporate arguments by reference**—also mentioned many times in its brief—was cited as the reason to dismiss ***pro se*** Petitioner's arguments. Surely, the raison d'être for the carefully prepared Joint Appendix, comprising two volumes, which comprise in part the painstakingly written one hundred and fifty seven pages to the PTAB, is for ***reference***, if anything. Respondent suggested to the Federal Circuit, "Appellant does not even argue many of those limitations on appeal and the Board can be affirmed on waiver alone" (Aple. Br. 1). And the Federal Circuit followed suit and has completely disregarded *pro se* Petitioner's arguments. Not in the least, at any time, did Petitioner waive contesting the §112 Rejections of Examiner, even though Examiner is a **non-PHOSITA**.

In view of the **30-page limitation** for the Opening Brief fixed by Federal Circuit, and due to the fact that PTAB made an inordinately big issue of the §101 Eligibility Rejection, Petitioner used the available space **first** to address the 35 U.S.C §101 Eligibility, which obviously is foundational for a patent. However, Petitioner did address all the §112 Rejections as well, even some specifically, for those limitations that seemed to require further clarification, especially for a non-PHOSITA, and also **generally** covered all the §112 ¶1 Rejections. See Br. 17-29.

With the following Sections of the Brief, *pro se* Petitioner submits that he has effectively fulfilled **all** the legal requirements in not omitting any limitations:—

A. The §112, ¶1 Rejections were addressed twice ***in general***, under sections:

1. **"Erroneous Assignment [of the Application] to the wrong Technology Center,"** precluded enablement by high-ended Examiner of AI art unit. Br. 17. Had the examination been conducted by an UI Art Unit Examiner coupled with Systems Architecture Art Unit, there would not have been any rejections to begin with; and

2. "Enablement [by PHOSITA] **in co-operation** with other Artisans." Br. 20. If AI Art Unit Examiner worked in cooperation with an UI Art Unit Examiner coupled with Systems Architecture Art Unit, there would not have been any rejections;

B. By addressing the ***"key aspect,"*** namely, **"Object Integration"** opined by PTAB (Appx13). Br. 23; and

C. *By addressing several specific limitations that may have still required further clarification even after the above general treatments and even after fully dealing with the rejections in the Appeal Brief to the PTAB.* Br. 21-29.

Note: In the Opening Brief to the Federal Circuit, at Pg. 2, Petitioner referenced the Appeal Brief to the PTAB using Fn. 3, which reads:

> "See **Appx2679-Appx2835**: Appeal Brief to PTAB - non-truncated (Same as Appx1886 - Appx2017 and Appx2284-Appx2314)." (emphasis in the original).

However, on Pg. 3 of the Judgment, the Federal Circuit wrote, **"J.A. 2284–314 (Appeal Brief),"** *showing only 30 pages with **127 pages** concealed from view*. The Federal Circuit appears to have reviewed only the Summary of Claimed Subject Matter at "J.A. 2284–314" or Appx2284 - Appx2314, leaving out the Arguments of the Appeal Brief to the PTAB included in Appx2679-Appx2835. This error by the Federal Circuit surfaced when *Pro se* Petitioner was researching as to why, for a §101 Eligible, §102 Novel, §103 Non-obvious superior User Interface invention, even *en banc* denied rehearing §112 Enablement arguments. It has become clear to Petitioner that the **Judgment was not made on the merits**, and that too by overturning precedent (*Ex Parte Zechnall* and *In re Naquin*).

Any supplementation necessary to prove that Petitioner was not waiving, had been supplied in the Reply Brief. As for those portions of the briefing which were incorporated by reference, had been fully furnished in the Combined Petition for Rehearing *en banc*.

Therefore, Petitioner did not waive addressing any of Examiner's Rejections. Moreover, since the Appeal Brief to the PTAB was **not** in full view, whereby judgment was sure to have been impaired, the Federal Circuit's Opinion and subsequent Denial by *en banc* was **not made on the merits**. Petitioner wrote to the Federal Circuit when the error was discovered, but to no avail.

