

**From:** PETER BRADY  
**To:** [PTABNPR2018](#)  
**Subject:** PTAB Rule Changes  
**Date:** Thursday, June 28, 2018 8:53:56 PM

---

Dear Director Iancu:

Director Iancu has proposed eliminating the Broadest Reasonable Interpretation (BRI) of claim construction in favor of the Phillips claim construction for issued patents and to take into account prior claim constructions from prior proceedings at the PTAB or district court.

The changes suggested by Director Iancu are a necessary first step in assuring the return of integrity to the U.S. patent system. The use of the BRI in recent years has resulted in an inequitable system, a system that is duplicative in effort, unpredictable and inconsistent in result, and wasteful in terms of time, money and effort. Those seeking to maintain the system are influential, powerful and have secure financial resources. They clamor that it is the intention of Congress and the law as directed by SCOTUS that warrants maintaining the BRI standard.

Yet, those opposed to change fail to acknowledge the inequities, the waste, the duplication in effort, the unpredictability and the inconsistency. They fail to acknowledge the rather startling decline in the international competitiveness of the U.S. patent system and that the entire system seemingly lacks integrity in the eyes of many. These glaring flaws are the major and undeniable characteristics of the current system using the BRI; characteristics surely not within the realm of Congressional intent. Congress had intended that the administrative trial proceedings would provide "quick and cost effective alternatives" to litigation in the courts. The intention has been undeniably and completely frustrated. Rife with issues on all sides, the maintaining of the BRI is unsustainable and insupportable.

Congress and SCOTUS intend the U.S. patent system is equitable and fair in all respects. In its current condition it is fatally flawed. We hope the current leadership at the PTAB will have the fortitude to return the U.S patent system to a fair and equitable one as has been envisioned by our forefathers.

Peter Ryan Brady, Esq.