

Rather than removing the last sentence of Rule 72 ("The Abstract shall not be used for interpreting the scope of the claims."), I suggest instead that Rule 72 be amended to state that "In proceedings within the Office, the Abstract shall not be used for interpreting the scope of the claims."

The existing bar against use of the Abstract at least within the Office should remain in place so that practitioners and examiners are not tempted to rely on the Abstract to displace the "broadest reasonable interpretation." Courts may continue to interpret claims "in light of the specification." The proposed amendment maintains - and clarifies - the distinction between the two modes of claim construction.