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A Critique of the Supreme Court Holding in *Alice Corp v. CLS Bank* with New Rhetoric

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Abstract
This paper analyzes the Supreme Court opinion in Alice Corp. v. CLS Bank*. New rhetoric offers a useful approach to critique the available means of persuasion and is useful for understanding the Supreme Court's reasoning. A qualitative critique through a hermeneutic framework assists in discovering the conditions and context under which a Supreme Court opinion defines a patent-eligible concept and the contours of an "abstract idea." New rhetoric is useful to evaluate a Supreme Court opinion because it relies on how quasi-logic relies upon definitions of categories and understandings of phrases to be persuasive. This paper concludes by discussing limitations and suggestions for future work in analyzing legal issues through modern rhetorical concepts.*

Tentative Purpose, Thesis, and Rationale

A rhetorical analysis of the Supreme Court opinion in *Alice Corp.* v. *CLS Bank* is useful because it provides an opportunity to critique an audience's understanding of an argument through a rhetorical and legal lens. One issue is that purposely vague is the effect of software patents on patent litigation. Purposely vague software patents may be detrimental to patenting, patent litigation, intellectual property, and new technological growth. The subject of patent law is important to study as a means of recognizing the consequences of patent litigation in courts and to the larger legal realm. This study contributes to the field of communication studies by advancing an understanding of communication within legal contexts. Furthermore, this study contributes to the theoretical, critical, and empirical questions related to the field of rhetorical studies, and it contributes to communication theory within legal contexts.

A qualitative analysis using Perelman and Olbrechts-Tyteca's theory of new rhetoric as a theoretical foundation illustrates discussion of a legal issue through communication theory. Research regarding patents in the field of communication engages individuals to learn about law in a democratic society. Researchers learn about the function of law and its operation in legal institutions, the ideal of justice, and the relationship of law to justice. Individuals use the law to act as an

instrument for social change by learning about the ideal of justice as an agent for action.

This paper first describes concepts of new rhetoric and its tenets to analyze arguments. Second, it provides a summary of literature related to the narratives of parties in patent cases. The literature introduces the controversial complexity of patents, law, and litigation. Third, the paper analyzes the Supreme Court's decision in *Alice Corp. v. CLS Bank* employing the tenets of new rhetoric. Lastly, the paper provides observations and speculations on the appropriateness of Perelman and Olbrecht-Tyteca's theory for analyzing legal rhetoric, to underscore the contribution(s) of the study for students of rhetoric. So to begin, what is new rhetoric?

Breakdown of New Rhetoric

For anyone who wants a quick run-through of new rhetoric, the YouTube video *Chaim Perelman: 2Minute Thinker* provides a brief overview of Perelman's philosophy (Mary B., 2016). Philosopher Chaim Perelman advocated persuasion as quasi-logical. A rhetor uses different definitions and categories of understandings to relate to the audience's values, which he calls *communion*. Persuasion is a shared understanding between the speaker and audience as both a product and prerequisite for rhetoric. Perelman outlined two types of audiences, the universal audience and the particular audience. A universal audience represents all rational beings and humanity. The rhetor imagines what constitutes the universal audience when crafting his or her message. Normally, a rhetor would use deductive reasoning with logic and facts to appeal to the audience. A particular audience, on the other hand, is a specific group with shared values. A rhetor's argument must agree with those values or establish a connection between the rhetor's warrant(s) and the particular audience's beliefs. Because values are always evolving, so is the relationship between the rhetor and the audience.

Perelman and Olbrechts-Tyteca define argumentation as a series of techniques to induce or goad the mind to adhere to a thesis (1969). A classical notion of rhetoric is that persuasion is the rhetor's ability to convince his or her audience. Persuasion is not a living entity, birthed through a rhetor. New rhetoric presents the theory that persuasion relies on an argument's ability to convince its audience of validity. While it is always a rhetor's job to create a persuasive argument, the merit(s) of the argument exist in any medium presented (oral, written, or ideographic). The audience decides when something has been sufficiently persuaded when they either accept or reject an argument. This

assertion follows the same rationale for conviction and persuasion that Kant proposed in his *Critique of Pure Reason*. For Kant, rational beings make valid judgements grounded in objectivity (1998). Kant's philosophy supports the core notion in new rhetoric that persuasion is not about logically proving a fact, but rather, about accepting the probability of truth.

