

From: [PTABNPR2018](#)
To: [Johnson, Carrie](#)
Subject: FW: CONCERN OVER PROPOSED RULE CHANGES REGARDING PTAB
Date: Wednesday, June 20, 2018 1:44:21 PM

-----Original Message-----

From: Philhump03@hotmail.com
Sent: 06/18/18 5:30:59 PM
To: USPTO Info <usptoInfo@uspto.gov>
Subject: Proposed rule Changes

Dear USPTO staff;
In re: PTO-P-2018-0036 dated 05/09/2018

I wish to add my support for the United States Patent and Trademark Office (USPTO) proposed rule changes:

- Change the claim construction standard for interpreting claims in inter partes review (“IPR”),... before the Patent Trial and Appeal Board (PTAB) with a standard that is the same as the standard applied in federal district courts and International Trade Commission (“ITC”) proceedings.
- Amend the rules to consider any prior claim construction determination concerning a term of the involved claim in a civil action, or an ITC proceeding, that is timely made of record in an IPR....

I believe the PTAB has become the most important and influential tribunal in the U.S. patent landscape. The America Invents Act (AIA) invests PTAB judges with extraordinary powers and this change will bring more clarity in USPTO guidance and consistency in PTAB decisions. These two changes are reasonable and make the PTAB proceedings more in line with the intent of Congress when It passed AIA. It will decrease the occasions where patent owners must deal with continued trivial IPR petitions that are staggered over many years. This is unfair and denies the patent owner justice because each win is followed by another IPR which adds 1-2 years to process. Since the creation of IPRs, patents have been routinely reviewed on multiple occasions, some patent families having more than 125 separate petitions filed. Because a decision of one PTAB panel does not bind another one, surviving one review provides no armor against subsequent challenges.

The purpose of the patent system is to encourage the disclosure of new, innovative technology so the base of knowledge upon which other inventors work advances. In exchange for the technical disclosures in patents to competitors, the patentee has to be protected from thieves who contributed nothing to the disclosed technical advancement, but would copy it for their own profit. Most inventions today are improvements on prior, disclosed inventions, so a weak patent systems that discourages patenting slows the advances of technology and the benefits those advances would have brought are delayed or not realized at all. Patents are important. Patents enable the American Dream.

This change is a tool that Director Andrei Iancu can make U.S. patents valuable again and provide a presumption of validity and provide impartial courts to enforce them against infringers.

Sincerely and with respect for considering my opinion,

A Concerned Citizen