REASONS FOR GRANTING THE PETITION

I. The Federal Circuit's Heightened §112 Enablement Standard Departs from Precedent by Requiring the Specification to be enabling to a Single Person with a Single Skill

Cooperative enablement is allowed by the MPEP itself. Petitioner submits the following portion from USPTO's own MPEP, which is copied here, verbatim:

> **"2164.05(b) Specification Must Be Enabling to *Persons* Skilled in the Art [R-08.2017]**
>
> 'The relative skill of those in the art refers to the skill level of those in the art in the technological field to which the claimed invention pertains. Where different arts are involved in the invention, the specification is enabling if it enables persons skilled in each art to carry out the aspect of the invention applicable to their specialty. *In re Naquin,* 398 F.2d 863, 866, 158 USPQ 317, 319 (CCPA 1968). When an invention, in its different aspects, involves distinct arts, the specification is enabling if it enables those skilled in each art, to carry out the aspect proper to their specialty. "If two distinct technologies are relevant to an invention, then the disclosure will be adequate if a person of ordinary skill in each of the two technologies could practice the invention from the disclosures." *Technicon Instruments Corp. v. Alpkem Corp.,* 664 F. Supp. 1558, 1578, 2 USPQ2d 1729, 1742 (D. Ore. 1986), aff'd in part, vacated in part, rev'd in part, 837 F. 2d 1097 (Fed. Cir. 1987) (unpublished opinion), appeal after remand, 866 F. 2d 417, 9 USPQ 2d 1540 (Fed. Cir. 1989). *In Ex parte*

> *Zechnall*, 194 USPQ 461 (Bd. Pat. App. & Int. 1973), the Board stated "Petitioners' disclosure must be held sufficient if it would enable a person skilled in the electronic computer art, in cooperation with a person skilled in the fuel injection art, to make and use Petitioners' invention." 194 USPQ at 461.'

Thus the *precedent* allows for **Two-or-Three-Person-Team working in cooperation** for §112 Enablement. All along Petitioner had been insisting that the specification has support to enable one skilled in the art of **Electrical Electronics Engineering** to make and/or use said *bio-inspired* embodiment ***in cooperation with*** one skilled in **Mechanical Engineering Drawing** and another skilled in **Software Engineering & Design of Interactive Systems** and another skilled in **Cognitive Psychology**. Br. 20.

Apparently, that was not acceptable to the Federal Circuit, who opined that a single person having a single skill needs to be enabled to make and use the full scope of the specification. Op. 3. Apparently, this is a standard that is particularly being leveled at this overseas *Pro se* Petitioner-Inventor.

The purpose of the **§112 Enablement** requirement is to ensure that the invention is communicated—***not deliberately obscured***—to the interested public in a meaningful way. Petitioner submits, the scope of enablement of instant Application is that which is disclosed in the specification **plus** the scope of what is known to persons skilled in the art without undue experimentation. *Nat'l Recovery Techs., Inc. v. Magnetic Separation Sys., Inc.*, 166 F.3d 1190, 1196 (Fed. Cir.

1999).

It is a well-established fact that interdisciplinary approach is fundamental to how new solutions are discovered to address problems humanity faces. It is reason why we have universities. Even the Old Testament as well as the New Testament speak of two or three witnesses at a minimum to bind an argument.

Pro se Petitioner-Inventor has a bachelor's in Mechanical Engineering, a master's in Computer Information Science, and completed few courses in the PhD in Management and has a grounding in Biblical Theology. Inventor is an expert in AI art, UI art, and Systems Architecture art which are very different arts.

Per the §112 statute, the **"art to which [the invention] pertains" (or relevant art)** is a combination of:

- Design of Interactive Systems, which includes:
  - Cognitive Psychology,
  - Information Processing,
  - Information Theory,
  - User Experience Design, and
  - User Interface Design;
- Network Architecture;
- Service-oriented Architecture (SOA) and Cloud;
- Management Information Systems;
- Organizational Structure;
- Computer Architecture;
- Artificial Intelligence;
- Bio-inspired Design;
- Mechanical Engineering & Drawing;
- Electrical & Electronics Engineering;
- Political Science; and

- Biblical Theology.

Typically, corporations have separate departments that deal in specializations, and are ***collectively enabled*** to make and use such inventions. It is also reason why patent offices elsewhere have ***three*** examiners examining a single patent application for maintaining objectivity. However, Petitioner is not sourcing from any foreign law to establish enablement of two PHOSITAs or more working in cooperation. Petitioner cites purely US case law, which is also affirmed by USPTO's own MPEP. "*In Ex parte Zechnall,* 194 USPQ 461 (Bd. App. 1973), the Board stated Petitioners' disclosure must be held sufficient if it would enable a person skilled in the electronic computer art, in cooperation with a person skilled in the fuel injection art, to make and use Petitioners' invention. 194 USPQ at 461." (MPEP 2164.05(b)). Appx2732-2734.