Perelman and Olbrechts-Tyteca's new rhetoric, as well as Kant's rationale for persuasion, is reminiscent of an Aristotelian version of truth, as opposed to the sophistic division of "big T truth" and "little-t truth." The better the probability of something being true, the more likely it is to be accepted as true. An argument from a rhetor must contain a logical argument that relies upon the audience's knowledge. This either occurs explicitly through deductive or inductive reasoning as a consequence of the syllogism, or it occurs implicitly through one or more enthymemes, implied premises accepted by the audience's beliefs. A syllogism is a formal structure of reasoning that creates an argument by developing a conclusion based on established premises. A classic example of a syllogism follows that if all people are mortal, and you are a person, then you must be mortal. All people being mortal and you being a person are premises; you being mortal is a conclusion based on the premises given. Syllogisms are useful in creating logical arguments. Enthymemes are arguments in which premises are implied. For example, if you are a U.S. citizen, you are entitled to due process. This implies that all U.S. citizens are entitled to due process. Enthymemes are useful in crafting arguments because they rely on shared truths between the rhetor and the audience.

As Richard Long states, the rhetor must focus the ideas of the audience into a singular mind (1983). Judges' rulings occur within *stare decisis* (i.e., legal precedent) and a judge's beliefs on the best course based on the arguments presented. Part of knowing the audience—in this case, the Supreme Court Justices—is *a priori* of the general characteristics and beliefs of each Justice based on their previous opinions. To a larger extent, this is a core principle in creating arguments for future cases. Aside from the Justice delivering the court opinion, Supreme Court Justices may present concurrences or dissents that may help form legal arguments for future cases.

There are several tenets of new rhetoric. The first tenet of new rhetoric is the solidity of *claims*. Claims must be judged as reasonable, rather than absolute. Any issue worth disputing in court lacks absolute certainty, and before court procedures occur there must be an agreement that each party's claim has reasonable worth to be disputed. Ambiguity will always exist because of the nature of language, which has multiple interpretations. Words as symbols and

their syntax in a language structure do not have precise meaning and their multiple meanings can be used in different ways. Language's ambiguous quality may have several interpretations or connotations. Ambiguity occurs in four contexts: (1) no previous applicable rule because the case is the first to discuss the issue; (2) a previous ruling is subject to more than one meaning; (3) when a previous ruling is claimed to be invalid [this may be because a previous ruling is in contradiction with another ruling]; and (4) conflict exists between two potentially applicable rules. Each syllogism must contain real and preferable premises. Claims must be grounded in a reality acceptable by the audience, for which an origin of reasonable discourse may occur (Long). As explained in the Toulmin model of argumentation, a claim is the thesis a rhetor wants the audience to believe, the *grounds* are the support for the claim, and the *warrant* is the reasoning that creates an association between the claim and its grounds (Toulmin, 1997). A rhetor using practical argumentation encodes an argument relying on a solid relationship between claim, grounds, and warrants. An audience must be able to decode the information through an inverse process.

Liaison is another tenet of new rhetoric. Liaison engenders techniques of association and dissociation among premises. Three techniques used to create association are: (1) quasi-logical (i.e., abductive) reasoning; (2) arguments based on the structure of reality; and (3) arguments based on establishing a structure of reality. As Kurt Saunders explains, inference creates liaison between facts and conclusions of law (2006). For example, imagine that two parties are in court regarding a car accident. The plaintiff asserts that he or she saw the defendant with their cell phone playing Pokémon Go in front of their face just before the collision. Through liaison, the plaintiff's lawyer can infer that the defendant was negligent by not observing the road and argue that the collision is the defendant's fault by means of cause-and-effect. Furthermore, the association implies the relationship between the act of looking away from the road as negligent. Dissociation, conversely, creates a separation between two values. For example, it is a generally known rule that it is illegal for a car to drive on a sidewalk, presumably for pedestrian safety. Imagine that a person driving down a street veered onto the sidewalk to avoid colliding with a pedestrian on the street. While the driver violated the law, he or she did so to avoid harming a pedestrian, thus preserving the spirit of the law. According to Saunders, the argument "makes a dissociation between the letter and the spirit of the law in order to urge a fair representation of the statute and to justify a finding of no liability" (p. 174).

