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To: [PTABNPR2018](#)
Subject: Comments on PTAB Rules due July 9th
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I support Director Iancu's proposal to apply the Phillips claim construction for issued patents, and the ability to take into account prior claim constructions from prior proceedings at the PTAB or district court.

It makes sense that there needs to be consistency throughout the different courts.

Furthermore, I consider the fact that PTAB created as another division within the USPTO itself is clearly on its face something that is both irrational, unreasonable and should be unlawful. The fact that it is funded by inventors themselves adds insult to injury.

The 5th amendment suggests that patents are indeed property rights. "; nor shall private property be taken for public use, without just compensation."

The millions of dollars spent on PTAB should be spent on properly training the patents examiners to issue high quality patents in the first place. Once an inventor receives a patent then they have a title to that patent.

Compare this to buying a home or a car. Imagine purchasing a home, taking out a mortgage, receiving a title, and then years later, a division within the SAME group that gave you the title to your home, believes they might have made a mistake, and simply takes the title to your home away and does not even pay you back for the money you paid for the home. Imagine buying a car from General Motors. You pay for the car. You get the title to the car. Then a division within the SAME group believes they made a mistake in selling the car, and simply takes your title away and never pays you back. Plus what about all the loans outstanding with suddenly no collateral? This is the same for a company that gets outside investors who are motivated by IP. At the very least, if PTAB says the USPTO made a mistake, they should be required to pay the inventor back including interest.

My husband and I have invested hundreds of thousand in obtaining patents. We have borrowed on our home, invested hundreds of thousands more defending patents. We did this because we believed that patents are part of the american dream. By making inventors spend hundreds of thousands more to defend the patents they have already invested in, and often in multiple courts, is unfair, and feels like double jeopardy.

I believe there is also an underlying money incentive driving PTAB. Often it can be helpful to see how and where money is flowing to better understand why things operate the way they do. I actually don't know how much PTAB receives. I have heard that there may be up to approximately 400 PTAB judges making between \$150K and \$185K per year. Plus there are other salaries, travel, court costs. If that is true, some of the same patent attorneys encouraging inventors as clients to apply for patents, are then making another \$80 million to \$100 million taking them away after the fact.

The point again is to invest this money in better training the patent examiners to do a better job in the first place, have better tools to do prior art searches, and make sure the patents are high quality in the first place.

PTAB has had an overall disastrous effect on the US patent system. We have fallen from #1 to #12 in the world. <https://www.ipwatchdog.com/2018/02/08/u-s-patent-system-falls-12th-place-chamber-global-ip-index-2018/id=93494/> We are not even in the top 10 in the world anymore!

When PTAB clobbers over half the patents they review, they allow foreign companies and foreign countries to copy US inventors ideas!

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