

This I Jim Brown, an inventor and product developer of Olathe, Kansas. I am writing in support of proposed changes by the USTPO to the claim construction standard for interpreting claims in trial proceedings before the patent trial and appeal board.

It is critical we apply the Phillips standard of claim construction used in Article III courts. Applying BRI ("broadest reasonable interpretation"), as is now the case, to an issued patent is incorrect and harmful because that is same standard used during examination. Inspection prior to issuance necessarily must be stricter than inspection after issuance.

Also, we must defer to prior constructions, absent clear error. Often an accused infringer will seek a broad construction for purposes of invalidating a patent and a narrow construction for purposes of arguing non-infringement. This is not fair. If a court or the PTAB has previously adopted a construction of the same term in the context of the same or essentially the same specification, this construction must be adopted by the PTAB.

Please help every patent holder in the country by implementing a fair and balanced approach, while providing greater predictability and certainty in the patent system.

Thank you for your consideration,  
Jim Brown  
26835 W Shadow Circle  
Olathe, Kansas 66061