The third tenet of new rhetoric is *presence*. Presence determines how to give significance to the premises and relationships expressed in the argument. This is

similar to the concept of arrangement from the canons of rhetoric, but the emphasis here is the content of an argument and its relationship between rhetor and audience. Fans of classical rhetoric may recognize presence as a type of *kairos* outlined by the classical rhetoricians Plato, Aristotle, and Cicero. Kinneavy and Eskin (2000) note that Aristotle's *Rhetoric* mentioned the word *kairos* 16 times for its utility to discover means of persuasion. Although the use of *kairos* in rhetoric shifted from Greek to Roman scholarship, both philosophies of *kairos* outline its effectiveness in argumentation, synthesized into new rhetoric's tenet of presence. In this case, understanding the timing relies on a better picture on patents and their social significance in court.

Contextual Information on Patents

Roberta Kevelson's definition of property is succinctly analogous to what a patent is. Kevelson, drawing on several philosophical and legal authors, equates property, either a corporeal or incorporeal object, with an instrument or toll that is evaluated by others in society (1992). Patents protect innovators who, through human ingenuity, work to create or improve something beneficial for humankind. Patents are economically beneficial for entities that work on practicing the use of the patent. Inventions create industry to satisfy the public's needs.

Katherine T. Durack summarizes the patent system as "the system through which the legal ownership of innovations is asserted, contested, granted, and bounded" (2006, p. 316). There are two fundamental issues relating patents and patent law. First, innovation is characterized by a novel creation or some remarkable advancement of an already existing artifact or concept. Second, characterizing innovation either by novelty or remarkable advancement is relative to things that exist in the ether of human production. Furthermore, only a limited number of individuals possess the required knowledge to make such distinctions, and seldom are those individuals specialized in the same field. Kenneth W. Dam has noted that the nature of patent law creates difficulties in how patent law doctrines address the issue (1994).

Because of the vague nature of patent law, there have been times when individuals or groups have taken advantage of the system for personal gain. Plaintiffs who have (arguably) taken advantage of the legal system are known as "patent trolls." Robert P. Merges states that patent trolls do not help society because they do not contribute to technological innovation (2010). While the legal system exists to uphold justice as a space of determining fairness through discourse, an unintended consequence has emerged. Legal games (in the realm

of patent disputes) make little to no substantial innovation, and are generally unproductive with no social benefit.

Narratives & Tribulations of Patent Disputes

Christopher A. Cotropia distinguishes two narratives in the field of patents and patent law: the narrative of the inventor and the troll. An inventor toils with ingenuity and perseveres to create something amazing, beneficial to society. The troll, on the other hand, is a hoarder of patents with no intention of commercializing them, and instead seeks royalties from others who have commercialized patents similar to the troll's (2009). In a court of law it would play out as a patent troll (plaintiff) seeking restitution from the inventor (defendant), on the notion that the inventor either stole the idea or lost income because the inventor commercialized the patent. Cotropia explains that a defendant usually cannot retaliate on the same grounds because trolls do not sell products or services that could be infringed. In other words, a defendant cannot countersue for the same reason that they are being sued as a deterrent against trolls. James F. McDonough III elaborates on the description of a patent troll as a party who owns a patent without intending to use it to produce a product (2006). By acquiring ownership of a patent and not commercializing on the product or service, a patent troll (formally known as a non-practicing entity or "NPE") creates a rational legal argument when they sue a person or entity that already incorporated the technology without permission.

Some scholars have argued that patent trolls sue as a business strategy, since the cost of litigating patent disputes can be expensive. Colleen Chien noted cases in which $1-25 million is at stake, and the cost of litigation is between $2 and $3 million (2008). Defendants may be more inclined to settle because, from the standpoint of a cost-benefit analysis, the cost of litigation may be excessive; settling may be considerably cheaper. Regardless of how the suit is resolved, defending the use of a patent can also "damage a defendant's credit rating, its relationship with customers, and its reputation with investors" (p. 1588). Trolls as plaintiffs can predatorily use litigation to upset and threaten the survival of a competing firm. As Jean O. Lanjouw and Josh Lerner state, a defendant unable to afford litigation may be forced to settle, regardless of the merits of the case (2001).