Novel interdisciplinary approach with cooperation is fundamentally how new solutions are discovered and formulated to address problems humanity faces.

PTAB had propounded the favorable fact that "ordinarily skilled artisans have knowledge and experience in at least some of the fields (shown above) listed by Appellant (Petitioner) on page 54 of the Brief." Appx11 citing Appx2733-2734. Thus, it is just a matter of having perhaps just one more Examiner having other skills from a different but related art unit to examine instant application that would have resulted in not only better processing of the application but also expeditious processing.

Applicants should not be expected to predict the Art

Unit to which the patent application will be assigned to or the actual level of skill of examiners at the patent office such that the application be drafted suitable for their understanding for enablement. Petitioner-Inventor had straightforwardly drafted the application, highlighting the novel features and intentionally omitted what is well-known in the art, all the while following rules.

Computer Information Science itself is an inter-disciplinary field because it deals with a machine that imitates the mind and is applied in all disciplines. And not surprisingly, the **systems integration** aspect of the invention pertains to multiple disciplines and it is typically a **cooperative work** with more than one artisan and it is a **routine** activity. Therefore, it is not unusual in technology shops to have three or four artisans from disparate fields working together on a single project. It is unlikely that a single PHOSITA would be enabled by instant specification unless of course the PHOSITA has a bachelor's in Mechanical Engineering, a Master's in Computer Information Science majoring in User Interface Design, Artificial Intelligence, and Systems Architecture, with a grounding in Management and Biblical Theology just as instant inventor does.

Petitioner submits, **due to the high level of skill in the art**, a single PHOSITA, such as instant Petitioner-Inventor, would have sufficed for enablement of instant specification without undue experimentation. Due to the fact that the Application, to begin with, was erroneously assigned to **Technology Center 2120** by USPTO's OPAP, precluded Examiner of high-ended AI Art Unit to

be swiftly enabled[5], resulting in really **all** of the §112 ¶1 Rejections by Examiner. "In many cases a person of ordinary skill will be able to fit the teachings of multiple [references and disciplines] together like pieces of a puzzle." *KSR Int'l Co. v. Teleflex Inc.*, at 420, 82 USPQ2d 1397. However, that has **not** been the case with instant Examiner of AI Art Unit. The Mechanical Engineering drawings and the UI art were not understood to begin with and Examiner misunderstands the invention as pertaining to a "brain input and output." Secondly, the Examiner appears not to have understood the Christocratic Necked Service Oriented Architecture and Biblical underpinnings of the invention. It is all due to the fact that Examiner is from a high-ended art unit, namely, Artificial Intelligence.

Since the Application was assigned to the wrong technology center, the issue of at least a second PHOSITA/Examiner of a different but related art unit working in cooperation with Examiner, turns on.

Inventor-Petitioner is forthrightly piggybacking on existing technologies of prior art and has focused the application on the novel aspects of the invention. "A patent need not teach, and ***preferably omits***, what is well-known in the art." *In re Buchner*, 929 F.2d 660, 18 U.S.P.Q.2d 1331 (Fed. Cir. 1991).

However, under the heightened standard, the Federal Circuit ignored the "cooperative work" precedent, *In re*

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[5] *Wands Factor # 4*, as to the level of one of ordinary skill in the art of Cognitive Engineering Technology or User Interface Design ***in cooperation with others***, *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988). See MPEP 2164.05(b). *In Ex parte Zechnall*, 194 USPQ 461 (Bd. App. 1973).

