

From: PJKeller
To: [PTABNPR2018](#)
Subject: Docket No. PTO-P-2018-0036
Date: Wednesday, June 27, 2018 4:41:01 PM

I write in support of the rule changes proposed by USPTO Director Andrei Iancu in the captioned publication, including:

1) Jettisoning use of Broadest Reasonable Interpretation (BRI) claim construction for use in *inter partes* review (IPR), Post Grant Review (PGR) and Covered Business Method (CBM) proceedings before the Patent Trial and Appeal Board (PTAB), and instead replacing BRI with the Phillips (i.e., correct) standard applied in federal district courts and in proceedings before the International Trade Commission.

2) Taking into account prior claim constructions from prior proceedings at the PTAB, ITC or district court, provided they are consistent with the Phillips claim construction standard and timely made of record in any IPR, PGR or CBM proceeding.

It makes no sense to have different parts of the federal government use different claim construction standards, thereby confusing the public as well as patent owners who must defend the validity of issued patents in IPR, PGR and/or CBM proceedings before the PTAB. Use of BRI enables inconsistent conclusions to be reached regarding the validity or meaning of patent claims depending on the venue of related proceedings. Such inconsistency is unacceptable.

Sincerely,

Peter J. Keller
Manager/President

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