James Bessen and Michael J. Meurer have explained that U.S. patents are unnecessarily expensive because patents and their claims are too vague (2010). The United States Patent and Trademark Office (USPTO) permit vague patents that, due to their abstract nature, increase the likelihood of litigation of a

patented invention. In fact, some patent claims are grounded on an abstract patent itself. The litigation process through the court system creates a determination if the scope of a patented invention—whether corporeal or incorporeal—has been infringed upon, based on the most coherent argument. With substantial activity disputing the legitimacy and enforcement of patent claims in lower courts (district courts and federal circuit appellate courts), several parties have petitioned a *writ of certiorari*, a formal request for the Supreme Court to hear the case, to the Supreme Court of the United States (SCOTUS), of which some cases in particular follow the described patent troll scenario. With a basic understanding on the complexity of patents, patent law, and case scenarios, it is at this point important to note how cases reach the Supreme Court, as well as to clarify some legal jargon.

How Does Court Procedure Work?

In the video "Supreme Court of the United States Procedures: Crash Course Government and Politics # 20," Craig Benzine explains the court procedure for SCOTUS, from how parties petition to have their case heard to how SCOTUS issues opinions on cases. First, a case must exhibit controversy. The case must have been heard in lower courts and appealed, often more than once. If a party still believes that the issue is worth the court's attention, a party must petition for a *writ of certiorari*. The federal government's chief lawyer, the Solicitor General, screens out petitions if the issue is not controversial enough or if it is easily decided by *stare decisis*, or standing legal precedent. Out of all the writs accepted, Justices grant *certiorari* when four of the nine Justices decide to hear a particular case.

Once *certiorari* is granted, each side presents one or more legal briefs explaining why the law favors their position. The petitioner is the party seeking to overturn the lower court's decision, while the respondent is the party that wants to uphold or affirm the lower court's decision. After oral arguments, the Justices meet in another conference to make a decision. In order for the Supreme Court to render an official decision, at least five out of nine Justices must agree on at least one of the legal arguments that either affirms or overturns the lower court's decision. The decision of the Supreme Court is called a holding. The court may also remand the case, which sends the case back down to be decided by the lower courts. A majority opinion is binding on lower courts, so any decision that the Supreme Court makes must be upheld. Cases that do reach the Supreme Court have significant merit to be examined, based on the process for a case to reach the Court in the first place. The next section will describe the legal battle

between Alice Corp. and CLS Bank, and apply the tenets of new rhetoric to critique the reasoning of the Court.

Analysis of *Alice Corp* v. *CLS Bank*

Petitioner Alice Corp. sued CLS Bank in 2007, claiming that CLS Bank's computer system for financial obligation transactions infringed upon one or more of Alice Corp.'s patents (*Alice Corp.* v. *CLS Bank*, 2014). Respondent CLS Bank countersued and claimed that the patents were invalid, unenforceable, or not infringed. The District Court held that all of the claims are patent ineligible because they are directed to the abstract idea of using a computerized intermediary to handle financial exchange of obligations to minimize risk. The District Court and Federal Circuit affirmed that Alice Corp.'s patents were ineligible for patent protection under 35 U. S. C. § 101 because they were directed to an abstract idea. Thus, Alice Corp.'s claims of infringement were invalid. For reference, Section 101 of the Patent Act defines patent-eligible subject matter as "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or nay new and useful improvement thereof" (35 U.S.C. § 101). Alice Corp. then filed an appeal with the Federal Circuit Court. The Appeals Court reversed the District Court's decision because it was not "manifestly evident" that Alice Corp's patents represented an abstract idea. The Circuit Court granted a rehearing *en banc* (i.e., to all judges in a court instead of a panel), who affirmed the District Court's judgement. The Supreme Court granted *certiorari* because the Circuit Court's judgement included a dissent that explained the patent involved using computer hardware specifically programmed to solve a complex problem. Several questions arose for the Supreme Court to answer: What constitutes an abstract idea, and what computer-implemented subjects are patent-eligible?

Following Olbrechts-Tyteca's concept, presence is indicated by the fact that the case reached the Supreme Court. Technological applications in the 21st Century have increasingly changed standard practices to fit normative behavior within a virtual realm. Shopping has been expedited from in-store to online; advertising has gone from artistic guesswork manipulating the masses to fine-tuned suggestions on an individual level; customer service has gone from skills of interpersonal communication to mechanically speaking to a computer program with automated responses. With technological capabilities to achieve a particular goal, distinguishing the innovative from the mundane is a complex issue that requires several layers of analysis. The court system provides a vetting process to deconstruct big issues into specific sections and examine if a valid argument is sound.

