



July 9, 2018

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
Sent via email: PTABNPR2018@uspto.gov

CIFE Comments on USPTO's Proposed Rule 83 FR 21221, which proposes to change the claim construction standard in inter-partes review, post-grant review, and the transitional program for covered business patents proceedings before the Patent Trial and Appeal Board.

Currently, the United States Patent and Trademark Office uses ambiguous standards that hinder and prevent entrepreneurs and innovators from reaching their potential. The need for a sound patent policy is at an all-time high and depends on consistency in determining patent claims.

The Center for Innovation and Free Enterprise (CIFE) supports USPTO Director Iancu's proposal to replace the broadest reasonable interpretation (BRI) standard with the Philips standard, which is used by the Federal Circuit Courts and International Trade Commission, when interpreting patents. This proposed shift will bring consistency within the patent review process and will create a stable and predictable patent system.

CIFE supports these recommended changes to promote a greater number of successful patents while also increasing judicial efficiency and entrepreneurial investments and reducing economic waste.

Sincerely,

Dee Stewart
President

Ginevra Joyce-Myers
Executive Director