

From: Colin Hanna
To: [PTABNPR2018](#)
Subject: Docket No. PTO-P-2018-0036
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United States Patent and Trademark Office
600 Dulany Street
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Alexandria, VA 22313

RE: Docket No. PTO-P-2018-0036

To whom it may concern:

Let Freedom Ring writes in strong support of the Notice of Proposed Rulemaking PTO-P-2018-0036. Substituting "broadest reasonable interpretation" (BRI) patent claim construction in post-grant proceedings with the Phillips standard would appropriately adopt the standard federal courts apply in patent validity determinations.

Our Constitution protects not just tangible property, but intangible property such as intellectual property. In this same vein, it is important that our system for protecting IP and patents operate by a clear and uniform standard and not allow for the abuse of patent rights.

This rule change will ensure that the Patent Trial and Appeal Board uses the same Phillips claim construction standard that the federal courts and International Trade Commission apply to patent validity adjudications.

By adopting the Phillips standard, PTAB will be promoting a more balanced approach between the rights of the patent holder and the patent challenger.

Patent holders have been forced to withstand multiple challenges to their patent rights – in the courts and at PTAB, which had a much lower standard for invalidating patents.

The U.S. patent system is in dire need of reform if we are to continue competing on a global stage. According to the U.S. Chamber's 2018 Global IP Index, the U.S. patent system has fallen to 12th globally, falling out of the top 10 for the first time in the history of the Index. Last year, the U.S. ranked 10th, marking the first time it did not hold the top spot in the ranking.

The adoption of this rule change will help restore our global ranking to the top 10 and will reduce the bureaucratic burden on innovators.

Thank you for your consideration of this comment.

A handwritten signature in blue ink that reads "Colin A. Hanna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Colin A. Hanna
President
Let Freedom Ring