The claims that were presented by the petitioner and the respondent were reasonable. Alice Corp. had a reasonable claim against CLS Bank on the grounds of patent infringement because Alice Corp. does in fact have a patent that uses a system similar to CLS Bank. From the Circuit Court's perspective, it was irrelevant if Alice Corp. did not practice its patent. CLS Bank had a reasonable claim to refute Alice Corp. on the grounds that its patent was unenforceable or not eligible as a patent. Both the District Court and Circuit Court (in an *en banc* session) believed that the patent was invalid because it related to an abstract idea. The Supreme Court granting *certiorari* indicates that the issue demonstrated controversy. If one claim was not reasonably within the ability of lower courts to decide, the Supreme Court would not have accepted the case.

Ambiguity was a distinct factor for The Supreme Court. Section 101's provision clearly indicates that "Whoever invents or discovers any new and useful process…" Justice Thomas noted that the Court held that laws of nature, natural phenomena, and abstract ideas were implicitly exempted from being patented. Abstract ideas cannot be patented because permitting a patent to an abstract idea "would effectively grant a monopoly over an abstract idea" (§ 101, pp. 5-6). Including natural laws and natural phenomena, abstract ideas compose the basic elements needed for any technological work or scientific progress. Monopolizing an abstract idea could impede innovation instead of promote it, rendering the purpose of patenting useless.

The Court's opinion that clarified the exclusionary principle does not include abstract concepts that contribute to a new and useful end. In applying the § 101 exception, the Court had to distinguish between patents that are fundamental tools to human ingenuity and patents that improve upon those tools. The Court had to clarify the ambiguity along previous rulings as well as address the ambiguity of a patent-ineligible concept. The Court concluded that the patents did represent an abstract idea of intermediated settlement. Having addressed the issue previously (*Bilski* v. *Kappos*, 2010), an intermediated settlement using a third party to mitigate risk is a fundamental economic practice in the system of commerce.

Drawing upon Olbrechts-Tyteca's concept, petitioner Alice Corp. was ineffective at using liaison. Alice Corp. attempted to use dissociation when it acknowledged that its claims described intermediated settlement, but rejected its patent as abstract. Alice Corp. countered the Court's precedents of abstract ideas, which "exist in principle apart from any human action" (p. 10). The dissociation here is that a third-party system to facilitate obligated transactions is not a natural law or some universal truth. A computer automated system used

to conduct transactions is a human-made system, and therefore eligible for patentability. The Supreme Court reasoned that there was no meaningful distinction between intermediated settlement and the concept of risk hedging in *Bilski* v. *Kappos*; both count as an abstract idea.

The second aspect of liaison was whether the elements of claim were sufficient to associate the patent's concept as a patent-eligible application. The Court referenced past opinions to establish how they determine the association of a concept's innovation as patent-eligible. While Alice Corp's patent did have technical specifications to create a distinction between itself and similar devices or processes, the mechanisms and process were too generic to qualify as an innovative concept. The patent did not improve upon an existing technology or technological process. The patent does nothing more than to provide instruction to apply an abstract idea of intermediated settlement through a generic computer. There was no association with regard to Alice Corp's patent claim as innovative.

Discussion & Limitations

There may be a limited use of new rhetoric for legal analysis. In the communication studies field, new rhetoric presented a novel approach to evaluating the available means of persuasion. This analysis takes a major turn from using new rhetoric as a methodological framework, using new rhetoric's tenets to critique the rhetor's effectiveness through the audience's opinion instead of a rhetor's choices. The values, beliefs, and reasoning of the Supreme Court in this case stems from previous cases, a concept that new rhetoric does not discuss (to my knowledge). The Court's references to past opinions limit how well the parties created an adherence to a shared understanding of values. In addition, the analysis uses the opinion of the Court as an artifact to analyze argumentation, without having seen the original party's arguments.

I hope to use Perelman and Olbrechts-Tyteca's new rhetoric to provide a new approach to analyzing argumentation. Argumentation is generally critiqued according to the choices of a speaker, to determine if the choices were appropriate to be used on an audience, and to what effect. Instead, I inverted this idea by critiquing the audience's response to how effective the lawyers' choices for argumentation were. Ultimately, it is the audience who decides how well a speaker persuades and how strong an argument is.