Naquin, 398 F.2d 863, 866, 158 USPQ 317, 319 (CCPA 1968) and *In Ex parte Zechnall,* 194 USPQ 461 (Bd. App. 1973), which was cited twenty five times in the Appeal Brief to the PTAB. And perhaps in view of the above set of 16 disciplines mentioned by Petitioner, the Federal Circuit *reacted* and unduly overextended *In re Wright* (**Biotech invention**) and *Storer v. Clark* (**Biotech invention**) and applied them to instant Cognitive Mechatronics invention, and shockingly ruled out cooperative enablement all together. Federal Circuit additionally applied 35 U.S.C §112, ¶1 of Pre-AIA and opined that "a [single] PHOSITA" having a single skill is the standard for enablement. *See* Op. 2-3. These references (*In re Wright* and *Storer v. Clark*) of Biotech inventions, and Pre-AIA is not really "substantial evidence," as opined by Federal Circuit. Op. 3. Firstly, Biotech inventions, where artisans generally work in their own discipline, are different from instant **Systems Integration** invention, where artisans generally work in cooperation with those of other disciplines. Secondly, the rule (§112 ¶1) has exceptions, which has been demonstrated in the America Invents Act (AIA) itself, where Congress made the amendment of prefixing ¶ 1 of 35 U.S.C §112 with the clause, "IN GENERAL." The exception is **allowed** and even **implied** in the statute, namely that the required enablement for a PHOSITA can be, when required, be in the context of **routine cooperative work** with another artisan belonging to other disciplines and still satisfy 35 U.S.C. §112, ¶1 (Pre-AIA).

The Federal Circuit appears to be excusing itself, saying that the Pre-AIA applies for instant Application and the "Standard of Review and Legal Standard" is one

of requiring enablement for a **single PHOSITA** or "[a PHOSITA]" having a **single skill**. Op. 3. Clearly, therefore, this is something only the Supreme Court can rule on. Or else, the Federal Circuit may very well be effectively propounding the ***favorable fact*** that the invention is **otherwise enabling** and is here referring the case to the Supreme Court for a **clarification of the statute itself** in view of what appears to be a conflict between 1) *In Ex parte Zechnall & In re Naquin;* and 2) *In re Wright & Storer v. Clark* as interpreted by the Federal Circuit. Op. 3.

In summary, the Federal Circuit as well as the PTAB have effectively framed the issues such that **the only dispositive issue** now is whether, as a rule, Collective Enablement or Enablement for a PHOSITA working in Cooperation with other artisans also satisfies 35 U.S.C §112 ¶ 1.

"Conceptions of the PHOSITA as a team or group rather than an individual have occasionally entered the literature. The PHOSITA standard should in some cases be based on hypothetical knowledge of 'interdisciplinary teams,' describing **the PHOSITA as a 'roomful of engineers.'** Because the PHOSITA provides an intentionally and artificially created frame of reference, conceiving of the PHOSITA as an unrealistic amalgam of persons is appropriate in some cases." Fn. 88, pg. 244 in Jonathan J. Darrow's *The Neglected Dimension of Patent Law's PHOSITA Standard*, Harvard Journal of Law & Technology, Volume 23, Number 1, Fall 2009. (citations omitted).

This is a recurring issue with inventions that are computer related, in particular, being that they are

today pervasively applied in all fields. The US Supreme Court is herewith respectfully requested to bring clarity on this "conception of the PHOSITA as a team or group" and make a ruling.

II. National Interest & Even Global Interest

Artificial Intelligence (AI) is considered such a great accomplishment that it has been touted as the last invention by mankind. However, Petitioner's invention, known as, **Super-Augmented Persona,** addresses the problem of n-entropy or loss of control/information by transforming users into godlike beings, and is therefore the next thing to AI itself. Super-Augmented Persona, which comprises among other things, an eThrone, is useful for such awesome purposes as a viable **world governance** through a Christocratic[6] Necked Service Oriented Architecture (CNSOA) for putting an end to terrorism, climate change, globalization tsunami, and saving the world itself from **AI-machine tyranny** and even the demise of mankind.

Therefore, this case for a very eligible, novel, and non-obvious invention being denied a patent only on the basis of the aforementioned erroneous non-enablement, is not only of national interest but also of global interest.

The Federal Court's decision, if not serving as a referral for this Court's consideration, is of questionable

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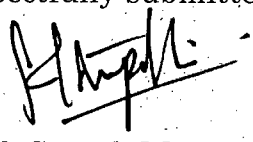
[6] In the journal article (Inventor's primary reference), *"Autonomous Technology and the Greater Human Good,"* Steve Omohundro wrote in conclusion, "it appears that humanity's great challenge for this century is to **extend** ***cooperative human values*** and institutions to autonomous technology for the greater good." J.A. 2539. Petitioner's invention meets that challenge to a great extent.

correctness and would have far-reaching effects such as global anarchy without recourse, vis-à-vis autonomous technologies. Deploying the Super-Augmented Persona through a Christocratic Necked Service Oriented Architecture for world governance is critical for the safety of the human race as we know it.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



7 March 2020 AD

Caleb Suresh Motupalli

Petitioner-Inventor Pro se