

From: Mantarakis
To: [PTABNPR2018](#)
Subject: Comment to Proposed Rule Change: Changes to the Claims Construction Standard for Interpreting Claims in Trial Proceedings Before the PTAB
Date: Thursday, June 7, 2018 10:01:23 AM

Sir/Madam:

I strongly support, and urge adoption of, the proposed rule that is the subject of your May 3, 2018 notice, subject as above.

It is absolutely necessary that the proposed rule be adopted as soon as possible for a multitude of reasons, including beginning the restoration of our patent system to global preeminence, encouraging innovation, and fulfillment of the spirit and original purpose underlying the AIA.

Of critical importance, I urge further that the new rule be implemented so as to be applicable to any USPTO post grant proceeding that is at any stage, including those that have been made the subject of a final order and that are now, or sufficiently recent that they could be, in the appellate process. More specifically, USPTO should, *sua sponte*, vacate all PTAB orders that have been issued for all post grant proceedings in which any claims construction standard other than Phillips was used, in which the result was adverse to the patent-holder, and where the order has been appealed (and remains in any stage thereof) or remains subject to appeal. This implementation step, also, is necessary in order to achieve the goals of the AIA, basic fairness, conservation of litigation expense, and for purposes of judicial economy.

Finally, I also urge that the rule change be expanded to be made applicable to all post grant reviews/reexaminations/IPRs (regardless of their statutory basis), so that whenever a claims construction is at issue in any USPTO post grant proceeding, under any statute, only one standard, Phillips, is used.

Thank you.

Peter Mantarakis
Inventor on 10 patents

WORLDWIDE CONFIDENTIALITY NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510- 521. The information contained in this communication is confidential, may be attorney-client privileged, may constitute information for which trade secrecy applies. This e-mail message and all attachments transmitted with it are intended solely for the use of the addressee. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message or its attachments is strictly

prohibited, and no privilege has been waived by your inadvertent receipt. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer. All portions of this communication are the property of the original sender, who reserves all rights.