Conclusion & Future Directions

This paper analyzed the Supreme Court opinion in *Alice Corp. v. CLS Bank* using Perelman and Olbrecht-Tyteca's new rhetoric. New rhetoric provides a theoretical framework for examining the effectiveness of an argument. The tenets of new rhetoric are audience, claims, presence, ambiguity, and liaison. New rhetoric is useful for examining a Supreme Court decision because the Court's opinion is communicated in a way that can be illustrated through the tenets of new rhetoric. In this case, the Court decision examined was related to a patent-related case, *Alice Corp. v. CLS Bank*. I used *Alice Corp. v. CLS Bank* as a case study, not only for its notoriety in the field of patent law, but because it is ironic that innovation can be stifled with an innovative business tactic. Patents are not new, but the way in which they are being utilized as a business strategy is a somewhat novel practice.

A patent is a government document that gives the owner the right to make, use, or sell an invention. Patents also exclude others from the rights listed previously. Inventions are patented because they protect the intellectual property, design, or service for the owner. An invention can be patented if its innovation is novel or substantially advances something that already exists. A current problem in patent law is that some entities accumulate a number of patents without the intent to act upon them; these groups are called NPEs. NPEs hoard patents so that if another group makes or sells an invention similar to the patent, the NPE can sue the other party on the grounds of patent infringement. NPEs who conduct business in this manner are referred to as patent trolls. Patent trolls can seriously disrupt innovation and clog up the legal system. Inventors or businesses are wary of creating or applying new technology for fear of the cost of being sued. Even if someone is sued, and a ruling is in favor of the defendant, his or her business can be destroyed because of a ruined reputation stemming from an infringement accusation. The legal system becomes slowed because it must process the number of cases patent trolls file. There is no way to know if a case is frivolous without following legal procedure, which costs time, money, and manpower.

The Court's opinion illustrated new rhetoric's concepts of reasonableness and realness of presence, claims, ambiguity, and liaison through association and dissociation. The dispute between Alice Corp. and CLS Bank established presence through its journey in the legal system. A district court ruled in favor of Alice Corp. because it had a patent that CLS Bank (unintentionally) infringed upon. Afterward, an appellate court ruled in favor of CLS Bank by determining that Alice Corp.'s patent was ineligible to be so. Alice Corp. successfully petitioned and was

given *certiorari* by the Supreme Court to hear the case. The Supreme Court affirmed the appeals court decision that Alice Corp.'s patent was ineligible to be a patent because it explained an abstract process, third-party financial transactions.

In terms of each party's claim, each one was reasonable. Alice Corp. argued that CLS Bank was infringing upon its patent, regardless if it was intentional or unintentional. At the time of the dispute, Alice Corp. did in fact have a patent that explained a process that CLS Bank was using for secure third-party escrow transactions. The claim is reasonable because it is factually true. CLS Bank argued that it was not infringing upon Alice Corp.'s patent because it never should have had the patent in the first place. The patent should be patent-ineligible because all it really does is explain a process for secure, electronic third-party transactions. The concept is fundamental for any financial institution or party to conduct business in this nature.

The nature of the dispute falls within the fundamental ambiguity of language and its application in law. What counts as innovation? What separates innovation from commonplace? What is a natural law or a universal truth? How do we distinguish natural law and universal truth from human ingenuity and human development of inventions? The Supreme Court used legal precedent to help determine these issues. From previous court decisions and other documents of legal reasoning, the court, as the highest institution in law, determined that the patent in question was not innovative. The patent is no more inventive than a document describing the process of how a combustion-fueled car engine works.

From an argument standpoint, using liaison to associate or dissociate ideas is a nuanced tactic. Alice Corp. tried to dissociate its patent from a natural law. Its patent focused on intermediated settlement using computers. Computers are not natural; they are human artifacts. There are also other avenues for settling financial agreements using a third party. The Supreme Court instead stuck to the association between the core of what the patent achieves with the fundamental idea of settling transactions. The fact that the patent completed transactions by computer is not a strong enough justification for it to be patent-eligible.

Hopefully, future work will focus on significant legal cases addressed by the Supreme Court. Further research in the Justices' holdings will provide a greater understanding of how the top court in the United States makes its choices. A better understanding of the Justices may improve the quality of legal arguments in the future. Analyzing Supreme Court decisions may be useful for individuals who are unfamiliar with or have some interest in law and argumentation. In the

field of Communication Studies, there is an inextricable link between law, argumentation, rhetoric, and public need. Learning about important social issues, and the stakeholders affected, is beneficial to society. Knowledge regarding the problem of unscrupulous legal disputes may one day help us to slay the patent troll.

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