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Patent Board
Director of the United States Patent and Trademark Office
Attention: Vice Chief Administrative Patent Judges
Michael Tierney & Jacqueline Wright Bonilla
PTAB Notice of Proposed Rulemaking 2018'
P.O. Box 1450
Alexandria, VA
22313- 1450

Dear Vice Chief Tierney and Vice Chief Bonilla:

The United Inventors Association (UIA) is the largest independent inventor organization in the United States. The UIA was formed in the early 1990s with the assistance of the US Patent and Trademark Office to assist inventors and to help educate the inventor community. As the UIA has grown so has our focus. We are still intently involved in education, but we have moved forward to offer access to markets through our trade show program and to advocate for the inventor community through education and information of the concerns from the inventor community.

The USPTO recently proposed changes in the rules for claim construction at the Patent Trial and Appeal Board (PTAB). We support the proposal of the United States Patent and Trademark Office (Office) to alter its claim construction standard used for interpreting inter partes review (IPR), post-grant review (PGR), and the transitional program for covered business method patents (CBM) proceedings before the PTAB. We also support the proposal to replace the broadest reasonable interpretation standard (BRI) for constructing unexpired patent claims that are used by the PTAB in IPR, PGR, and CBM with the Phillips standard, which is the standard the Federal Circuit Courts and International Trade Commission (ITC) use when interpreting patents.

Our members have been concerned about the PTABs approach to dealing with issued patents. Most feel that the PTAB unfairly views patents as invalid when they are challenged by the efficient infringement community. We feel the proposed changes will promote a "fair and balanced approach, providing greater predictability and certainty in the patent system" which will, in turn, increase judicial efficiency and reduce economic waste.

Independent inventors currently feel that the patent system is weighed against them. Since the passage of the America Invents Act in 2001 and the implementations of rules for IPRs, PGRs, and CBMs they have seen their patents infringed and then invalidated by the PTAB. Statistics show that more than 85 percent of patents at issue with the America Invents Act (AIA) trial proceedings also have been subject to litigation in the federal courts. The current legal standard encourages challengers to bring the same patent holder to court in both forums. Such trends exhibit extreme inefficiency in the courts and extreme waste of patent-holder dollars.